

09661 (1967-51)

REPORT III
(PART I)

International Labour Conference

FIFTY-FIRST SESSION
GENEVA, 1967

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF REPORTS
ON RATIFIED CONVENTIONS**

(Articles 22 and 35 of the Constitution)



GENEVA
International Labour Office
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Price : \$3.50 ; 24s. 6d.

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

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INTRODUCTION

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

The present summary, which covers the period from 1 July 1964 to 30 June 1966, contains information on the Conventions in force at that time. Information received too late for inclusion in last year’s summary has, in certain cases, been taken into account in preparing the present summary. A table indicating ratifications¹ and, in the case of non-metropolitan territories, declarations of application, appears under each Convention.

Voluntary reports (in respect of Conventions which are not in force for the countries concerned) supplied by certain governments are also summarised in the present volume.

A decision taken by the Governing Body at its 134th Session (March 1957) laid down new criteria for the inclusion of information in the Summary of Reports on Ratified Conventions, in order to reduce its size to a strict minimum and to focus attention on particulars given in first reports and on important changes in the subsequent application of a Convention.

In accordance with this decision the present volume includes, therefore, as regards *first reports* after ratification (which are specially indicated), the principal legislation and regulations giving effect to a Convention, information on the manner in which each of its substantive Articles is implemented and a brief record of the way in which it is applied in practice. In the case of all *subsequent reports* mention is only made of major changes in the legislation or practice of a country and of important new information supplied in response to a request or an observation of the Committee of Experts or of the Conference Committee on the Application of Conventions and Recommendations (unless the information has already appeared in the reports of one or the other of these Committees). Information on practical application (statistics of workers covered, results of inspection, etc.) and on changes of minor importance is no longer summarised, but countries which have supplied such data and countries

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

which refer to or repeat information previously reported are listed at the end of the two sections of this summary.

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

In accordance with the practice followed in recent years, the summaries of reports on the application of Conventions in non-metropolitan territories are printed in a separate section, following that concerning metropolitan countries.

Information received in respect of newly independent States, which is summarised in the metropolitan countries section of the report, is limited to particulars not previously included in the non-metropolitan section of the report. Such information has been received from Barbados, Guyana (formerly known as British Guiana) and Lesotho (formerly known as Basutoland).

At the end of the respective sections of the summary, information is given regarding the communication by the governments of copies of their reports to the representative organisations of employers and workers.

The present volume covers reports received by the Office up to 15 January 1967. The report of the Committee of Experts on the Application of Conventions and Recommendations, which examines the reports, is communicated separately to the Conference as Report III (Part IV).

Note. The following abbreviation is used throughout the summary: *L.S.* = *Legislative Series of the International Labour Office.*

APPLICATION OF CONVENTIONS IN METROPOLITAN COUNTRIES

(Article 22 of the Constitution)

1. Hours of Work (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Italy ¹	6. 10. 1924
Austria ¹	12. 6. 1924	Kuwait	21. 9. 1961
Belgium	6. 9. 1926	Luxembourg	16. 4. 1928
Bulgaria	14. 2. 1922	New Zealand	29. 3. 1938
Burma	14. 7. 1921	Nicaragua	12. 4. 1934
Canada	21. 3. 1935	Pakistan	14. 7. 1921
Chile	15. 9. 1925	Paraguay	21. 3. 1966
Colombia	20. 6. 1933	Peru	8. 11. 1945
Cuba	20. 9. 1934	Portugal	3. 7. 1928
Czechoslovakia	24. 8. 1921	Rumania	13. 6. 1921
Dominican Republic	4. 2. 1933	Spain	22. 2. 1929
France ¹	2. 6. 1927	Syrian Arab Republic	10. 5. 1960
Greece	19. 11. 1920	United Arab Republic	10. 5. 1960
Haiti	31. 3. 1952	Uruguay	6. 6. 1933
India	14. 7. 1921	Venezuela	20. 11. 1944
Iraq	24. 8. 1965		
Israel	26. 6. 1951		

¹ Conditional ratification.

BELGIUM

In 1965 and 1966 a number of orders were promulgated respecting hours of work in industry.

In addition to these orders fixing the details of application of the Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy, 12 decisions concerning shorter working hours were taken by the competent joint committees. These decisions were made compulsory by Royal Orders and cover the following sectors: the food industry, the clothing industry (including ready-made clothing), printing and the graphic arts, certain branches of the food trade, the petroleum industry and trade, the processing of flax and the wood industry. In addition, there are a certain number of collective agreements concerning shorter working hours.

In reply to a direct request made by the Committee of Experts, the Government supplied a list of public undertakings which are subject to the provisions of the Act of 15 July 1964, together with information concerning the application of section 3 (2) of the Act, whereby the Crown is authorised to exclude certain persons from its scope, and section 4 of the Act respecting the fixing of hours of work in transport undertakings and for essentially intermittent activities.

BULGARIA

Order No. 136 of 3 July 1965 of the Council of Ministers (*Izvestia*, 16 July 1965, No. 56) to amend and supplement the Ordinance respecting hours of work and rest of wage and salary earners (ibid., 14 Mar. 1958, No. 21, p. 1) (L.S. 1958—Bul. 3).

BURMA

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

Article 1 of the Convention. No rules have yet been made respecting motor transport workers and construction workers. However, if disputes arise as regards the working hours of these persons, the labour subcommittees take a decision on the basis of the working hours laid down in the Factories Act and the Shops and Establishments Act.

Railway running staff are still excluded from the scope of Chapter VI (a) of the Railways Act, but in actual practice their working hours do not normally exceed an average of 60 per week in any month. Arrangements will be made to modify the railway rules accordingly.

Article 6. Due regard will be paid to the drafting of rules concerning exceptions under the Oilfields Act.

Exemptions from maximum weekly working hours under section 23 (D) of the Mines Act are granted by the Chief Inspector of Mines whenever he considers such exemptions necessary in the interest of the rehabilitation of the mines. These exemptions are subject to a limit of 54 hours of work per week and are valid for not more than two months at a time. During the year under review only two exemptions were granted.

Persons employed on the tribute system in tin and tungsten mines are subject to exemption under section 46 of the Mines Act. During the period under review such persons numbered 1,500 out of a total of 9,000 mineworkers. The Government is drafting a new mining law to reduce the exemptions already authorised by the notification of 1935.

Due consideration will be given to the Committee of Experts' comments in drafting the new factories rules.

The matter of fixing the maximum number of additional working hours permitted under the Railways Servants Hours of Employment Rules, 1931, is receiving attention.

Article 8, paragraph 1 (c). In the mines sector overtime registers are not used.

CANADA

Federal Legislation.

Canada Labour (Standards) Code, assented to 18 March 1965 (13-14 Eliz. II, Ch. 38) (*Acts of the Parliament of Canada*, 1964-65, Part. 1, p. 307) (L.S. 1965—Can. 1 A).

Canada Labour Code Regulations (General) (Statutory Orders and Regulations (S.O.R.), 1965, No. 256) (*Canada Gazette*, Part II, 14 July 1965, No. 13, p. 903) (L.S. 1965—Can. 1 B).

Hours of Work Order (S.O.R., 1966, No. 91).

Fair Wages and Hours of Labour (Amendment) Act (*Statutes of Canada*, 1966, Ch. 24).

*Provincial Legislation.**Alberta.*

Orders issued in 1965 and 1966 under the Alberta Labour Act.

British Columbia.

Orders issued in 1964 and 1965 under the Hours of Work Act.

Manitoba.

Construction Industry Wages Act, assented to 16 April 1964 (13 Eliz. II, Ch. 9) (*Acts of the Legislature of Manitoba*, 1964, p. 19).

Act to amend the Employment Standards Act (*Statutes of Manitoba*, 1966, Ch. 23).

Ontario.

General Regulations issued under the Hours of Work and Vacations with Pay Act (*Ontario Regulations*, 1966, No. 169).

Article 1 of the Convention. The Labour Code applies to industrial undertakings within federal jurisdiction including, *inter alia*, uranium mining and processing, various undertakings declared to be for the "general advantage" of the country, road and rail transport which extends across provincial boundaries and to all shipping and services connected with shipping.

Under the Manitoba Construction Industry Wages Act, standard weekly hours and minimum wages are established annually on the basis of recommendations made by three boards composed of representatives of employers and workers in the industry (for heavy construction, for the Greater Winnipeg construction industry and for rural building construction).

In British Columbia the fresh fruit and vegetable industry and prospectors in the mining industry are exempted from the Hours of Work Act.

The revised regulations in Ontario exclude ambulance drivers and taxi-cab drivers from the hours provisions of the Hours of Work and Vacations with Pay Act.

Article 2. The Labour Code provides for standard hours of eight in a day and 40 in a week and for a maximum work week of 48 hours. The Fair Wages and Hours of Labour Act was amended to incorporate the minimum standards of hours and wages laid down in the Code.

The maximum weekly hours which may be worked at regular rates under the Manitoba Construction Industry Wages Act are 40 or 42½ for most classifications of work in the Greater Winnipeg area and 48 in the rest of the province. On heavy construction a 48-hour week is in effect in Metropolitan Winnipeg and a 60-hour week elsewhere in the province.

The Alberta General Hours of Work Order, No. 1 of 1965, extended the 44-hour standard to places with a population of under 5,000.

In British Columbia the 40-hour standard work week is being progressively adopted and was applied to various industries under minimum wage orders. In the fresh fruit and vegetable industry an overtime rate of one-and-a-half times the regular rate was imposed for work in excess of eight hours a day and 48 hours a week. By Regulation 47/64 delivery men in the baking industry were exempted from the daily limit on hours provided that the weekly limit of 44 hours is not exceeded.

Article 6. In Alberta Order No. 20, which permits truck drivers to work up to ten hours a day and 50 hours a week at straight time rates, was amended to lay down the same terms for inter-city bus drivers. The Highway Construction Order (No. 7), which permits employees to work ten hours in a day and 191 hours in a month at straight time rates, was amended to cover railway construction.

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

Federal Jurisdiction.

When the Minister issues a permit under section 9 (4) of the Labour Code, he must specify either the total number of excess hours that may be worked by an employee in the class covered by the permit or the additional daily or weekly hours that such an employee may work.

In the Yukon Territory the Labour Provisions Ordinance establishes standard hours of eight in a day and 44 in a week in shops and eight in a day and 48 in a week in other employment. Overtime rates of one-and-a-half times the regular rate are to be paid after the standard hours. In the Northwest Territories a board of inquiry's report concerning a draft Labour Standards Ordinance based on the Labour Code is now under consideration. A revision of the Labour Provisions Ordinance of the Yukon Territory is under active consideration.

The Mining Safety Ordinances of both the Yukon Territory and the Northwest Territories provide for an eight-hour day for work below ground in mines.

Provincial Jurisdiction.

Alberta.

Although the maximum work week is now 44 hours throughout the province, it has been found necessary to allow certain exceptions; these have been made on the recommendation of a tripartite board which considers that flexibility must be given to certain industries (for example trucking) because of the nature of the undertakings.

British Columbia.

The Board of Industrial Relations has found it impracticable to place a limit on the weekly hours of certain classes of employees. In each case provision has been made in a complementary minimum wage order for an overtime rate of pay applicable after a specified number of daily or weekly hours.

Manitoba.

The Employment Standards Act no longer applies only to scheduled employment in industrial areas. A 1966 amendment extended the standard hours of eight in a day and 48 and 44 in a week for men and women respectively to industry generally throughout the province. As long as the required overtime rate is paid, there are no maximum additional hours prescribed for men. Employers are required to keep records of hours worked by each employee (Employment Standards Act, section 5).

New Brunswick.

Certain requirements are applicable to men employed in construction and mining work. Working hours are limited to 44 in a week on government construction projects, and to eight in a day and 40 in a week for certain construction trades under industrial standards schedules. Mining legislation sets a maximum eight-hour day for underground work in mines and, by reason of the weekly rest legislation, weekly hours are limited to 48. A maximum eight-hour day is set for workers above ground in metal mines and quarries. Employers are required to keep records of hours worked by each employee (Minimum Wage Act, section 14).

Newfoundland.

A beginning has been made in the regulation of hours under the Industrial Standards Act. A schedule for the carpentry trade in one area establishes a standard work week of 40 hours (37½ hours in the case of shift work).

Nova Scotia.

The present Minimum Wage Order no longer excludes workers covered by a collective agreement or represented by a certified bargaining agency. The overtime rate, payable after a standard work week of 48 hours, is time-and-a-half the minimum

rate. However, except for underground work in coal mines there are still no statutory limits on working hours. Employers are required to keep records of hours worked by each employee (Minimum Wage Act, section 11).

Ontario.

Exceptions have been allowed which are not in line with the Convention. Problems of hours of work regulation are under consideration.

Prince Edward Island.

Excessively long working hours have not been a problem requiring legislative action for the relatively small number of employees in industries subject to the Convention.

Quebec.

Under General Order No. 4, as amended in March 1966, employees paid by the hour are now not required to be paid overtime rates if they receive for a normal work week \$80 in Zone I and \$70 in Zone II. Employees paid by the week, fortnight, month or year are not entitled to overtime pay if they receive a regular wage of at least \$70 per week in Zone I and \$60 in Zone II.

Most decrees provide for a work week of less than 48 hours. Standard hours in excess of 48 are gradually being reduced as a result of collective bargaining. Employers are required to keep records of hours worked by each employee (Minimum Wage Order No. 4, section 18).

Saskatchewan.

Differences between the Saskatchewan legislation and the Convention are receiving consideration.

In October 1966 at a meeting of Deputy Ministers of Labour it was agreed that each jurisdiction would undertake to explore the steps required to bring the country fully into line with the Convention. To facilitate this examination, the Department of Labour has now circulated to each province a memorandum on the action required to bring legislation in each jurisdiction into conformity with the Convention. The overwhelming majority of workers work less than 48 hours a week but the problem of improving the standards of the remainder is one to which renewed attention is being given.

CHILE

In reply to a direct request made by the Committee of Experts, the Government supplied the following information. The Ministry of Labour has been asked to consider the modification of section 28 of the Labour Code so that overtime may be authorised only as a temporary exception in order to deal with abnormal pressure of work.

COLOMBIA

Act. No. 73 of 13 December 1966 amending labour legislation.

In reply to observations made by the Committee of Experts, the Government indicates that, by the above-mentioned Act, amendments have been made to certain sections of the Labour Code.

With regard to the activities mentioned in section 162 of the Code, the extension of hours of work is permitted only with the express authorisation of the Ministry

of Labour, and in conformity with the international labour Conventions ratified. Such authorisation must fix the number of extra hours which can be worked, which are limited to a maximum of 12 a week. In the case of continuous work, hours of work must not exceed 56 a week (section 166 of the Code).

It is further laid down that the employer must keep a record of the overtime performed by each worker and of the amount paid for it.

CZECHOSLOVAKIA

Notification No. 62 of 25 July 1966 of the State Planning Commission relating to the reduction of hours of work.

The above-mentioned notification provides for reduction of the working week to 42 hours, particularly in the extraction industries, in occupations of a continuous character and in undertakings operating on a three-shift basis, to 43 hours in undertakings operating on a two-shift basis, and to 44 hours in other establishments. This reduction is achieved by means of the introduction of two or three days off, as the case may be, in a period of four weeks. Section 44 of the notification recommends, in addition, a substantial reduction of overtime and elimination of unwarranted overtime.

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

Section 97 (2) of the Labour Code fixes in respect of occupations of a continuous character a special limit for the amount of overtime that may be worked in a week, as the total working week must not exceed 56 hours. Section 12 of Ordinance No. 66 of 1965, for its part, makes provision for cases in which overtime worked does not enter into the computation of the yearly maximum of overtime allowed under section 97 (3) of the Code.

With regard to the periods of "availability for work", provided for by section 95 of the Code, workers may be required to be on call outside their hours of work in a place other than their workplace (as a general rule, at home), particularly in order to cope with breakdowns in electrical, mechanical or other installations or to carry out urgent work, like the loading and unloading of trucks, etc. A worker is entitled to a flat rate of remuneration for these periods when he is on call. If, during such periods, the worker is called upon to perform his job, he is entitled, in addition to the flat rate, to a wage in proportion to the time taken to perform the job.

Time spent on call at the workplace outside customary working hours is reckoned as working time.

Working hours and rest breaks are brought to the knowledge of the workers by all the usual methods and are specified in the work regulations of undertakings. Moreover, the agreement of the works trade union committee is required in this connection, so that workers are informed also through this channel.

The application of the rules is supervised by the competent authorities as well as the trade unions.

INDIA

Motor Transport Workers (Pondicherry) Rules, 1965.

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

Mines.

The 4th schedule to the Mines Rules, 1955, has been amended in accordance with section 39 (e) of the Mines Act to regulate exemption of persons employed in work which for technical reasons must be carried on continuously.

Following the proclamation of a national emergency in October 1962, which is still in force, the Government permitted work in coal mines on all seven days a week for a period of two months only. The Kolar gold-mining undertakings were permitted to work on one weekly day of rest in every six weeks for a period of one year. Since the power of exemption of mines under section 83 (1) of the Mines Act will be exercised by the Government only in exceptional circumstances, it is not considered necessary to take any specific action to restrict this power.

Factories.

The proposed amendment of section 64 of the Factories Act has not yet been completed and the question of reintroduction of the 50 hours' limit for overtime work in works of national importance will be considered in due course.

State governments are still granting some exemptions under section 5 of the Factories Act to defence factories and workshops, factories in naval dockyards and other factories concerned with production relating to defence requirements or essential supplies. The exemptions are granted for a period of three months at a time.

The maximum overtime permitted under the rules framed by the Union territories of Himachal Pradesh and Manipur is in conformity with the requirements of the Factories Act, 1948. The Union territories of Goa, Daman and Diu have framed draft rules under the Factories Act, 1948. This Act came into force on 29 November 1965 in the Union territory of Pondicherry.

There are no proposals at present to change the definition of the Factories Act so as to extend its scope to smaller undertakings. However, state governments are empowered under section 85 to extend the provisions of the Act to any establishment, even if it employs fewer persons than the number prescribed under section 2 (m) of the Act.

Copies of various Acts and regulations were attached to the Government's report or sent separately.

Motor Transport.

The Motor Transport Workers Act, 1961, was extended to the Union territories of Goa, Daman and Diu with effect from 1 February 1965. Draft rules have also been framed under the Act.

Rail Transport.

Exemptions have been granted to 11 light railways. It is not proposed to extend the provisions of Chapter VI A of the Railways Act to the light railways on account of the financial situation and the widely differing working conditions obtaining in the government railways and light railways. However, the question of withdrawing the concessions granted to the light railways in the matter of hours of work is receiving attention.

Although there are practical difficulties, the question of putting a ceiling on the overtime work of railway employees is under consideration.

Employees of railway contractors are not covered by the provisions of the Hours of Employment Regulations. The question of enacting legislation providing for the abolition of contract labour as far as possible and the regulation of working conditions where contract labour cannot be dispensed with is under active consideration.

IRAQ (First Report)

Labour Code, Law No. 1 of 18 January 1958 (*Al-Waqayi'û al' Iraqiya*, 16 Mar. 1958, No. 4115) (L.S. 1958—Iraq 1), as amended by Law No. 23 of 1 April 1961 (*Al-Waqayi'û al'Iraqiya*, 12 Apr. 1961, No. 511) (L.S. 1965—Iraq 1 A).

Article 1 of the Convention. The definitions of the terms "workers", "employees" and "employers" in the Labour Code cover persons working in the industrial sector. A distinction is made between industry and commerce and agriculture.

Article 8. Copies have been transmitted to the Office.

Article 14. The Government has not had recourse to measures of suspension.

No processes are deemed continuous for the purposes of the Code.

No agreement has been concluded between employers' and workers' organisations under Article 5 of the Convention.

Section 130 of the Code provides for suspension of the application of section 7 in cases of *force majeure*, thus allowing an additional extension of working hours.

Supervision of the application of the legislation is the responsibility of the Directorate-General of Labour, inspection being entrusted to inspectors in conformity with section 101 of the Code.

KUWAIT

Labour Law (Private Sector), No. 38 of 1964.

Decree No. 4 of 1964 respecting hours of work in public services.

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

Article 1 of the Convention. The Labour Inspection Department has received instructions with a view to having these provisions of the Convention applied to small undertakings and temporary workers in accordance with the Constitution.

The contract applicable to Indian, Pakistani and Goanese workers meets the points raised in the direct request.

In practice, the Labour Law (public sector) is applied to all manual and non-manual workers.

Article 2. Sections 33 and 34 of the Labour Law (private sector) fulfil the requirements of the Convention.

Administrative decisions of the Civil Service Commission fix hours of work at eight a day and 48 a week for workers covered by the Labour Law (public sector) and for officials.

Article 8, paragraphs 1 (a) and (b) and 2. The labour regulations issued by the Civil Service Commission are distributed in the various government institutions.

Paragraph 1 (c). A worker's attendance card was attached to the Government's report.

PAKISTAN

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

The question of extension of the Hours of Employment Regulations to the running staff is still under consideration. Instructions have, however, been issued that the staff should not ordinarily be allowed to work for more than 12 hours a day and that they should be allowed, in every month, at least four periods of rest of not less than 24 consecutive hours each or five periods of rest of not less than 20 consecutive hours each.

The following overtime limits have been prescribed under section 71 (C) of the Railways Act: (a) an average of 48 hours a week in the case of continuous staff;

(b) 28 hours a week in the case of staff whose work is essentially intermittent, thereby ensuring a minimum daily rest of eight hours for these categories. For over nine months no representation has been received by the Railway Administration against this decision either from the staff or from the trade unions concerned. Steps are accordingly being taken to insert the decision as an additional explanation below Subsidiary Instructions No. 14 framed under the Railways (Amendment) Act, 1930.

The question of bringing contract labour within the purview of the Railway Servants Hours of Employment Rules has been examined at length and it has been found that the Administration is not in a position to shoulder the responsibility in respect of contract labour.

PERU

In reply to observations made by the Committee of Experts, the Government states that the preparation of the Labour Code is now in the final stage.

Article 7, paragraph 1 (a), of the Convention. The civil engineering industry is regarded as necessarily continuous in character. The extended working day was shortened under an agreement signed on 16 July 1946, which is at present in full operation.

RUMANIA

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

Decree No. 112 of 22 March 1966 respecting the reduction of hours of work and the granting of additional holidays for climatic reasons.

Decision No. 204 of 26 March 1965 of the Council of Ministers to supplement Decision No. 907 of the Council of Ministers respecting hours of work of less than eight per day for certain occupational categories.

SYRIAN ARAB REPUBLIC

Order No. 243 of 8 May 1966 of the Ministry of Social Affairs and Labour.

Order No. 265 of 14 May 1966 of the Ministry of Social Affairs and Labour.

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

Article 6 and Article 8, paragraph 1 (c), of the Convention. Order No. 243 gives a list of occupations considered as essentially intermittent under section 117 of the Labour Code.

Order No. 265 fixes the maximum amount of overtime authorised by virtue of paragraphs 2 and 3 of section 120 of the Labour Code and provides for the keeping of a record of overtime worked, in accordance with a specimen attached to the Government's report.

The Government mentions, in addition, a letter from the General Federation of Workers' Unions demanding that strict measures be taken to punish any infringement of the provisions limiting hours of work and to secure for workers the additional pay to which they are entitled in respect of overtime, especially if this is worked on the weekly rest day. The orders issued in this respect would have to be adapted to production conditions prevailing in the country. The Government specifies, in this regard, that any employer who keeps his workers on the job beyond the prescribed hours renders himself liable to prosecution. Moreover, workers who have performed overtime may appeal to special tribunals and recover the remuneration provided for by section 121 of the Labour Code.

UNITED ARAB REPUBLIC

Ministerial Order No. 62 of 11 February 1960 to specify the types of work in which the workers may be required to be present at their workplaces for more than 11 hours a day (*Al-Waqa'u al-Mass-riya* 25 Feb. 1960).

Presidential Decree No. 800 of 29 April 1963 to provide for the conditions of service of persons employed by public bodies (*Al-Jarida al-Rasmiya*, 9 May 1963).

Civil Service Regulations Law No. 46 of 1964.

Ministerial Order No. 56 of 1964 to amend certain provisions of Order No. 5 of 1961 defining preparatory and complementary work and caretaking and cleaning duties.

Ministerial Order No. 57 of 1964 to repeal Order No. 59 of 1960 specifying the industries and types of work in which the hours of work may be increased to nine a day.

Directory of procedures respecting the work of labour inspection (Cairo, 1964), Part II.

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

Article 6, paragraph 1 (a), of the Convention. Ministerial Order No. 62 of 1960 issued under section 117 of the Labour Code specifies the types of work which are essentially intermittent, such as the transport of passengers or goods by road, rail, inland waterway or by air, as well as work at airports.

Paragraph 2. The directory of procedures respecting the work of labour inspection specifies that the regional labour inspection authorities shall be competent in respect of applications for authorisation of overtime work, provided that the total authorised period does not exceed two months per year.

URUGUAY

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

Article 4 of the Convention. No list has been established by arbitration award or by agreement of the processes which are classified as being necessarily continuous. The special hours of work provided for in section 22 of the decree of 29 October 1957 were authorised for work on the Río Negro hydroelectric projects 30 years ago.

Article 5. The Executive did not prescribe a schedule of the type specified in section 12 of the decree of 29 October 1957. No request was made for the working of hours longer than the statutory hours.

Article 6. During the same period the competent Ministry did not issue any special regulations of the type provided for in section 15 of the decree of 29 October 1957. The number of hours of overtime permitted is specified in section 14 of the same decree.

Article 8. Copies of a work schedule and a register of overtime worked were attached to the Government's report.

2. Unemployment Convention, 1919

This Convention came into force on 14 July 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Kenya	13. 1. 1964
Austria	12. 6. 1924	Luxembourg	16. 4. 1928
Belgium	25. 8. 1930	Malta	4. 1. 1965
Bulgaria ¹	14. 2. 1922	Morocco	14. 10. 1960
Burma	14. 7. 1921	Netherlands	6. 2. 1932
Central African Republic	9. 6. 1964	New Zealand	29. 3. 1938
Chile	31. 5. 1933	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Norway	23. 11. 1921
Cyprus	8. 10. 1965	Poland	21. 6. 1924
Denmark	13. 10. 1921	Rumania	13. 6. 1921
Ecuador	5. 2. 1962	Republic of South Africa	20. 2. 1924
Ethiopia	11. 6. 1966	Spain	4. 7. 1923
Finland	19. 10. 1921	Sudan	18. 6. 1957
France	25. 8. 1925	Sweden	27. 9. 1921
Federal Republic of Germany	6. 6. 1925	Switzerland	9. 10. 1922
Greece	19. 11. 1920	Syrian Arab Republic	26. 7. 1960
Guyana	8. 6. 1966	Turkey	14. 7. 1950
Hungary	1. 3. 1928	United Arab Republic	3. 7. 1954
Iceland	17. 2. 1958	United Kingdom	14. 7. 1921
India ¹	14. 7. 1921	Uruguay	6. 6. 1933
Ireland	4. 9. 1925	Venezuela	20. 11. 1944
Italy	10. 4. 1923	Yugoslavia	1. 4. 1927
Japan	23. 11. 1922		

¹ Has denounced this Convention.

CYPRUS (First Report)

Law No. 53 of 1965 ratifying the Unemployment Convention, 1919.

Port Workers (Regulation of Employment) (Amendment) Law, No. 47 of 1954.

Emergency Powers (Suspension of the Operation of the Port Workers) (Regulation of Employment) Laws (1952-54) Regulations, 1956.

Law to amend the Port Workers (Regulation of Employment) Laws (1952-58).

Social Insurance Law, 1956.

Social Insurance Law, 1964, as amended.

Article 2 of the Convention. A system of free public employment agencies under central control has been established. Advisory committees including representatives of employers and of workers have been appointed. Some trade unions effect placements of their own members.

Article 3. An agreement with the United Kingdom provides for reciprocity in unemployment insurance matters.

ECUADOR (First Report)

Constitution, 1946.

Labour Code of 1938, 1961 edition (*Leyes Sociales de la República del Ecuador*, 1961).

There is no real system of unemployment insurance, but rather a system of unemployment co-operatives. This being the case, there is no regulation of placement of the unemployed, and there are consequently no data concerning free or other forms

of employment agencies. However, studies are being made with a view to the immediate introduction of placement arrangements.

Ecuador has not made any agreement with other Members regarding unemployment insurance. Once it has set a definite pattern of unemployment insurance, it intends to ratify Conventions falling within this area. The laws, customs and practice do not discriminate against aliens, regardless of their country of origin.

NICARAGUA

In reply to an observation made by the Committee of Experts, the Government reports that there are no private employment agencies, but there is a public employment office in the capital and in each of the 15 departmental offices of the labour inspectorate.

URUGUAY

Section 9 of the Bill for the establishment of an employment service, which has been the subject of observations by the Committee of Experts, has been amended to give effect to Article 2, paragraph 1, of the Convention.

VENEZUELA

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

Article 2 of the Convention. The National Employment Office was set up on 1 January 1966. This Office has an operational division which is responsible for co-ordinating the activities of the regional and local offices at the national level. The basic tasks of the agencies under the control of the National Employment Office include placement activities and the study of the labour market. The Office also has a consultative committee which acts in an advisory capacity and is composed of employers' representatives (Federation of Chambers of Commerce and Production) and workers' representatives.

3. Maternity Protection Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Hungary	19. 4. 1928
Argentina	30. 11. 1933	Italy	22. 10. 1952
Brazil ¹	26. 4. 1934	Ivory Coast	5. 5. 1961
Bulgaria	14. 2. 1922	Luxembourg	16. 4. 1928
Central African Republic	9. 6. 1964	Mauritania	8. 11. 1963
Chile	15. 9. 1925	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Panama	3. 6. 1958
Cuba	6. 8. 1928	Rumania	13. 6. 1921
France	16. 12. 1950	Spain	4. 7. 1923
Gabon	13. 6. 1961	Uruguay ¹	6. 6. 1933
Federal Republic of Germany	31. 10. 1927	Venezuela	20. 11. 1944
Greece	19. 11. 1920	Yugoslavia	1. 4. 1927
Guinea	12. 12. 1966		

¹ Has denounced this Convention.

BULGARIA

In reply to an observation made by the Committee of Experts concerning the compulsory nature of postnatal leave and the payment of maternity benefit also to women who have not completed the prescribed qualifying period, the Government states that the Labour Code is about to be extensively amended and that in the meantime the matters raised by the Committee are dealt with by applying the legislation at present in force.

In answer to the Committee's question with respect to nursing breaks the Government states that national legislation affords women the possibility of choosing freely between either interrupting their work for one hour twice a day or having a two-hour nursing break once a day. At all events, women are subject to no compulsion in this respect.

CHILE

Act No. 16347 of 1965 to amend sections 162 and 315 of the Labour Code (*Diario Oficial (D.O.)*, 29 Sep. 1965).

Act No. 16434 of 1966 to amend section 309 of the Labour Code (*D.O.*, 26 June 1966).

Act No. 16511 of 1966 to amend sections 315 and 320 of the Labour Code (*D.O.*, 25 July 1966).

In reply to a request made by the Committee of Experts concerning the application of the Convention to women who do not fulfil the qualifying conditions for leave prescribed by the law, the Government states that the matter has been submitted to the competent body in order that it may take the necessary measures.

CUBA

See under Convention No. 103.

GABON

In reply to a request made by the Committee of Experts, the Government states that, as regards the compulsory nature of postnatal leave (Article 3 (a) of the

Convention), the draft ordinance to bring section 115 of the Labour Code fully into line with the Convention has been approved by the Supreme Court and it is hoped that the procedure for its adoption will be completed shortly. In any case, the provision under which a woman may be employed during her postnatal leave if her medical adviser agrees is not applied in practice; moreover, as a result of the interplay of the provisions of the Labour Code and those of Decree No. 276 of 1962 such a derogation would not be permitted until from the sixth to eighth week of leave.

As regards the payment of benefit in the event of prolongation of maternity leave due to a mistake in estimating the date of confinement (Article 3 (c) of the Convention), the Government supplied a copy of the relevant administrative instructions as requested.

FEDERAL REPUBLIC OF GERMANY

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

Article 3 (c) of the Convention. As regards a maternity allowance for women whose earnings exceed the ceiling stipulated by the insurance scheme, under the Act of 24 August 1965 to amend the Act of 24 January 1952 respecting maternity protection and the Federal Social Insurance Code, all women, whether insured or not, are now entitled to maternity benefit from the State. In consequence of the Act of 20 December 1965 to ensure a balanced budget, these provisions were not due to come into force until 1 January 1967.

Article 4. As regards prohibition of dismissal, the Amendment Act of 24 August 1965 has made no change in section 9 of the Act of 1952. The new Act has introduced one innovation, however, in that women dismissed during pregnancy are now entitled to maternity benefit (section 13 (2) of the Act and section 200 (a) of the Social Insurance Code). Moreover, dismissal may take place only in exceptional circumstances and is not permitted on grounds such as the woman's incapacity for work over a certain period. Furthermore, the employment relationship may not be terminated during the period of protection.

HUNGARY

See under Convention No. 103.

IVORY COAST

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

Article 3 (c) of the Convention. As regards a mistake of the medical adviser in estimating the date of confinement, an enactment along the lines of the Convention has been drafted and will be submitted to the Labour Advisory Board for comment. It is expected to be adopted shortly.

Furthermore, General Order No. 5254 of 19 July 1954 making postnatal leave compulsory continues to be in force.

LUXEMBOURG

In reply to a request made by the Committee of Experts concerning the rates for the reimbursement of medical expenses, the Government supplied the following information.

Medical expenses during pregnancy are reimbursed by virtue either of the Act of 1954 respecting insurance for wage earners or of the Act of 1951 respecting insurance for public officials and salaried employees, in accordance with a scale agreed upon between the Medical Practitioners' and Dentists' Association on the one hand and the Sickness Funds Union (in the case of wage earners) or the Sickness Funds Association (in the case of salaried employees) on the other. In the case of wage earners' insurance account is taken of the contributions payable to a number of funds under the terms of section 69 of the Social Insurance Code. As for pharmaceutical expenses, they are reimbursed at the same rates as for ordinary illness, namely 75 to 90 per cent. for wage earners and 75 to 80 per cent. for public officials and salaried employees.

At the time of confinement the sickness funds pay a lump sum which, in the case of the wage earners' scheme, is sufficient to cover all or part of a midwife's fee, pharmaceutical supplies and ten days' stay in a maternity hospital or nursing home. In the case of the insurance scheme for public officials and salaried employees this payment is either equal to the fee charged by the state maternity hospital for ten days' stay in third-class accommodation—in which case the cost of pharmaceutical supplies is reimbursed separately—or fixed at a flat rate, which may not, however, exceed the actual sum spent, inclusive of the cost of medical supplies.

The cost of surgical intervention or of a prolongation of the stay in hospital is reimbursed in full at rates laid down in agreements or statutes, depending on the insurance scheme.

Bearing in mind that a birth grant is also payable, maternity costs are in principle fully covered.

MAURITANIA

In reply to a direct request made by the Committee of Experts with respect to Article 3 (c) of the Convention, the Government states that a Bill to bring the present legislation into line with the Convention has been approved by the National Labour Council and is now being submitted to the National Assembly.

NICARAGUA

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

Article 3 of the Convention. A proposal was submitted to the National Congress by the executive authority for the partial reform of the Political Constitution, so as to extend the period of maternity leave to six weeks both before and after confinement, in accordance with the provisions of the Convention. Furthermore, a draft Bill was submitted for the reform of section 129 of the Labour Code, whereby when confinement occurs after the probable date indicated by the doctor or midwife, paid pre-natal leave shall be extended to the actual date of confinement and, in this case, the minimum six weeks' compulsory postnatal leave shall not be reduced.

Section 42 of the Social Security Act provides for the gradual and progressive extension of the social security scheme by geographical areas. Thus the general introduction of the scheme is being speeded up; once it has been extended to the whole of the Republic, the employer will not be compelled to bear directly the cost of maternity benefits, which is in keeping with the provisions of the Convention.

With regard to the observation concerning members of an employer's family, it should be pointed out that, in accordance with the definition of family workshops contained in section 9 of the Labour Code, it is enough for an undertaking to employ

a worker outside the family for it to be considered no longer a family workshop and therefore subject to the provisions of the Convention. In this connection it is of fundamental importance that the working members of the family are not paid, because the wife, father and children of an employer are exempt from compulsory insurance only if they are unpaid. When considering such exceptions, the law takes into account not only the degree of relationship, but also the remuneration factor, which is the basic element in calculating contributions.

Article 4. Under sections 116 and 129 of the Labour Code, a woman may not be dismissed during her maternity leave, or during any longer period she remains absent from her work as a result of illness medically certified as having arisen out of pregnancy or confinement. In accordance with the laws in force, in no case may a woman who is absent from work as a result of illness be dismissed; even if she receives notice of dismissal, this shall not take effect until she has resumed her work. This interpretation applies to any case of illness, even if it does not arise out of pregnancy or confinement, in application of labour doctrine, and the employer must hold the job open for a reasonable period not exceeding six months.

PANAMA (First Report)

Political Constitution of 1 March 1946 (*Gaceta Oficial (G.O.)*, 4 Mar. 1946, p. 1).

Labour Code, Act No. 67 of 11 November 1947 (*G.O.*, Year XLIV, 26 Nov. 1947, No. 10459, p. 1) (*L.S.* 1947—Pan. 1).

Legislative Decree No. 9 of 1 August 1962 (*G.O.*, 10 June 1963, No. 14894), to amend and supplement Legislative Decree No. 14 of 27 August 1954 respecting the Social Insurance Fund, as amended by Act No. 19 of 29 January 1958.

Article 1 of the Convention. The legislation is applicable without any line of demarcation, so as to avoid confusion as to the distinction between these branches of activity.

Article 2. The definitions of the terms “woman” and “child” correspond exactly to those given in the Convention.

Article 3, clause (a). The period of leave for pregnant women is six weeks prior to confinement and eight weeks afterwards. This is compulsory.

Clause (b). Expectant mothers may leave their work if they produce a medical certificate stating that their confinement will probably take place within six weeks.

Clause (c). During the leave period of six weeks prior to confinement and eight weeks afterwards a woman must be paid her wages in full; any mistake of the medical adviser in estimating the date of confinement does not affect the worker's rights; a woman is entitled to free medical attendance.

Clause (d). Section 95 of the Labour Code lays down that “every nursing mother shall be allowed at the workplace a break of 15 minutes every three hours or if she prefers it of half an hour twice a day during her work for the purpose of nursing her child”.

Article 4. No employer may dismiss a woman while she is pregnant or ill.

The enforcement of the relevant laws and regulations is the responsibility of the special labour judicial system, while supervision is the responsibility of the General Labour Inspectorate.

RUMANIA

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

As regards the qualifying period for entitlement to maternity benefit, section 15 of Decision No. 880 of 1965 of the Council of Ministers refers, in connection with the payment of an allowance equal to 50 per cent. of the wage, to a period of uninterrupted service "of up to six months" and not "of six months". In this connection the Government cites a number of instances where the service of a worker is deemed to be uninterrupted under the terms of the Labour Code. Furthermore, the term "women working half time" is taken to mean women employed for half the normal working hours for their category.

The 60 days' postnatal leave to which a woman worker is entitled under section 14 of the above-mentioned decision is compulsory, and no woman may refuse to take it, since this provision is a rule for the protection of labour.

SPAIN

In reply to earlier requests made by the Committee of Experts concerning the application of the Convention to all women workers, irrespective of nationality, the Government states that pursuant to the Act of 1963 to establish the principles of social security, maternity benefits are also granted to nationals of countries other than those listed in the Act, provided that bilateral agreements exist with those countries or the latter have ratified the Convention and accord women workers of Spanish nationality the same treatment as their own nationals. The Government adds, however, that the principle may be introduced explicitly into the texts issued in application of the said Act.

See also under Convention No. 1.

4. Night Work (Women) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Laos	23. 1. 1964
Albania ¹	17. 3. 1932	Luxembourg	16. 4. 1928
Argentina	30. 11. 1933	Malagasy Republic	1. 11. 1960
Austria	12. 6. 1924	Mali	22. 9. 1960
Belgium ¹	12. 7. 1924	Mauritania ¹	20. 6. 1961
Brazil ¹	26. 4. 1934	Morocco	13. 6. 1956
Bulgaria ¹	14. 2. 1922	Netherlands ¹	4. 9. 1922
Burma ¹	14. 7. 1921	Nicaragua	12. 4. 1934
Burundi	11. 3. 1963	Niger	27. 2. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Pakistan	14. 7. 1921
Central African Republic	27. 10. 1960	Peru	8. 11. 1945
Ceylon ¹	8. 10. 1951	Portugal	10. 5. 1932
Chad	10. 11. 1960	Rumania ¹	13. 6. 1921
Chile	8. 10. 1931	Rwanda	18. 9. 1962
Colombia	20. 6. 1933	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Republic of South Africa ¹	1. 11. 1921
Congo (Kinshasa)	20. 9. 1960	Spain	29. 9. 1932
Cuba	6. 8. 1928	Switzerland ¹	9. 10. 1922
Czechoslovakia ¹	24. 8. 1921	Togo	7. 6. 1960
Dahomey	12. 12. 1960	Tunisia	15. 5. 1957
France ¹	14. 5. 1925	United Kingdom ¹	14. 7. 1921
Gabon	14. 10. 1960	Upper Volta	21. 11. 1960
Greece ¹	19. 11. 1920	Uruguay ¹	6. 6. 1933
Guinea	21. 1. 1959	Venezuela ¹	7. 3. 1933
Hungary ¹	19. 4. 1928	Viet-Nam ¹	6. 6. 1953
India	14. 7. 1921	Yugoslavia ¹	1. 4. 1927
Ireland ¹	4. 9. 1925		
Italy	10. 4. 1923		
Ivory Coast	21. 11. 1960		

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

LAOS (First Report)

Decree of 30 December 1936 to issue regulations governing the conditions of employment of the indigenous population of French Indo-China and assimilated persons (*Journal officiel de l'Indochine française (J.o.I.f.)*, 31 Dec. 1936, No. 306) (*Asian Labour Laws*, I.L.O., 1951).

Order of 22 May 1936 specifying the industries temporarily exempted from the prohibition on the performance of night work by women and boys (*J.o.I.f.*, 15 June 1937).

Article 1 of the Convention. No decisions have been taken in regard to paragraph 2.

Article 2. No use is made of the exception laid down in paragraph 2.

Article 3. The term "women" covers all women employed in industrial undertakings without distinction as to the nature of their duties.

Article 4. Section 75 of the above-mentioned decree permits the extension of work for one day beyond the prescribed limits if urgently needed to prevent accidents, for salvage, or to repair accidental damage.

Section 74 permits temporary exceptions to the nightly rest provisions in specified industries using highly perishable materials when necessary to save such materials from certain loss, subject to the giving of prior notice and under prescribed conditions.

Articles 6 and 7. No use is made of these permissive clauses.

The Directorate of Labour and Manpower in the Ministry of Social Affairs is responsible for the application of the regulations. The Government plans to create a labour inspection service in the near future.

The Convention is being applied in a general way. The volume of industry, particularly that operating at night, is too small to warrant night work by women.

5. Minimum Age (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Kenya	13. 1. 1964
Argentina	30. 11. 1933	Lesotho	31. 10. 1966
Austria	26. 2. 1936	Luxembourg	16. 4. 1928
Belgium	12. 7. 1924	Malagasy Republic	1. 11. 1960
Bolivia	19. 7. 1954	Mali	22. 9. 1960
Botswana	18. 10. 1966	Malta	4. 1. 1965
Brazil	26. 4. 1934	Mauritania	20. 6. 1961
Bulgaria ¹	14. 2. 1922	Netherlands	21. 7. 1928
Cameroon (Eastern Cameroon)	7. 6. 1960	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Ceylon	27. 9. 1951	Norway	7. 7. 1937
Chad	10. 11. 1960	Poland	21. 6. 1924
Chile	15. 9. 1925	Rumania	13. 6. 1921
Colombia	20. 6. 1933	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Sierra Leone	15. 6. 1961
Cuba	6. 8. 1928	Singapore	25. 10. 1965
Czechoslovakia	24. 8. 1921	Spain	29. 9. 1932
Dahomey	12. 12. 1960	Switzerland	9. 10. 1922
Denmark	4. 1. 1923	Tanzania (Zanzibar)	22. 6. 1964
Dominican Republic	4. 2. 1933	Togo	7. 6. 1960
France	29. 4. 1939	Uganda	4. 6. 1963
Gabon	14. 10. 1960	United Kingdom	14. 7. 1921
Greece	19. 11. 1920	Upper Volta	21. 11. 1960
Guinea	21. 1. 1959	Uruguay ¹	6. 6. 1933
Guyana	8. 6. 1966	Venezuela	20. 11. 1944
Haiti	12. 4. 1957	Viet-Nam	6. 6. 1953
India	9. 9. 1955	Yugoslavia	1. 4. 1927
Ireland	4. 9. 1925	Zambia	2. 12. 1964
Israel	23. 12. 1953		
Ivory Coast	21. 11. 1960		
Japan	7. 8. 1926		

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

BOLIVIA

In reply to an observation made in 1965 by the Committee of Experts, the Government indicates that the Minors' Code fixes the minimum age of apprentices at 14 years, and that the same provision is included in the draft Labour Code now awaiting approval.

CUBA

Decision of 8 September 1964 of the Council of Ministers to adopt general principles for the organisation of labour protection and occupational health.

CZECHOSLOVAKIA

Constitution, Act of 11 July 1960 (*Sbirka Zákonů (S.Z.)*, 11 July 1960, No. 40, Text 100) (*L.S.* 1960—Cz. 2).

Labour Code, Act No. 65 of 16 June 1965 (*S.Z.*, 30 June 1965, No. 2, Text 65) (*L.S.* 1965—Cz. 1).
Act. No. 106 of 1960 respecting the system of education.

Article 24 of the Constitution and section 5 of the Act respecting the system of education provide for compulsory schooling until the age of 15 years. Under section II of the Labour Code the age of admission to employment is 15 years.

INDIA

Employment of Children (Gujarat) Rules, 1964.
Motor Transport Workers (Gujarat) Rules, 1965.

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

Under section 22 of the Motor Transport Act, 1965, no adolescent between 15 and 18 years of age can be employed without a certificate of fitness specifying the date of birth or certified age of the adolescent and issued by a certifying surgeon. Since the number and date of the certificate of fitness have to be entered in the register of workers prescribed under Model Rule 35, and since section 21 of the Motor Transport Workers Act, 1961, prohibits the employment of children under 15 years of age in motor transport undertakings, it does not appear necessary to have a separate register for young workers.

IVORY COAST

In reply to a direct request made by the Committee of Experts, the Government states that the preparation of the texts for the application of the Labour Code is in process of completion and that the first book of the Code-decree has just been submitted to the Council of Ministers. The other five books will be promulgated successively in the coming months.

LESOTHO (First Report)

Employment of Women and Children Proclamation, No. 71 of 1937.

Article 1, paragraph 1, of the Convention. The definition of "industrial undertaking" in section 2 of the Proclamation includes the establishments listed in this paragraph.

Paragraph 2. No relevant decision has been taken.

Articles 2 and 3. These Articles are applied by section 3 of the Proclamation.

Article 4. This Article is applied by section 8 of the Proclamation. Since there are no large-scale industrial undertakings and no employees under 16 years of age, a method of registration has not been prescribed.

The Minister of Labour is responsible for the application of the Proclamation. Section 13 thereof provides for enforcement, but no need has yet arisen for recourse thereto. There are so few industrial undertakings that enforcement would not be difficult.

MAURITANIA

Order No. 10150 of 5 March 1965 respecting exceptions to the minimum age for admission to employment.

NICARAGUA

In reply to an observation made in 1965 by the Committee of Experts, the Government states that, in the draft for the revision of the Labour Code, a subparagraph has been added to section 15 requiring that a register be kept of workers under the age of 18 years, indicating their date of birth.

NIGER

In reply to a direct request made in 1965 by the Committee of Experts, the Government reports that a decree to implement the Labour Code, which requires the keeping of a register of all workers under the age of 16 years, is to be promulgated shortly.

RUMANIA

Circular No. 1274 of 29 January 1965 of the State Committee for Questions of Employment and Wages.

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

There are only socialist undertakings in industry. The above-mentioned circular requires economic units—industrial and other—to keep a special register of all young workers under the age of 16 years.

SINGAPORE

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

Article 1 of the Convention. The provisions of the Labour Ordinance apply to all establishments irrespective of the number of persons employed in them. The exclusion of establishments employing less than ten persons from the definition of "factory" in the Factories Ordinance is only for the purpose of that ordinance and it does not limit the application of the Convention in any way.

Article 2. A child aged between 12 and 14 years may be employed in an industrial undertaking, provided that he possesses a certificate of registration issued by the Commissioner for Labour. The Commissioner ensures that every protection is given to the child so that the work is suited to his capacity; very few certificates are granted by the Commissioner, and only in exceptional circumstances.

Article 4. The certificate of registration does not contain the date of birth of the child worker, but administrative action will provide for its insertion therein.

SWITZERLAND

Labour Act, Federal Act of 13 March 1964 respecting work in industry, handicrafts and commerce (*Recueil des Lois fédérales*, 24 Jan. 1966, No. 4, p. 57) (L.S. 1964—Swi. 1).
Ordinance I of 14 January 1966 respecting the application of the Labour Act.

Article 1 of the Convention. The Act covers industry, handicrafts and commerce. Agricultural undertakings, defined in section 3 of Ordinance I, have been excluded.

Article 2. The employment of persons of less than 15 years of age is prohibited (section 30 of the Labour Act), but young persons of 13 years of age, subject to compulsory schooling, can be employed to run errands outside the undertaking or to help in sporting events, and to perform light work in the retail distributive trades and in forestry undertakings, provided that neither their health nor their schoolwork are being affected and that their morals are safeguarded (section 30 of the Act and section 59 of Ordinance I). This exception is not counter to the provisions of the Convention, because the Act, while permitting young persons to run errands outside an undertaking, does not permit their employment within the "industrial undertakings" mentioned in Article 1.

Article 3. Vocational training establishments are not considered as employers of the trainees attending them. These establishments are governed by cantonal legislation and the work of the trainees is supervised by the cantonal authorities.

UGANDA

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

The definition of "industrial undertakings" in section 2 (1) of the Employment of Children Act is being amended to include the provisions of paragraph 1 (*d*) of Article 1 of the Convention.

The current declared exemptions from the definition of "industrial undertakings" under section 2 (2) of the Act are operations related to the tobacco industry. According to the definition of "industrial undertakings" in section 2 (1) (*b*) of the Act these operations should fall in the category of industrial undertakings, but the place and nature of the work justify the exemption.

UNITED KINGDOM

Education (Amendment) Act (Northern Ireland), 1966.

VENEZUELA

In reply to an observation made in 1965 by the Committee of Experts, the Government states that the exceptions provided for in sections 89 to 91 of the Minors' Statute have never yet been applied in practice. The Government has taken the necessary steps vis-à-vis the legislative bodies concerned with a view to ensuring the complete conformity of national laws and regulations with Article 2 of the Convention.

YUGOSLAVIA

Act of 4 April 1965 respecting employment relationships (*Službeni List (S.L.)*, 7 Apr. 1965, No. 17, Text 352; errata: *S.L.*, 5 May 1965, No. 21, p. 982) (*L.S.* 1965—Yug. 4).

ZAMBIA

Employment Act, No. 57 of 20 September 1965 (*Government Gazette*, 1 Oct. 1965, Supplement, p. 449). Government Notices Nos. 233 and 499 of 1964 to amend the Employment of Women, Young Persons and Children Ordinance.

Apprenticeship Regulations, effective from 3 September 1965.

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

Article 2 of the Convention. Subsection (1) (*b*) of section 8 of the Employment of Women, Young Persons and Children Ordinance, as amended by Government Notice No. 499, provides that the only person authorised to issue a certificate is a labour officer. As an administrative practice, no such certificates are authorised. Under subsection (1) (*a*) the Controller of Apprenticeship will not register a contract of apprenticeship unless he is satisfied that the apprentice has attained the age of 15 years. Regulations 12 (1) and 13 (1) of the Apprenticeship Regulations, 1965, are relevant.

The powers contained in section 8 (1) of the ordinance, under which the Minister is authorised to exempt any industry or class of industry from the provisions of that

section, have not been invoked since 1962, and government policy is to ensure that no such exemption is granted.

However, the Government has under consideration a proposal for amendment of the ordinance which would secure complete compliance with the terms of Article 2 of the Convention.

In addition, section 12 (1) of the Employment Act, which was expected to be fully in operation by the end of 1966, prohibits the employment of any person under the age of 14 years.

Thus in practice the minimum age for employment is 14 years generally and 15 years in industry.

Article 4. The form of register is not prescribed but the register is subject to inspection.

As for the fact that section 8 (2) of the ordinance does not prescribe that the register should contain dates of birth, this appears to be an academic point, since in practice the only persons under the age of 16 years employed in industry are apprentices in respect of whom the Controller of Apprenticeship has satisfied himself that they have attained the age of 15 years.

However, the Government proposes to consider the possibility of amending the legislation in order to remove this technical defect as soon as practicable.

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

This Convention came into force on 13 June 1921

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

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

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

LAOS (First Report)

See under Convention No. 4.

Article 1 of the Convention. No decisions have been taken in regard to paragraph 2 of this Article.

Articles 2 and 3. No use is made of the exceptions.

Article 4. Section 75 of the decree of 30 December 1936 permits the extension of work for one day beyond the prescribed limits if urgently needed to prevent accidents, for salvage, or to repair accidental damage.

Article 7. No such suspension has been made.

The Directorate of Labour and Manpower in the Ministry of Social Affairs is responsible for the application of the above-mentioned regulations. The Government plans to create a labour inspection service in the near future.

7. Minimum Age (Sea) Convention, 1919

This Convention came into force on 27 September 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Sarawak)	3. 3. 1964
Belgium	4. 2. 1925	Malta	4. 1. 1965
Brazil	8. 6. 1936	Mexico ¹	17. 8. 1948
Bulgaria	16. 3. 1923	Netherlands ¹	26. 3. 1925
Canada	31. 3. 1926	Nicaragua	12. 4. 1934
Ceylon	2. 9. 1950	Norway	7. 10. 1927
Chile	18. 10. 1935	Poland	21. 6. 1924
China	2. 12. 1936	Portugal	24. 10. 1960
Colombia	20. 6. 1933	Rumania	8. 5. 1922
Cuba	6. 8. 1928	Sierra Leone	15. 6. 1961
Denmark	12. 5. 1924	Singapore	25. 10. 1965
Dominican Republic	4. 2. 1933	Spain	20. 6. 1924
Finland	10. 10. 1925	Sweden	27. 9. 1921
Federal Republic of Germany	11. 6. 1929	Tanzania (Zanzibar)	22. 6. 1964
Greece	16. 12. 1925	United Kingdom	14. 7. 1921
Guyana	8. 6. 1966	Uruguay ¹	6. 6. 1933
Hungary	1. 3. 1928	Venezuela	20. 11. 1944
Ireland	4. 9. 1925	Yugoslavia	1. 4. 1927
Italy	14. 7. 1932		
Jamaica	8. 7. 1963		
Japan	7. 6. 1924		

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

JAMAICA

In reply to a request made by the Committee of Experts, the Government indicates that no measures have been taken to extend the definition of the term "vessel", as in the absence of national legislation ships registered in Jamaica and engaged in maritime navigation come under the United Kingdom Merchant Shipping (International Labour Conventions) Act of 1925.

YUGOSLAVIA

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

Regulations of 23 November 1965 respecting seafarers' identity documents and embarkation permits (*S.L.*, 1965, No. 56).

See also under Convention No. 5.

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Japan	22. 8. 1955
Australia	28. 6. 1935	Luxembourg	16. 4. 1928
Belgium	4. 2. 1925	Malta	4. 1. 1965
Bulgaria	16. 3. 1923	Mexico	20. 5. 1937
Canada	31. 3. 1926	Netherlands	15. 12. 1937
Ceylon	25. 4. 1951	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Nigeria	16. 6. 1961
Colombia	20. 6. 1933	Norway	21. 7. 1936
Cuba	6. 8. 1928	Peru	4. 4. 1962
Denmark	15. 2. 1938	Poland	21. 6. 1924
Finland	20. 1. 1950	Rumania	10. 11. 1930
France	21. 3. 1929	Sierra Leone	15. 6. 1961
Federal Republic of Germany	4. 3. 1930	Singapore	25. 10. 1965
Ghana	18. 3. 1965	Spain	20. 6. 1924
Greece	16. 12. 1925	Sweden	1. 1. 1935
Iraq	19. 4. 1966	Switzerland	21. 4. 1960
Ireland	5. 7. 1930	United Kingdom	12. 3. 1926
Italy	8. 9. 1924	Uruguay	6. 6. 1933
Jamaica	8. 7. 1963	Yugoslavia	30. 9. 1929

COLOMBIA

In reply to an observation made by the Committee of Experts, the Government indicates that in 1965 a Bill was submitted to the Congress and approved by the Senate, after which it was due to be considered by the Seventh Committee of the Chamber of Representatives. The relevant section of the Bill guarantees to all seamen payment of an indemnity for the days during which they remain actually unemployed at the same rate as the wages payable under their contract, but for no longer than two months.

DENMARK

Act No. 160 of 27 May 1964 to amend the Seamen's Act of 1952.

By virtue of the above-mentioned Act, the application of the Convention, as regards the payment of unemployment indemnity in cases of shipwreck, has been extended also to non-Danish seafarers.

GHANA (First Report)

Merchant Shipping Act, 1963.

Section 109 (2) and (4) of the above-mentioned Act gives effect to the Convention.

The application and enforcement of this legislation is entrusted to the Shipping Section of the Ministry of Communications.

PERU

In reply to a request made in 1965 by the Committee of Experts, the Government indicates that, according to a statement by the Harbour Masters' and Merchant

Marine Department, no provisions for indemnity against unemployment resulting from loss or foundering have so far been adopted.

RUMANIA

In reply to an observation made by the Committee of Experts, the Government indicates that section 20 (c) of the Labour Code, which provided for the possibility of the abrogation of a contract of employment if the undertaking ceased to operate for a period of more than one month, was repealed by Decree No. 454 of 1965.

SIERRA LEONE

Employers and Employed (Amendment) Acts, No. 23 of 1962 and No. 37 of 1965.

SINGAPORE

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the reasons for excluding masters, pilots and apprentices from the definition of "seamen" are as follows.

Masters are excluded because their conditions of service are not laid down in law, and the master acts as the representative of the shipowner; a pilot is engaged to perform a definite task, which is usually of short duration, and in the event of shipwreck he would normally be able to continue to earn his livelihood without loss of income. An apprentice is bound by indentures for a period of time, and shipwreck would not affect the validity of the indentures. He is entitled to the emoluments laid down in the indentures until his apprenticeship expires, whether he is engaged on board ship or not.

YUGOSLAVIA

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

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

Article 1 of the Convention. The above-mentioned Act respecting the composition of crews of vessels of the merchant navy applies to all vessels, whether they are collectively or privately owned. Vessels of less than ten tons are not considered as belonging to the merchant navy. Every person possessing a seafarer's identity card or an embarkation permit, and assigned to any service on board ship, is covered by the Act.

Article 2. According to section 22 of the Act, a crew member who has an employment contract is entitled, in case of shipwreck, to compensation in lieu of his wages for two months from the date of the wreck, provided he is not entitled under general rules or agreements to compensation for a longer period.

The amount of the compensation is determined according to the average earnings of the worker during the preceding three months.

Article 3. The right of the worker to this compensation forms part of his rights deriving from the employment contract, and is therefore recognised in the same way and covered by the same guarantees.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

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

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

YUGOSLAVIA

Act of 4 April 1965 respecting the organisation and financing of placement (*Službeni List*, 5 Apr. 1965, No. 15, Text 313) (*L.S.* 1965—Yug. 2).
See also under Convention No. 5.

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Israel	23. 12. 1953
Algeria	19. 10. 1962	Italy	8. 9. 1924
Argentina	26. 5. 1936	Japan	19. 12. 1923
Australia	24. 12. 1957	Luxembourg	16. 4. 1928
Austria	12. 6. 1924	Malta	4. 1. 1965
Belgium	13. 6. 1928	Netherlands	28. 11. 1956
Bulgaria	6. 3. 1925	New Zealand	8. 7. 1947
Byelorussia	6. 11. 1956	Nicaragua	12. 4. 1934
Central African Republic	9. 6. 1964	Norway	28. 1. 1957
Chile	18. 10. 1935	Peru	1. 2. 1960
Cuba	22. 8. 1935	Poland	21. 6. 1924
Czechoslovakia	31. 8. 1923	Rumania	10. 11. 1930
Dominican Republic	4. 2. 1933	Senegal	22. 10. 1962
France	7. 6. 1951	Spain	29. 8. 1932
Gabon	13. 6. 1961	Sweden	27. 11. 1923
Federal Republic of Germany	20. 3. 1957	Ukraine	14. 9. 1956
Guinea	12. 12. 1966	United Kingdom	11. 7. 1963
Guyana	8. 6. 1966	U.S.S.R.	10. 8. 1956
Hungary	2. 2. 1927	Uruguay	6. 6. 1933
Ireland	26. 5. 1925		

ALGERIA

Decree No. 1670 of 24 July 1946 to extend the labour legislation to certain agricultural undertakings in Algeria.

By virtue of the above-mentioned decree, agricultural and subsidiary undertakings the activities of which resemble by nature industrial and commercial activities are placed on the same footing as industrial and commercial undertakings, for which the age of admission to employment is 14 years.

URUGUAY

In reply to observations made by the Committee of Experts, the Government states that a regulating decree, taking into account the observations of the Committee, is being drafted in the Ministry of Industry and Labour in respect of Conventions Nos. 10, 15, 16, 58, 60, 77, 78, 79 and 90 and of the national legislation applying them.

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Luxembourg	16. 4. 1928
Algeria	19. 10. 1962	Malagasy Republic	1. 11. 1960
Argentina	26. 5. 1936	Malawi	22. 3. 1965
Australia	24. 12. 1957	Malaysia:	
Austria	12. 6. 1924	States of Malaya	11. 1. 1960
Belgium	19. 7. 1926	Sarawak	3. 3. 1964
Botswana	18. 10. 1966	Mali	22. 9. 1960
Brazil	25. 4. 1957	Malta	4. 1. 1965
Bulgaria	6. 3. 1925	Mauritania	20. 6. 1961
Burma	11. 5. 1923	Mexico	20. 5. 1937
Burundi	11. 3. 1963	Morocco	20. 5. 1957
Byelorussia	6. 11. 1956	Netherlands	20. 8. 1926
Cameroon:		New Zealand	29. 3. 1938
Eastern Cameroon	7. 6. 1960	Nicaragua	12. 4. 1934
Western Cameroon	29. 1. 1963	Niger	27. 2. 1961
Central African Republic	27. 10. 1960	Nigeria	16. 6. 1961
Ceylon	25. 8. 1952	Norway	11. 6. 1929
Chad	10. 11. 1960	Pakistan	11. 5. 1923
Chile	15. 9. 1925	Peru	8. 11. 1945
China	27. 4. 1934	Poland	21. 6. 1924
Colombia	20. 6. 1933	Rumania	10. 11. 1930
Congo (Brazzaville)	10. 11. 1960	Rwanda	18. 9. 1962
Congo (Kinshasa)	20. 9. 1960	Senegal	4. 11. 1960
Costa Rica	16. 9. 1963	Singapore	25. 10. 1965
Cuba	22. 8. 1935	Spain	29. 8. 1932
Cyprus	8. 10. 1965	Sweden	27. 11. 1923
Czechoslovakia	31. 8. 1923	Switzerland	23. 5. 1940
Dahomey	12. 12. 1960	Syrian Arab Republic	26. 7. 1960
Denmark	20. 6. 1930	Tanzania:	
Ethiopia	4. 6. 1963	Tanganyika	19. 11. 1962
Finland	19. 6. 1923	Zanzibar	22. 6. 1964
France	23. 3. 1929	Togo	7. 6. 1960
Gabon	14. 10. 1960	Tunisia	15. 5. 1957
Federal Republic of Germany	6. 6. 1925	Turkey	29. 3. 1961
Greece	13. 6. 1952	Uganda	4. 6. 1963
Guinea	21. 1. 1959	Ukraine	14. 9. 1956
Guyana	8. 6. 1966	U.S.S.R.	10. 8. 1956
Iceland	21. 8. 1956	United Arab Republic	3. 7. 1954
India	11. 5. 1923	United Kingdom	6. 8. 1923
Ireland	17. 6. 1924	Upper Volta	21. 11. 1960
Italy	8. 9. 1924	Uruguay	6. 6. 1933
Ivory Coast	21. 11. 1960	Venezuela	20. 11. 1944
Jamaica	8. 7. 1963	Yugoslavia	30. 9. 1929
Kenya	13. 1. 1964	Zambia	2. 12. 1964
Lesotho	31. 10. 1966		

BRAZIL

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

Although Ministerial Resolution No. 355-A has been replaced by another text (Order No. 71 of 2 February 1965), the municipal basis for rural trade unions has been retained.

In the view of the Government, the Brazilian social situation justifies the preference for this basis: on the one hand, many of the country's municipalities are very extensive, while, on the other, the density of the rural population is extremely low and grouping into associations is not very common. In these circumstances it was considered that territorial bases which were neither too small nor too big should be adopted for rural trade unions. Hence the choice of the municipal basis. Nevertheless, there is nothing to prevent the adoption of other kinds of basis, as provided for in section 517 of the Consolidation of Labour Laws. Pursuant to section 3 of Ministerial Resolution No. 355-A (which became section 5 of Order No. 71), a certain number of rural trade unions cover more than one municipality.

As regards urban trade unions, the territorial basis remains the municipality. This criterion was adopted by the Minister of Labour and Social Welfare in exercise of the powers conferred on him by section 517 of the Consolidation of Labour Laws to fix and delimit the territorial basis of trade unions; state, inter-state or national trade unions remain the exception.

The provision of section 3 of Ministerial Resolution No. 355-A, reproduced in section 5 of Order No. 71 does not introduce any kind of restriction in the meaning of Article 1 of the Convention.

CYPRUS (First Report)

Constitution.

Trade Unions Law, No. 71 of 1965.

The Trade Unions Law affords full freedom to all workers to organise. Article 21 of the Constitution declares that "every person has the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests".

ETHIOPIA

The Labour Relations Decree of 1962 and the Labour Relations Proclamation of 1963 were intended to regulate labour-management relations in industry, trade and other occupations with the exception of the rural sector. Workers not covered by this legislation may form associations to protect their interests.

The Government hopes that the newly established tripartite Labour Standards Advisory Committee will take the initiative of improving the present legislation wherever necessary and of advising the Government on future legislation.

KENYA

Trade Unions (Amendment) Act, No. 16 of 1964 (*Kenya Gazette*, Supplement No. 135, 20 Oct. 1964).

The requirement that branches of a trade union should be registered applies equally to industrial and agricultural trade unions.

LESOTHO

Trade Unions and Trade Disputes Law, No. 11 of 1964.

In reply to a direct request made by the Committee of Experts, the Government states that this law makes no distinction between occupations and different classes of workers and that there are no special regulations granting the right of association and combination to persons engaged in agriculture who are not under contract with an employer.

MALAYSIA

Sarawak

Societies Act, No. 13 of 1966.
Co-operative Societies Ordinance.

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that persons who are not under contract with an employer enjoy the right, under the above-mentioned Act and ordinance, to form associations or societies or co-operative societies.

MALTA

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the definition of "workmen" in section 20 of the Trade Unions and Trade Disputes Ordinance is legally interpreted to include independent workers, semi-independent workers, members of producers' co-operatives, small holders, etc., in agriculture.

NICARAGUA

Executive Decree of 4 October 1966 (*La Gaceta*, 9 Dec. 1966).

Rule 6 of the regulations respecting trade union associations, which was the subject of an observation by the Committee of Experts, has been repealed.

UGANDA

Trade Unions Act, 1965 (*Uganda Gazette*, 2 July 1965, No. 26, Supplement, p. 46).

ZAMBIA

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that article 23 (1) of the Constitution grants the right of association and combination to persons engaged in agriculture.

12. Workmen's Compensation (Agriculture) Convention, 1921

This Convention came into force on 26 February 1923

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	26. 5. 1936	Malta	4. 1. 1965
Australia	7. 6. 1960	Mexico	1. 11. 1937
Austria	14. 6. 1954	Morocco	20. 9. 1956
Belgium	26. 10. 1932	Netherlands	20. 8. 1926
Brazil	25. 4. 1957	New Zealand	29. 3. 1938
Bulgaria	6. 3. 1925	Nicaragua	12. 4. 1934
Burundi	11. 3. 1963	Norway	22. 1. 1963
Chile	15. 9. 1925	Panama	3. 6. 1958
Colombia	20. 6. 1933	Peru	4. 4. 1962
Congo (Kinshasa)	20. 9. 1960	Poland	21. 6. 1924
Cuba	22. 8. 1935	Portugal	16. 5. 1960
Czechoslovakia	12. 6. 1950	Rwanda	18. 9. 1962
Denmark	26. 2. 1923	El Salvador	11. 10. 1955
Finland	20. 1. 1950	Senegal	22. 10. 1962
France	4. 4. 1928	Singapore	25. 10. 1965
Gabon	13. 6. 1961	Spain	1. 10. 1931
Federal Republic of Germany	6. 6. 1925	Sweden	27. 11. 1923
Guyana	8. 6. 1966	Tanzania :	
Haiti	19. 4. 1955	Tanganyika	19. 11. 1962
Hungary	8. 6. 1956	Zanzibar	22. 6. 1964
Ireland	17. 6. 1924	Tunisia	15. 5. 1957
Italy	1. 9. 1930	Uganda	4. 6. 1963
Kenya	13. 1. 1964	United Kingdom	6. 8. 1923
Luxembourg	16. 4. 1928	Uruguay	6. 6. 1933
Malagasy Republic	10. 8. 1962	Yugoslavia	27. 1. 1958
Malawi	22. 3. 1965	Zambia	2. 12. 1964
Malaysia :			
States of Malaya	5. 6. 1961		
Sarawak	3. 3. 1964		

PANAMA (First Report)

Labour Code, Act No. 67 of 11 November 1947 (*Gaceta Oficial*, Year XLIV, 26 Nov. 1947, No. 10459) (L.S. 1947—Pan. 1).

Article 1 of the Convention. Section 212, paragraph 4, of the Code lays down that agricultural workers shall be protected against occupational injuries, except in agricultural, forestry and stock-raising undertakings not employing permanently more than ten workers.

Compensation shall be paid by the employer in cash.

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Laos	23. 1. 1964
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Argentina	26. 5. 1936	Malagasy Republic	1. 11. 1960
Austria	12. 6. 1924	Mali	22. 9. 1960
Belgium	19. 7. 1926	Mauritania	20. 6. 1961
Bulgaria	6. 3. 1925	Mexico	7. 1. 1938
Cameroon (Eastern Cameroon)	7. 6. 1960	Morocco	13. 6. 1956
Central African Republic	27. 10. 1960	Netherlands	15. 12. 1939
Chad	10. 11. 1960	Nicaragua	12. 4. 1934
Chile	15. 9. 1925	Niger	27. 2. 1961
Colombia	20. 6. 1933	Norway	11. 6. 1929
Congo (Brazzaville)	10. 11. 1960	Poland	21. 6. 1924
Cuba	7. 7. 1928	Rumania	4. 12. 1925
Czechoslovakia	31. 8. 1923	Senegal	4. 11. 1960
Dahomey	12. 12. 1960	Spain	20. 6. 1924
Finland	5. 4. 1929	Sweden	27. 11. 1923
France	19. 2. 1926	Togo	7. 6. 1960
Gabon	14. 10. 1960	Tunisia	12. 6. 1956
Greece	22. 12. 1926	Upper Volta	21. 11. 1960
Guinea	21. 1. 1959	Uruguay	6. 6. 1933
Hungary	8. 6. 1956	Venezuela	28. 4. 1933
Iraq	19. 4. 1966	Viet-Nam	6. 6. 1953
Italy	22. 10. 1952	Yugoslavia	30. 9. 1929
Ivory Coast	21. 11. 1960		

ALGERIA

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

Article 3 of the Convention. Section 73 of Book II of the Labour Code stipulates that young persons under 18 years of age and women may not be employed in unhealthy or dangerous establishments where workers are exposed to operations or emanations which are harmful to their health, except under special conditions to be determined in public administration regulations.

Article 5, Principle III (b). Section 11 of the order of 24 March 1950 provides for periodic medical examination of workers employed on work involving the use of white lead. Furthermore, under the order of 2 August 1957 respecting industrial medical services, in undertakings where work is done involving the use of lead the works physician must devote to the staff of such establishments one hour per month for every ten employees exposed.

Principle IV. Under the order of 24 March 1950 managers of undertakings are required to post up a notice pointing out the dangers of lead poisoning and the precautions to be taken to prevent contamination.

Article 6. The employers' and workers' organisations concerned are extensively consulted on these particular matters.

Article 7. It is not possible at present to compile statistics with regard to lead poisoning, as to either morbidity or mortality. As occupational disease risks are

at present covered by private insurance companies, a special system of statistics will have to be set up to comply with this requirement.

GABON

In reply to a direct request made by the Committee of Experts, the Government indicates that a draft decree designed to meet the observations made by the Committee of Experts has been submitted to the Council of Ministers after having been approved by a consultative technical committee.

LAOS (First Report)

Decree of 30 December 1936 to issue regulations governing the conditions of employment of the indigenous population of French Indo-China and assimilated persons (*Journal officiel de l'Indochine française*, 31 Dec. 1936, No. 306) (*Asian Labour Laws*, I.L.O., 1951) (Chapter VI, Division III).

Articles 1 to 4 of the Convention. The ban on the use of white lead, sulphate of lead and all products containing these pigments is total. There are no regulations specifying the special types of work where the use of these pigments may be authorised or the conditions in which such products may be used.

Article 5. It has not been considered necessary to take special steps to implement this Article.

The application of the above-mentioned decree is the responsibility of the Ministry of Social Affairs. In the near future the Government is planning to set up a labour inspection service which will be responsible for the enforcement of the labour legislation.

No decision has been taken by a court of law concerning questions of principle arising out of the application of this Convention, and no representative organisation of workers exists to which reports could be communicated.

The Convention is properly applied and no cases of lead poisoning have been notified.

MALI

In reply to a direct request made by the Committee of Experts, the Government states that effect is given to the provisions of Article 5 of the Convention by means of the schedules to Order No. 8827 of 14 November 1955.

NICARAGUA

Regulations of 29 October 1966 concerning the use of white lead and other pigments in painting work.

In reply to observations made by the Committee of Experts, the Government refers to the Bill for the amendment of the Labour Code.

SENEGAL

In reply to a direct request made by the Committee of Experts, the Government states that under the Constitution a ratified Convention takes precedence over national laws and regulations, and that its next report will give particulars of a simplification of the domestic regulations to bring them fully into line with the Convention.

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Kenya	13. 1. 1964
Algeria	19. 10. 1962	Lebanon	26. 7. 1962
Argentina	26. 5. 1936	Lesotho	31. 10. 1966
Belgium	19. 7. 1926	Luxembourg	16. 4. 1928
Bolivia	19. 7. 1954	Malagasy Republic	1. 11. 1960
Botswana	18. 10. 1966	Malaysia (Sarawak)	3. 3. 1964
Brazil	25. 4. 1957	Mali	22. 9. 1960
Bulgaria	6. 3. 1925	Mauritania	20. 6. 1961
Burma	11. 5. 1923	Mexico	7. 1. 1938
Burundi	11. 3. 1963	Morocco	20. 9. 1956
Cameroon (Eastern Cameroon)	7. 6. 1960	Netherlands	14. 7. 1965
Canada	21. 3. 1935	New Zealand	29. 3. 1938
Central African Republic	27. 10. 1960	Nicaragua	12. 4. 1934
Chad	10. 11. 1960	Niger	27. 2. 1961
Chile	15. 9. 1925	Norway	7. 7. 1937
China	17. 5. 1934	Pakistan	11. 5. 1923
Colombia	20. 6. 1933	Paraguay	21. 3. 1966
Congo (Brazzaville)	10. 11. 1960	Peru	8. 11. 1945
Congo (Kinshasa)	20. 9. 1960	Poland	21. 6. 1924
Cuba	20. 7. 1953	Portugal	3. 7. 1928
Czechoslovakia	31. 8. 1923	Rumania	18. 8. 1923
Dahomey	12. 12. 1960	Rwanda	18. 9. 1962
Denmark	30. 8. 1935	Senegal	4. 11. 1960
Finland	19. 6. 1923	Spain	20. 6. 1924
France	3. 9. 1926	Sweden	22. 12. 1931
Gabon	14. 10. 1960	Switzerland	16. 1. 1935
Greece	11. 5. 1929	Syrian Arab Republic	10. 5. 1960
Guinea	21. 1. 1959	Togo	7. 6. 1960
Haiti	14. 5. 1952	Tunisia	15. 5. 1957
Honduras	17. 11. 1964	Turkey	27. 12. 1946
Hungary	8. 6. 1956	United Arab Republic	10. 5. 1960
India	11. 5. 1923	Upper Volta	21. 11. 1960
Iraq	12. 5. 1960	Uruguay	6. 6. 1933
Ireland	22. 7. 1930	Venezuela	20. 11. 1944
Israel	26. 6. 1951	Viet-Nam	14. 6. 1955
Italy	8. 9. 1924	Yugoslavia	1. 4. 1927
Ivory Coast	21. 11. 1960		

BELGIUM

Act of 6 July 1964 respecting Sunday rest (*Moniteur belge*, 29 July 1964, No. 146, p. 8273) (L.S. 1964—Bel. 1); entered into force on 1 February 1965 and replaced the Act of 17 July 1905 respecting Sunday rest in industrial and commercial undertakings.

Orders issued in application of the Act of 6 July 1964 and establishing in particular measures for the supervision of its application and the rules governing exceptions to the Act in the case of specific sectors of activity.

CANADA

Federal Legislation.

Canada Labour (Standards) Code, assented to 18 March 1965 (13-14 Eliz. II, Ch. 38) (*Acts of the Parliament of Canada*, 1964-65, Part 1, p. 307) (L.S. 1965—Can. 1 A).

Canada Labour Code Regulations (General) of 18 June 1965 (Statutory Orders and Regulations, 1965, No. 256) (*Canada Gazette*, Part II, 14 July 1965, No. 13, p. 903) (L.S. 1965—Can. 1 B).

*Provincial Legislation.**British Columbia.*

Orders made under the Male and Female Minimum Wage Acts:

Order No. 1 of 1965 governing the logging, sawmill, woodworking and Christmas-tree industries.

Order No. 19 of 1965 governing first-aid attendants.

The Canada Labour (Standards) Code (section 7) provides that, subject to any exceptions that may be permitted by the regulations made thereunder, employees subject to the Code must be given one full day of rest in the week, on Sunday wherever possible.

CHAD

In reply to a request made by the Committee of Experts, the Government states that there are no special provisions governing railways and that under Order No. 257/IGTLS of 1954 inland waterway workers are entitled to compensatory rest in respect of rest not taken during a voyage, either after the voyage or at the time of their annual holidays.

CHINA

In reply to an observation made by the Committee of Experts, the Government states that all public industrial undertakings have been instructed to comply fully with the provisions of the Convention and the Taiwan Factories and Mines Inspection Committee has been entrusted with the supervision of the application of the Convention in private industrial undertakings.

The draft Labour Code is expected to be ready for submission to the Legislative Yuan after first being examined by the Executive Yuan.

CONGO (KINSHASA)

In reply to a request made by the Committee of Experts, the Government states that the new draft Code respecting river transport extends the scope of the legislation concerning weekly rest to inland waterway workers.

CZECHOSLOVAKIA

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

Government Ordinance No. 66 of 23 June 1965 to apply the Labour Code (S.Z., 30 June 1965, No. 32).

DENMARK

Ministry of Labour Regulations of 7 August 1964 to apply to local government servants the hours of work provisions of sections 30 to 36 of Act No. 226 of 11 June 1954 respecting workers' protection generally (*Lovtidende A*, 30 June 1954, No. XXIII, p. 535) (L.S. 1954—Den 1).

FINLAND

Act of 30 December 1965 (*Suomen Asetuskokoelma—Finlands Författningssamling* (S.A.-F.F.), 1965, No. 713, p. 1495) (L.S. 1965—Fin. 1) to amend the Hours of Work Act of 2 August 1946 (S.A.-F.F., 6 Aug. 1946, p. 995) (L.S. 1946—Fin. 4 A).

The Hours of Work Act, 1946, has been amended, on the basis of an agreement reached by the central employers' and employees' organisations, to permit the occasional employment of all employees covered by the Act during the weekly rest period, where this is necessary to secure the regular working of an undertaking, e.g. for

maintenance, repairs, arrangement and preparatory work. Time spent on such work is required to be deducted from the employee's normal hours of work before the end of the succeeding calendar month, or special cash compensation is payable.

GREECE

Act No. 4504 of 1966 (*Ephemeris tēs Kyvernesseos (E.K.)*, 14 Mar. 1966, Part I, No. 57).
Royal Decree No. 748 of 1966 (*E.K.*, 13 Sep. 1966, Part I, No. 179).

In reply to an observation made by the Committee of Experts, the Government states that no effort will be spared to ensure that all railwaymen are granted a weekly rest.

HONDURAS (First Report)

Constitution, 1965, approved by Decree No. 20 of 3 June 1965 (*La Gaceta*, 12 June 1965, No. 8588).
Labour Code, Decree No. 189 of 1 June 1959 (*ibid.*, 15-18 and 20-23 July 1959, Nos. 16827-16834) (*L.S.* 1959—Hon. 1).
Commercial Code, 1950.

Article 1 of the Convention. The Government's report refers to the economic activities corresponding to those included in Article 1 of the Convention under "industrial undertakings". The Labour Code has special provisions applicable to workers engaged in certain occupations.

Article 2. Section 338 of the Labour Code provides for a weekly rest of at least 24 consecutive hours, preferably on Sundays.

Article 3. The legislation contains no provision relating to the weekly rest of workers who are members of the employer's family.

Article 4. The legislation provides for exceptions to the principle of compulsory weekly rest, particularly in cases of disaster, where occupational activities cannot be interrupted, and on the railways.

Article 6. The legislation specifies the exceptions to which Article 4 of the Convention refers. The Government reserves the right to make a list of them and will communicate it to the International Labour Office in each case.

Article 7, clause (a). This provision is applied by virtue of section 92, paragraph 7, of the Labour Code concerning the organisation of work.

Clause (b). Section 343 of the Labour Code is applicable in the case envisaged in this clause.

The competent authorities entrusted with the application of the Convention are the Ministry of Labour and Social Welfare; the General Directorate of Labour; the General Inspectorate of Labour; the Labour Attorney's Office; and the ordinary labour courts, or, where this is not possible, the civil courts.

INDIA

Shops and Establishments (Pondicherry) Act, 1964.

The Motor Transport Workers Act, 1961, was extended to the Union territories of Goa, Daman and Diu, with effect from 1 February 1965.

The Factories Act, 1948, came into force in the Union territory of Pondicherry with effect from 29 November 1965.

IRAQ

In reply to a request made by the Committee of Experts, the Government states that the points raised are being taken into consideration in connection with the preparation of the new draft Labour Law.

ITALY

By Decision No. 2040 of 25 July 1964 the Supreme Court of Appeal held that, in the case of shift work, the weekly rest period of 24 consecutive hours laid down by Act No. 370 of 1934 must be granted after six days' work. By Decision No. 840 of 14 March 1966 the Court held that failure to respect the statutory interval of not more than six working days between weekly days of rest was punishable under section 27 of Act No. 370.

KENYA

In reply to a direct request made by the Committee of Experts, the Government states that legislation is unnecessary to apply the Convention in view of the results obtained through wages regulation orders, arbitration awards, industrial court awards, and boards of inquiry recommendations.

MALAYSIA

Sarawak

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

Article 1 of the Convention. Clerical staff and persons engaged in work involving stand-by employment get weekly rest at the same time as other workers in industrial undertakings, according to custom, practice and individual contracts.

Article 3. Family undertakings are excluded from the scope of the Labour Ordinance, since there are no contracts of service.

Article 5. In practice, where workers are employed on the weekly rest day, they are entitled to a holiday in lieu, if they so desire.

Article 7. It is considered that the stipulated days and hours of rest are well established by custom and practice and, in any case, industrial undertakings are small, so that no formal system of notification of weekly rest is necessary.

NIGER

In reply to a request made by the Committee of Experts, the Government states that no special exceptions have been made in respect of railways or inland waterways.

POLAND

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that Sunday mining has been abolished in the coal-mining industry and that the Council of Ministers has not made use of section 11 of the Hours of Work Act of 18 December 1920.

SWEDEN

Act No. 245 of 31 May 1963 to amend the Workers' Protection Act of 3 January 1949 (*Svensk Författningssamling*, 12 Jan. 1949, p. 1) (*L.S.* 1949—Swe. 1).

While the Workers' Protection Act was previously applicable to "every concern, industrial or otherwise", the Act has now been amended and is applicable to "all activities in which employees are used for work on account of an employer".

SWITZERLAND

Ordinance II respecting implementation of the Federal Act of 13 March 1964 (special provisions relating to certain categories of undertakings and workers) (*Recueil des Lois Fédérales (R.L.F.)*, 24 Jan. 1966, No. 4, p. 119).

Ordinance of 18 January 1966 respecting the hours of work and rest of professional drivers of motor vehicles (*R.L.F.*, 20 Jan. 1966, No. 3, p. 39).

See also under Convention No. 5.

UNITED ARAB REPUBLIC

See under Convention No. 106.

VENEZUELA

The observation made in 1966 by the Committee of Experts has been submitted to the Legislative Committee which is considering the proposed new labour legislation.

YUGOSLAVIA

See under Convention No. 106.

15. Minimum Age (Trimmers and Stokers) Convention, 1921

This Convention came into force on 20 November 1922

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	26. 5. 1936	Kenya	13. 1. 1964
Australia	28. 6. 1935	Luxembourg	16. 4. 1928
Belgium	19. 7. 1926	Malaysia (Sabah, Sarawak)	3. 3. 1964
Bulgaria	6. 3. 1925	Malta	4. 1. 1965
Burma	20. 11. 1922	Mauritania	8. 11. 1963
Byelorussia	6. 11. 1956	Morocco	14. 3. 1958
Cameroon (Western Cameroon)	3. 9. 1962	Netherlands	17. 6. 1931
Canada	31. 3. 1926	New Zealand	26. 11. 1959
Ceylon	25. 4. 1951	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Nigeria	17. 10. 1960
China	2. 12. 1936	Norway	7. 10. 1927
Colombia	20. 6. 1933	Pakistan	20. 11. 1922
Cuba	7. 7. 1928	Poland	21. 6. 1924
Cyprus	23. 9. 1960	Rumania	18. 8. 1923
Denmark	12. 5. 1924	Sierra Leone	13. 6. 1961
Finland	10. 10. 1925	Singapore	25. 10. 1965
France	16. 1. 1928	Spain	20. 6. 1924
Federal Republic of Germany	11. 6. 1929	Sweden	14. 7. 1925
Ghana	20. 5. 1957	Switzerland	21. 4. 1960
Greece	14. 6. 1930	Tanzania:	
Guyana	8. 6. 1966	Tanganyika	30. 1. 1962
Hungary	1. 3. 1928	Zanzibar	22. 6. 1964
Iceland	21. 8. 1956	Trinidad and Tobago	24. 5. 1963
India	20. 11. 1922	Turkey	29. 9. 1959
Iraq	19. 4. 1966	Ukraine	14. 9. 1956
Ireland	5. 7. 1930	U.S.S.R.	10. 8. 1956
Italy	8. 9. 1924	United Kingdom	8. 3. 1926
Jamaica	26. 12. 1962	Uruguay	6. 6. 1933
Japan	4. 12. 1930	Yugoslavia	1. 4. 1927

JAPAN

Ordinance of 31 July 1964 respecting the occupational safety and health of seafarers.

MALAYSIA

Sabah and Sarawak

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

No exemption from the prohibition to employ young persons under 18 years of age as trimmers and stokers on maritime vessels has so far been granted. It is unlikely that any application for such exemption would be made, because wood- or coal-burning vessels are no longer in use in the state.

TANZANIA

East African Merchant Shipping Act, 1966.

According to the above-mentioned Act (section 163), the list of the crew will from now on include the age of all its members.

URUGUAY

See under Convention No. 10.

YUGOSLAVIA

General Regulations of 13 January 1947 respecting occupational health and safety measures (*Službeni List*, 25 Feb. 1947, No. 16, Text 3, p. 197).

By virtue of these regulations and the Act of 1965 respecting employment relationships a person under the age of 18 years may in no circumstances be employed on board ship as a coal-trimmer or stoker.

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

This Convention came into force on 20 November 1922

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Jamaica	26. 12. 1962
Argentina	26. 5. 1936	Japan	7. 6. 1924
Australia	28. 6. 1935	Luxembourg	16. 4. 1928
Belgium	19. 7. 1926	Malaysia (Sabah, Sarawak)	3. 3. 1964
Brazil	8. 6. 1936	Malta	4. 1. 1965
Bulgaria	6. 3. 1925	Mexico	9. 3. 1938
Burma	20. 11. 1922	Netherlands	9. 3. 1928
Byelorussia	6. 11. 1956	New Zealand	5. 12. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Nicaragua	12. 4. 1934
Canada	31. 3. 1926	Nigeria	17. 10. 1960
Ceylon	25. 4. 1951	Pakistan	20. 11. 1922
Chile	18. 10. 1935	Poland	21. 6. 1924
China	2. 12. 1936	Rumania	18. 8. 1923
Colombia	20. 6. 1933	Sierra Leone	13. 6. 1961
Cuba	7. 7. 1928	Singapore	25. 10. 1965
Cyprus	23. 9. 1960	Somalia (ex-Trust Territory)	18. 11. 1960
Denmark	23. 4. 1938	Spain	20. 6. 1924
Finland	10. 10. 1925	Sweden	14. 7. 1925
France	22. 3. 1928	Switzerland	21. 4. 1960
Federal Republic of Germany	11. 6. 1929	Tanzania:	
Ghana	20. 5. 1957	Tanganyika	30. 1. 1962
Greece	28. 6. 1930	Zanzibar	22. 6. 1964
Guinea	12. 12. 1966	Trinidad and Tobago	24. 5. 1963
Hungary	1. 3. 1928	Ukraine	14. 9. 1956
India	20. 11. 1922	U.S.S.R.	10. 8. 1956
Iraq	19. 4. 1966	United Kingdom	8. 3. 1926
Ireland	5. 7. 1930	Uruguay	6. 6. 1933
Italy	8. 9. 1924	Yugoslavia	1. 4. 1927

BELGIUM

See under Convention No. 113.

URUGUAY

See under Convention No. 10.

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

This Convention came into force on 1 April 1927

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mexico	12. 5. 1934
Argentina	14. 3. 1950	Morocco	20. 9. 1956
Austria	21. 8. 1936	Netherlands	13. 9. 1927
Belgium	3. 10. 1927	New Zealand	29. 3. 1938
Bulgaria	5. 9. 1929	Nicaragua	12. 4. 1934
Burma	16. 2. 1956	Panama	3. 6. 1958
Burundi	11. 3. 1963	Philippines	17. 11. 1960
Central African Republic	9. 6. 1964	Poland	3. 11. 1937
Chile	8. 10. 1931	Portugal	27. 3. 1929
Colombia	20. 6. 1933	Rwanda	18. 9. 1962
Congo (Kinshasa)	20. 9. 1960	Sierra Leone	13. 6. 1961
Cuba	6. 8. 1928	Somalia (ex-Trust Territory)	18. 11. 1960
Czechoslovakia	12. 6. 1950	Spain	22. 2. 1929
Finland	20. 1. 1950	Sweden	8. 9. 1926
France	17. 5. 1948	Syrian Arab Republic	10. 5. 1960
Federal Republic of Germany	14. 6. 1955	Tanzania:	
Greece	13. 6. 1952	Tanganyika	30. 1. 1962
Guinea	12. 12. 1966	Zanzibar	22. 6. 1964
Haiti	19. 4. 1955	Tunisia	15. 5. 1957
Hungary	19. 4. 1928	Uganda	4. 6. 1963
Iraq	5. 7. 1960	United Arab Republic	10. 5. 1960
Kenya	13. 1. 1964	United Kingdom	28. 6. 1949
Luxembourg	16. 4. 1928	Uruguay	6. 6. 1933
Malaysia (States of Malaya)	11. 11. 1957	Yugoslavia	1. 4. 1927
Mauritania	8. 11. 1963	Zambia	2. 12. 1964

ALGERIA

Ordinance No. 183 of 21 June 1966 to provide for the payment of compensation for employment accidents and occupational diseases (*Journal officiel*, 28 June 1966, No. 55, p. 626; errata: *ibid.*, 28 October 1966, No. 92, p. 1064) (*L.S.* 1966—Alg. 1).

Article 1 of the Convention. The new ordinance, which was due to come into force on 1 January 1967, transfers the administration of employment injury insurance from insurance companies to social security institutions.

Article 2. The ordinance covers all workers employed in any enterprise, undertaking or establishment, whether public or private. It ensures protection for all the categories of workers in respect of whom exceptions are permitted under paragraph 2, provided that they are wage earners.

Article 3. State and public officials whose status is defined by statutory laws and regulations, as well as seamen, remain covered by their own special schemes.

Article 4. Agricultural workers remain subject to earlier regulations.

Article 5. The compensation due to a workman where an employment injury results in permanent incapacity, or to his dependants where an employment injury results in the workman's death, shall take the form of a pension. However, no pension shall be paid if the incapacity is less than 10 per cent.

Article 6. In the event of temporary incapacity a daily allowance equal to that provided for in the case of occupational diseases shall be provided from the first day of the accident.

Article 7. In cases where an injured workman must have the constant help of another person, an additional allowance shall be provided equal to 40 per cent. of the pension and to at least 2,382 dinars annually.

Article 8. The initiation of review proceedings shall no longer be subject to any time limit.

Article 9. Medical, surgical and pharmaceutical aid shall be provided under the conditions laid down by the social insurance system.

Article 10. Injured workmen shall receive special treatment with a view to their functional rehabilitation, and shall be afforded facilities for taking part in retraining courses with a view to their occupational reclassification. They shall also be provided with artificial limbs and surgical appliances.

Article 11. The transfer of the administration of employment injury insurance to social security institutions aims at ensuring for injured workmen and their dependants the payment of the compensation to which they are entitled. The solvency of the administrative bodies shall be guaranteed by an employment injury equalisation fund, to be set up at the national level. Disputes concerning employment injury compensation shall be referred to special courts dealing with social insurance questions.

CHILE

In reply to an observation made in 1966 by the Committee of Experts, the Government indicates that the Bill respecting social security has not yet been passed by the National Congress.

NICARAGUA

In reply to an observation made in 1966 by the Committee of Experts, the Government indicates that the Governing Body of the National Social Security Institute has approved amendments to the Social Security Act and submitted them to the National Congress for immediate approval. The amendments include, *inter alia*, provision for the protection of persons who enter the service of another person for the first time after reaching their 60th birthday (these persons have so far been excluded from coverage) and for the payment of additional compensation to persons whom incapacity is of such a nature as to require the constant help of another person. Thus, when approved, the amendments would bring the national legislation into conformity with Articles 2 and 7 of the Convention.

PANAMA (First Report)

See under Convention No. 12.

Article 2, paragraph 1, of the Convention. The Code applies to all workers, including public and private employees and apprentices.

Paragraph 2. The following categories of workers are excluded from the provisions of the Code: (a) homeworkers; (b) domestic workers; (c) casual workers; and (d) workers in agricultural, forestry and stock-raising undertakings where not more than ten workers are permanently employed.

Article 3. The legislation covers all workers with the exception of those referred to in connection with Article 2, paragraph 2.

Article 5. Compensation is provided for in respect of temporary incapacity, permanent partial incapacity and permanent total incapacity. Where an employment injury results in death, compensation shall be paid to the deceased worker's depen-

dants. Compensation shall also be paid in the event of the disappearance of a worker and his presumed death as a result of an employment injury. If a worker dies after the rate of a pension for permanent incapacity has been assessed, compensation shall be paid to the beneficiaries for a period of ten years from the date of the death of the worker.

Article 6. Paragraph 1 of section 218 of the Code lays down that compensation for temporary incapacity shall be paid by the employer on the days on which wages are normally paid. Pensions for permanent partial incapacity, permanent total incapacity, or death shall be paid in monthly instalments with retroactive effect (section 227 of the Code).

Article 8. Section 222 of the Code lays down rules for the assessment of pensions.

Article 9. The legislation stipulates that all expenses arising out of an employment injury shall be borne by the employer.

Article 11. Insurance against employment injury is compulsory.

SIERRA LEONE

In reply to a direct request made by the Committee of Experts, the Government indicates that the Joint Consultative Committee will discuss, at its next meeting, certain amendments to the Workmen's Compensation Act which, *inter alia*, include the principle of periodical payments of compensation and were drafted in conformity with the provisions of the Employment Injury Benefits Convention and Recommendation, 1964 (No. 121).

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

This Convention came into force on 1 April 1927

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

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

ALGERIA

See under Convention No. 17.

Under the ordinance of 21 June 1966 the administration of employment injury insurance is transferred from insurance companies to social security institutions.

According to section 132 of the ordinance, the rate of compensation for occupational diseases shall not be less than that provided for in respect of industrial accidents. The texts to be issued in application of section 128 will reproduce the list of occupational diseases contained in the schedule appended to Article 2 of the Convention. This list may be revised by simple measures in the form of ministerial orders after consultation with workers' organisations.

ZAMBIA (First Report)

Workmen's Compensation Ordinance, 1964.

Workmen's Compensation Ordinance (Amendment) Acts, Nos. 2 and 22 of 1965.

Article 1 of the Convention. The ordinance provides for a compensation fund for workmen disabled by accidents or diseases in the course of their employment. In the case of occupational disease sections 92 to 94 of the ordinance entitle a workman to the same rates of compensation as are payable in the case of accident, provided

that he has a certificate from a medical practitioner stating that he is suffering from a scheduled occupational disease.

Article 2. The second schedule to the ordinance contains a list of 40 occupational diseases for which compensation is payable, including, *inter alia*, poisoning by mercury and anthrax.

Supervision of the application of the above-mentioned legislation is the responsibility of the Minister of Labour and Social Development, who appoints the Workmen's Compensation Commissioner for its administration.

The list of scheduled diseases recognised as causes of injury due to the nature of a workman's employment was greatly extended under Workmen's Compensation Ordinance No. 65 of 1963, in order to comply with recommendations of the I.L.O.

Liability has been accepted in respect of disablement caused, *inter alia*, by lead poisoning and certain cases of tuberculosis.

19. Equality of Treatment (Accident Compensation) Convention, 1925

This Convention came into force on 8 September 1926

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Lesotho	31. 10. 1966
Argentina	14. 3. 1950	Luxembourg	16. 4. 1928
Australia	12. 6. 1959	Malagasy Republic	10. 8. 1962
Austria	29. 9. 1928	Malawi	22. 3. 1965
Belgium	3. 10. 1927	Malaysia:	
Bolivia	19. 7. 1954	States of Malaya	11. 11. 1957
Botswana	18. 10. 1966	Sarawak	3. 3. 1964
Brazil	25. 4. 1957	Mali	17. 8. 1964
Bulgaria	5. 9. 1929	Malta	4. 1. 1965
Burma	30. 9. 1927	Mauritania	8. 11. 1963
Burundi	11. 3. 1963	Mexico	12. 5. 1934
Cameroon:		Morocco	13. 6. 1956
Eastern Cameroon	29. 1. 1963	Netherlands	13. 9. 1927
Western Cameroon	3. 9. 1962	Nicaragua	12. 4. 1934
Central African Republic	9. 6. 1964	Nigeria	17. 10. 1960
Chile	8. 10. 1931	Norway	11. 6. 1929
China	27. 4. 1934	Pakistan	30. 9. 1927
Colombia	20. 6. 1933	Peru	8. 11. 1945
Congo (Kinshasa)	20. 9. 1960	Poland	28. 2. 1928
Cuba	6. 8. 1928	Portugal	27. 3. 1929
Cyprus	23. 9. 1960	Rwanda	18. 9. 1962
Czechoslovakia	8. 2. 1927	Senegal	22. 10. 1962
Denmark	31. 3. 1928	Sierra Leone	13. 6. 1961
Dominican Republic	5. 12. 1956	Singapore	25. 10. 1965
Finland	17. 9. 1927	Somalia (ex-Trust Territory)	18. 11. 1960
France	4. 4. 1928	Republic of South Africa	30. 3. 1926
Gabon	13. 6. 1961	Spain	22. 2. 1929
Federal Republic of Germany	18. 9. 1928	Sudan	18. 6. 1957
Ghana	20. 5. 1957	Sweden	8. 9. 1926
Greece	30. 5. 1936	Switzerland	1. 2. 1929
Guatemala	2. 8. 1961	Syrian Arab Republic	26. 7. 1960
Guyana	8. 6. 1966	Tanzania:	
Haiti	19. 4. 1955	Tanganyika	30. 1. 1962
Hungary	19. 4. 1928	Zanzibar	22. 6. 1964
India	30. 9. 1927	Trinidad and Tobago	24. 5. 1963
Indonesia	12. 6. 1950	Tunisia	12. 6. 1956
Iraq	30. 4. 1940	Uganda	4. 6. 1963
Ireland	5. 7. 1930	United Arab Republic	29. 11. 1948
Israel	5. 5. 1958	United Kingdom	6. 10. 1926
Italy	15. 3. 1928	Uruguay	6. 6. 1933
Ivory Coast	5. 5. 1961	Venezuela	20. 11. 1944
Jamaica	26. 12. 1962	Yugoslavia	1. 4. 1927
Japan	8. 10. 1928	Zambia	2. 12. 1964
Kenya	13. 1. 1964		

ALGERIA

See under Convention No. 17.

Ordinance No. 183 of 21 June 1966 does not contain any provision which limits the rights of foreign workers who suffer personal injury due to industrial accidents, so long as they reside in the national territory. If they cease to reside in the national territory, they are entitled to receive a lump sum equal to three times the amount of

their annual pension. The same applies to their dependants who cease to reside in the national territory. Moreover, foreign dependants are not entitled to receive any compensation if, at the time of the accident, they did not reside in the national territory, except where special arrangements exist. However, provision is made for the possibility of these restrictions being lifted by international agreement. Special agreements may modify the principle of territoriality as regards workers temporarily or intermittently employed in the national territory on behalf of an undertaking situated in the territory of another Member.

20. Night Work (Bakeries) Convention, 1925

This Convention came into force on 26 May 1928

Countries	Ratification registered on
Argentina	17. 2. 1955
Bulgaria	5. 9. 1929
Chile	31. 5. 1933
Colombia	20. 6. 1933
Cuba	6. 8. 1928
Finland	26. 5. 1928
Ireland	15. 3. 1937
Israel	26. 7. 1951

Countries	Ratification registered on
Luxembourg	16. 4. 1928
Nicaragua ¹	12. 4. 1934
Peru	4. 4. 1962
Spain	29. 8. 1932
Sweden	5. 1. 1940
Uruguay	6. 6. 1933

¹ Has denounced this Convention.

BULGARIA

In reply to a direct request made by the Committee of Experts, the Government states that, under point 3 (a) of the regulations on working hours in the making of bread and similar products, an exception in respect of night work is made only in connection with the wholesale manufacture of biscuits. Furthermore, the exceptions for which provision is made in Article 4 of the Convention are only allowed in conformity with the requirements of that point.

SPAIN

In reply to an observation made in 1966 by the Committee of Experts, the Government communicated the text of a resolution of 2 November 1962 of the Department for the Organisation of Labour by which an authorisation to carry out night work in a bakery was rescinded.

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

Countries	Ratification registered on	Countries	Ratification registered on
Albania	17. 3. 1932	Ireland	5. 7. 1930
Argentina	14. 3. 1950	Japan	8. 10. 1928
Australia	18. 4. 1931	Luxembourg	16. 4. 1928
Austria	29. 12. 1927	Mexico	9. 3. 1938
Belgium	15. 2. 1928	Netherlands	13. 9. 1927
Brazil	18. 6. 1965	New Zealand	29. 3. 1938
Bulgaria	29. 11. 1929	Nicaragua	12. 4. 1934
Burma	14. 1. 1928	Norway	28. 1. 1957
Colombia	20. 6. 1933	Pakistan	14. 1. 1928
Cuba	7. 9. 1954	Sweden	28. 1. 1957
Czechoslovakia	25. 5. 1928	United Kingdom ¹	16. 9. 1927
Denmark	18. 5. 1955	Uruguay	6. 6. 1933
Finland	5. 4. 1929	Venezuela	20. 11. 1944
France ¹	13. 1. 1932		
Hungary	3. 2. 1931		
India	14. 1. 1928		

¹ Conditional ratification.

BRAZIL (First Report)

There has not so far been any trend towards emigration from the national territory and so it has not proved necessary either to set up an official service responsible for inspecting emigrants or to adopt legislation on the subject.

According to the Constitution, once an international labour Convention has entered into force and as soon as it has been approved by the Congress and published by virtue of a decree of promulgation, it is incorporated in the national legislation and thus has the effect of rescinding or modifying any previous legislative provision which is incompatible with the terms of the Convention.

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Luxembourg	16. 4. 1928
Australia	1. 4. 1935	Malta	4. 1. 1965
Belgium	3. 10. 1927	Mauritania	8. 11. 1963
Brazil	18. 6. 1965	Mexico	12. 5. 1934
Bulgaria	29. 11. 1929	Morocco	14. 3. 1958
Burma	31. 10. 1932	Netherlands	15. 12. 1937
Canada	30. 6. 1938	New Zealand	29. 3. 1938
Chile	18. 10. 1935	Nicaragua	12. 4. 1934
China	2. 12. 1936	Norway	29. 3. 1940
Colombia	20. 6. 1933	Pakistan	31. 10. 1932
Cuba	7. 7. 1928	Peru	4. 4. 1962
Finland	8. 4. 1947	Poland	8. 8. 1931
France	4. 4. 1928	Sierra Leone	15. 6. 1961
Federal Republic of Germany	20. 9. 1930	Singapore	25. 10. 1965
Ghana	18. 3. 1965	Somalia (ex-Trust Territory)	18. 11. 1960
India	31. 10. 1932	Spain	23. 2. 1931
Iraq	4. 10. 1966	United Kingdom	14. 6. 1929
Ireland	5. 7. 1930	Uruguay	6. 6. 1933
Italy	10. 10. 1929	Venezuela	20. 11. 1944
Japan	22. 8. 1955	Yugoslavia	30. 9. 1929

BRAZIL (First Report)

Consolidation of Labour Laws, Legislative Decree No. 5452 of 1 May 1943 (*Diário Oficial*, 9 Aug. 1943, Year LXXXII, No. 184, p. 11937) (*L.S.* 1943—Braz 1).

Decree No. 58817 of 14 July 1966 to promulgate the Seamen's Articles of Agreement Convention, 1926 (No. 22).

Decree No. 5798 of 11 June 1940 to establish regulations on maritime traffic, as amended by Decree No. 50114 of 26 January 1961.

Commercial Code.

The Convention has become part of the national legislation.

Article 1 of the Convention. National maritime traffic consists of major and minor coastal traffic, and there is no other special home trade system. No tonnage limit has been set for this type of commercial shipping.

Article 2. Trade with neighbouring countries is carried on by means of ships in major and minor coastal traffic. As regards clause (b) of this Article, the national legislation does not exclude the ship's master from the articles of agreement.

Article 3. These provisions are applied by Chapters XLIII to XLIX of the regulations on maritime traffic, sections 453 *et seq.* of the Commercial Code, and sections 148 to 153 and 248 to 252 of the Consolidation of Labour Laws.

Article 5. Sections 329 and 330 of the regulations on maritime traffic and Order No. 685 of 4 December 1958 of the Ministry of Communications and Public Works ensure the application of this Article.

Article 6. Engagement for an indeterminate period is allowed under section 443 of the Consolidation of Labour Laws. In the case of an engagement for an indeterminate period the amount of notice required, which varies from eight to 30 days, is

the same for both parties under section 487 of the Consolidation of Labour Laws. In conformity with Article 6, paragraph 3 (12), of the Convention, national legislation requires other particulars to be included in the articles of agreement (sections 412 *et seq.* of the regulations on maritime traffic and sections 543 *et seq.* of the Commercial Code).

Article 9. Under section 489 of the Consolidation of Labour Laws, termination of a contract becomes effective at the end of the required period of notice. However, if services continue to be rendered the contract remains in force as if no notice had been given.

Article 10. Provisions in conformity with this Article are contained in sections 482 and 483 of the Consolidation of Labour Laws, sections 555 and 556 of the Commercial Code and section 451 of the regulations on maritime traffic.

Articles 11 and 12. These are applied by the same legislative provisions as those mentioned in respect of Article 10.

The application of the above-mentioned legislation is the responsibility of the maritime labour delegations and the Maritime Labour Board.

GHANA (First Report)

See under Convention No. 8.

Article 1 of the Convention. The relevant legislation applies to every ship except those of less than 100 gross tons engaged exclusively on the coasts of Ghana.

Article 2. Section 319 of the Merchant Shipping Act, 1963, contains definitions of "vessel", "seaman", "master" and "home trade ship".

Articles 3 and 4. These Articles are applied by sections 82 to 89 and 102 (2) of the Act.

Article 5. This Article is applied by section 94. The discharge book is of the same model as that in use on board other Commonwealth ships.

Article 6. Sections 82 and 83 contain provisions as to the form and conditions of the agreement.

Article 7. The form of agreement embodies a list of the crew by virtue of sections 81 (3) and 82 (2) (b) and (d) of the Act.

Article 8. This Article is applied by section 84.

Article 9. Section 124 (3) of the Act provides for the exceptional circumstances in which notice, even when duly given, shall not terminate an agreement.

Article 10. Section 109 (1) contains provisions for the termination of the agreement where a seaman is left behind, abroad, owing to unfitness or inability to proceed on the voyage.

Articles 11 and 12. In application of section 82 (3) of the Act a clause is usually inserted in the agreement which provides that after one voyage from one port to another in the national territory, the master may discharge any member of the crew in any port in the national territory without notice, if the circumstances in his opinion so require.

Article 14. Sections 94 and 95, which deal with the nature of the certificate of discharge and of a seaman's character, apply this Article.

Article 15. The Merchant Shipping Act implements these provisions.

The enforcement of the legislation is entrusted to the Shipping Section of the Ministry of Communications and to the Mercantile Marine Offices.

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Mauritania	8. 11. 1963
Belgium	3. 10. 1927	Mexico	12. 5. 1934
Bulgaria	29. 11. 1929	Netherlands	5. 5. 1948
China	2. 12. 1936	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Peru	4. 4. 1962
Cuba	7. 7. 1928	Philippines	17. 11. 1960
France	4. 3. 1929	Poland	8. 8. 1931
Federal Republic of Germany . .	14. 3. 1930	Somalia (ex-Trust Territory) . .	18. 11. 1960
Ghana	18. 3. 1965	Spain	23. 2. 1931
Ireland	5. 7. 1930	Switzerland	21. 4. 1960
Italy	10. 10. 1929	Uruguay	6. 6. 1933
Luxembourg	16. 4. 1928	Yugoslavia	30. 9. 1929

(See pp. 237-238 : " List of Reports Containing Information Which Has Not Been Summarised ".)

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

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

ECUADOR (First Report)

Compulsory Social Insurance Act, 1942 (*Registro Oficial*, 25 July 1942, No. 574, p. 3549) (*L.S.* 1942—Ec. 1) (revised in 1958).

Medical Care Regulations.

Statutes of the Department of Medical Care.

See also under Convention No. 2.

Article 1 of the Convention. The sickness insurance scheme has a wider scope than that envisaged in the Convention.

Article 2, paragraph 1. Public and private employees, wage earners and apprentices under apprenticeship contracts are protected by the insurance scheme, whereas homeworkers and domestic servants are exempted.

Paragraph 2, clause (a). Casual workers and temporary workers are exempt from insurance.

Clause (b). The national legislation establishes the maximum wage from which contributions are deductible at 6,000 sucres per month. In the case of higher wages the insured person subscribes on the basis of the prescribed maximum. The minimum wage from which an insurance contribution is deductible is 240 sucres per month.

Clause (c). Advantage is not taken of the optional clause relating to workers who are not paid a money wage. Wages are generally paid in cash.

Clause (d). Homeworkers are exempt from social insurance, as are casual workers, temporary workers, etc.

Clause (e). For the purposes of social insurance there is no minimum or maximum age-limit.

Clause (f). The spouse, children under 18 years of age, and parents of the employer are exempt from membership of the insurance scheme.

Paragraph 3. The provisions of this paragraph apply in respect of foreigners who can prove to the National Welfare Institute that they are covered by an insurance scheme which provides them with benefits at least equivalent to the national insurance scheme.

Article 3, paragraph 1. According to the draft statutes of the Medical Department sickness insurance benefit includes cash benefit payable during the period of incapacity and up to a maximum of six months.

Paragraph 2. Under the draft statutes, in order to be entitled to cash benefit a minimum of six monthly contributions are required, of which at least two must be in respect of the six months preceding the sickness.

Paragraph 3, clauses (a) and (b). The receipt of cash benefit together with wages is not allowed. If wages are less than the benefit, it will be for the insurance to make up the difference.

Clause (c). The payment of benefit will be suspended if an insured person refuses, without valid reason, to comply with medical instructions, but will be restored when the insured person alters his behaviour, although the benefits withheld will not be paid retroactively.

Paragraph 4. When sickness is intentionally provoked by an insured person, he will not be entitled to benefit.

Article 4, paragraph 1. An insured person shall be entitled from the beginning of the sickness and for the whole of the time necessary for the recovery of his health, without any time limit, to medical, surgical, dental and pharmaceutical assistance.

Paragraph 2. Medical care is free and in no case is the insured person requested to share in the cost of such care.

Paragraph 3. The insurance authority may suspend medical care provided to an insured person if he does not comply with the instructions of the doctor who is treating him.

Article 5. Section 3 of Emergency Legislative Decree No. 27 provides for the extension of sickness and maternity insurance to members of insured persons' families, and states: "the National Welfare Institute, subject to the approval of the Governing Body, shall extend sickness and maternity insurance to members of insured persons' families in the form and under the conditions laid down in the rules and statutes, on the basis of the payment of a special premium which will be calculated by its Actuarial Department."

Article 6, paragraph 1. Sickness insurance is administered by the Medical Department of Social Insurance, which is an autonomous entity; its funds are subject to the control of the National Welfare Institute, which is the highest authority in respect of social insurance.

Paragraph 2. Insured persons themselves participate in the administration of the Institute.

Article 7, paragraph 1. Both employees and employers contribute to sickness and maternity insurance.

Paragraph 2. As regards financial support for the medical and maternity services, the statutes merely mention the amount of the contributions paid by insured persons and employers. The State bears the full cost of social insurance, and, as there is only one insurance scheme, what ultimately counts is the total contribution.

Article 8. The national legislation respecting sickness insurance does not limit, in any way, the obligations of the scheme as regards the employment of women before and after childbirth.

Article 9. The law expressly provides for the possibility of appeal in the case of disputes regarding the right to benefit.

Article 10. The social insurance scheme has established welfare services only in those areas of the national territory where it is necessary. The services are more or less extensive according to the density of the insured population.

URUGUAY

In reply to an observation made by the Committee of Experts, the Government indicates that a special committee of the Ministry of Health has been established to study the bases for a general sickness insurance scheme and that a special committee of the Chamber of Representatives was set up on 10 May 1966 to study a draft Bill on sickness insurance.

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Ratification registered on	Countries	Ratification registered on
Austria	18. 2. 1929	Norway	29. 5. 1961
Bulgaria	1. 11. 1930	Netherlands	15. 11. 1965
Chile	8. 10. 1931	Peru	1. 2. 1960
Colombia	20. 6. 1933	Poland	29. 9. 1948
Czechoslovakia	17. 1. 1929	Spain	29. 9. 1932
Federal Republic of Germany	23. 1. 1928	United Kingdom	20. 2. 1931
Haiti	19. 4. 1955	Uruguay	6. 6. 1933
Luxembourg.	16. 4. 1928	Yugoslavia	21. 5. 1952
Nicaragua	12. 4. 1934		

URUGUAY

See under Convention No. 24.

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Lebanon	26. 7. 1962
Australia	9. 3. 1931	Lesotho	31. 10. 1966
Belgium	11. 8. 1937	Luxembourg	3. 3. 1958
Bolivia	19. 7. 1954	Malagasy Republic	1. 11. 1960
Botswana	18. 10. 1966	Malawi	22. 3. 1965
Brazil	25. 4. 1957	Mali	22. 9. 1960
Bulgaria	4. 6. 1935	Malta	4. 1. 1965
Burma	21. 5. 1954	Mauritania	20. 6. 1961
Burundi	11. 3. 1963	Mexico	12. 5. 1934
Cameroon:		Morocco	14. 3. 1958
Eastern Cameroon	7. 6. 1960	Netherlands	10. 11. 1936
Western Cameroon	29. 1. 1963	New Zealand	29. 3. 1938
Canada	25. 4. 1935	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Nigeria	16. 6. 1961
Chile	31. 5. 1933	Norway	7. 7. 1933
China	5. 5. 1930	Paraguay	24. 6. 1964
Colombia	20. 6. 1933	Peru	4. 4. 1962
Congo (Brazzaville)	10. 11. 1960	Portugal	10. 11. 1959
Congo (Kinshasa)	20. 9. 1960	Rwanda	18. 9. 1962
Cuba	24. 2. 1936	Senegal	4. 11. 1960
Czechoslovakia	12. 6. 1950	Sierra Leone	15. 6. 1961
Dahomey	12. 12. 1960	Republic of South Africa	28. 12. 1932
Dominican Republic	5. 12. 1956	Spain	8. 4. 1930
Ecuador	6. 7. 1954	Sudan	18. 6. 1957
France	18. 9. 1930	Switzerland	7. 5. 1947
Gabon	14. 10. 1960	Syrian Arab Republic	10. 5. 1960
Federal Republic of Germany	30. 5. 1929	Tanzania:	
Ghana	2. 7. 1959	Tanganyika	19. 11. 1962
Guatemala	4. 5. 1961	Zanzibar	22. 6. 1964
Guinea	21. 1. 1959	Togo	7. 6. 1960
Guyana	8. 6. 1966	Tunisia	15. 5. 1957
Hungary	30. 7. 1932	Uganda	4. 6. 1963
India	10. 1. 1955	United Arab Republic	10. 5. 1960
Iraq	26. 11. 1962	United Kingdom	14. 6. 1929
Ireland	3. 6. 1930	Upper Volta	21. 11. 1960
Italy	9. 9. 1930	Uruguay	6. 6. 1933
Ivory Coast	21. 11. 1960	Venezuela	20. 11. 1944
Jamaica	8. 7. 1963	Viet-Nam	14. 6. 1955
Kenya	13. 1. 1964	Zambia	2. 12. 1964

AUSTRALIA

South Australia.

Industrial Code Amendment Act, 1966.

CAMEROON

Western Cameroon

The Finance Act for 1966-67 has introduced a guaranteed minimum wage for all occupations, the rate of which will be fixed by decree.

CANADA

Federal Legislation.

Canada Labour (Standards) Code, assented to 18 March 1965 (13-14 Eliz. II, Ch. 38) (*Acts of the Parliament of Canada*, 1964-65, Part I, p. 307) (L.S. 1965—Can. 1 A).

Part II of the Code, which came into force in July 1965, sets minimum wages for industries under federal jurisdiction.

CHINA

In reply to a direct request made by the Committee of Experts, the Government indicates that, under the draft Labour Code, minimum wage-fixing procedures will provide for consultation of employers and workers and will apply not only to industry but also to commerce and home industries. Meanwhile, draft temporary basic wage regulations for industrial workers have been prepared, which enable employers and workers to contribute their opinion as regards the examination and adjustment of basic wages.

CONGO (KINSHASA)

Legislative Ordinance No. 268 A of 30 April 1966 respecting the regulation of national minimum wages and minimum family allowances (*Moniteur congolais*, 15 June 1966, pp. 368 ff.).

Ordinance No. 268 B of 30 April 1966 respecting measures for the application of Legislative Ordinance No. 268 A of 30 April 1966 (*ibid.*, 15 June 1966, p. 375).

CZECHOSLOVAKIA

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

Act No. 113 of 10 November 1965 to set up a State Commission on Finance, Prices and Wages (S.Z., 10 Nov. 1965, No. 49).

Notification No. 91 of 25 August 1965 of the State Commission on Wages (S.Z., 25 Aug. 1965).

In reply to an observation made by the Committee of Experts, the Government indicates that Act No. 244 of 1948, which permitted the lowering of the minimum wage rates in certain cases, has been repealed by the Labour Code of 1965.

Under the Labour Code, an undertaking is bound to pay to a worker wages based on the statutory requirements in this respect or on collective agreements; the payment of wages on any other basis is not allowed.

LESOTHO

Article 2 and Article 3, paragraph 2 (1) and (2), of the Convention. In reply to a direct request made by the Committee of Experts, the Government states that the National Advisory Committee on Labour, appointed under the Trade Unions and Trade Disputes Law, 1964, would be consulted in regard to the fixing of minimum wages.

MOROCCO

In reply to a request made by the Committee of Experts, the Government states that the relevant legislation is applicable to the whole country.

PARAGUAY (First Report)

Labour Code, Act No. 729 of 31 August 1961 (*Gaceta Oficial de la República del Paraguay*, 31 Aug. 1961, No. 64) (L.S. 1961—Par. 1).

Article 1 of the Convention. Sections 250 *et seq.* of the Labour Code lay down the procedure for fixing a minimum wage.

Articles 2 and 3. Employers' and workers' organisations are consulted through their representatives on the National Minimum Wage Board, which submits proposals to the National Board of Economic Co-ordination (section 255 of the Code).

The minimum wage is due to every worker who has attained 18 years of age (section 258); any contractual clause providing for a lower wage is null and void.

Article 4. Section 381 of the Code prescribes fines for any employer who pays a worker a wage below the legal minimum. Payment of the minimum wage is supervised by the inspection service of the Labour Department.

UGANDA

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

Article 2 of the Convention. This Article is applied by sections 3 and 4 of the Minimum Wages Advisory Boards and Wages Councils Act, 1957, read with the First Schedule.

Article 3, paragraph 2 (2). In practice, representatives of employers and workers are associated fully with advisory boards.

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

This Convention came into force on 9 March 1932

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Italy	18. 7. 1933
Australia	9. 3. 1931	Japan	16. 3. 1931
Austria	16. 8. 1935	Luxembourg	1. 4. 1931
Belgium	6. 6. 1934	Mexico	12. 5. 1934
Bulgaria	4. 6. 1935	Morocco	20. 9. 1956
Burma	7. 9. 1931	Netherlands	4. 1. 1933
Burundi	11. 3. 1963	Nicaragua	12. 4. 1934
Canada	30. 6. 1938	Norway	1. 7. 1932
Chile	31. 5. 1933	Pakistan	7. 9. 1931
China	24. 6. 1931	Peru	4. 4. 1962
Congo (Kinshasa)	20. 9. 1960	Poland	18. 6. 1932
Cuba	7. 9. 1954	Portugal	1. 3. 1932
Czechoslovakia	26. 3. 1934	Rumania	7. 12. 1932
Denmark ¹	18. 1. 1933	Republic of South Africa ¹	21. 2. 1933
Finland	8. 8. 1932	Spain	29. 8. 1932
France	29. 7. 1935	Sweden	11. 4. 1932
Federal Republic of Germany	5. 7. 1933	Switzerland	8. 11. 1934
Greece	30. 5. 1936	Uruguay	6. 6. 1933
Hungary	6. 12. 1937	Venezuela	17. 12. 1932
India	7. 9. 1931	Viet-Nam	6. 6. 1953
Indonesia	12. 6. 1950	Yugoslavia	22. 4. 1933
Iraq	21. 11. 1966		
Ireland	5. 7. 1930		

¹ Conditional ratification.

LUXEMBOURG

In reply to a direct request made by the Committee of Experts, the Government indicates that until now no measures to apply the Convention have been taken. It is considered necessary to elaborate such measures, and to establish a supervisory body, because inland navigation does not fall within the scope of labour inspection. A Bill for the reform of the labour and mines inspection system provides for the extension of the competence of this system to inland navigation. When this Bill is enacted, appropriate regulations will be made in order to give effect to the Convention.

28. Protection against Accidents (Dockers) Convention, 1929

This Convention came into force on 1 April 1932

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

Countries	Ratification registered on
Spain ¹	29. 8. 1932

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

IRELAND

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

Article 3, paragraph 3, of the Convention. The "safe means of access", as envisaged in the Dock (Safety, Health and Welfare) Regulations, 1960, implies that there would be an offence if the angle of inclination of such appliances is unsafe for use of any worker or if the appliances are not constructed of materials of good quality and in good condition.

Article 6. Inspection reports do not indicate that there have been accidents as a result of unprotected openings other than hatch openings. In any case of danger arising from such an opening the district court may prohibit the "process".

LUXEMBOURG

See under Convention No. 27.

NICARAGUA

Regulations governing safety measures in the loading and unloading of ships, which ensure full application of the Convention, were promulgated on 19 October 1966.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Countries	Ratification registered on	Countries	Ratification registered on
Albania	25. 6. 1957	Kenya	13. 1. 1964
Algeria	19. 10. 1962	Laos	23. 1. 1964
Argentina	14. 3. 1950	Lesotho	31. 10. 1966
Australia	2. 1. 1932	Liberia	1. 5. 1931
Austria	7. 6. 1960	Libya	13. 6. 1961
Belgium	20. 1. 1944	Luxembourg	24. 7. 1964
Botswana	18. 10. 1966	Malagasy Republic	1. 11. 1960
Brazil	25. 4. 1957	Malaysia:	
Bulgaria	22. 9. 1932	States of Malaya	11. 11. 1957
Burma	4. 3. 1955	Sabah, Sarawak	3. 3. 1964
Burundi	11. 3. 1963	Mali	22. 9. 1960
Byelorussia	21. 8. 1956	Malta	4. 1. 1965
Cameroon:		Mauritania	20. 6. 1961
Eastern Cameroon	7. 6. 1960	Mexico	12. 5. 1934
Western Cameroon	3. 9. 1962	Morocco	20. 5. 1957
Central African Republic	27. 10. 1960	Netherlands	31. 3. 1933
Ceylon	5. 4. 1950	New Zealand	29. 3. 1938
Chad	10. 11. 1960	Nicaragua	12. 4. 1934
Chile	31. 5. 1933	Niger	27. 2. 1961
Congo (Brazzaville)	10. 11. 1960	Nigeria	17. 10. 1960
Congo (Kinshasa)	20. 9. 1960	Norway	1. 7. 1932
Costa Rica	2. 6. 1960	Pakistan	23. 12. 1957
Cuba	20. 7. 1953	Panama	16. 5. 1966
Cyprus	23. 9. 1960	Peru	1. 2. 1960
Czechoslovakia	30. 10. 1957	Poland	30. 7. 1958
Dahomey	12. 12. 1960	Portugal	26. 6. 1956
Denmark	11. 2. 1932	Rumania	28. 5. 1957
Dominican Republic	5. 12. 1956	Senegal	4. 11. 1960
Ecuador	6. 7. 1954	Sierra Leone	13. 6. 1961
Finland	13. 1. 1936	Singapore	25. 10. 1965
France	24. 6. 1937	Somalia	18. 11. 1960
Gabon	14. 10. 1960	Spain	29. 8. 1932
Federal Republic of Germany	13. 6. 1956	Sudan	18. 6. 1957
Ghana	20. 5. 1957	Sweden	22. 12. 1931
Greece	13. 6. 1952	Switzerland	23. 5. 1940
Guinea	21. 1. 1959	Syrian Arab Republic	26. 7. 1960
Guyana	8. 6. 1966	Tanzania:	
Haiti	4. 3. 1958	Tanganyika	30. 1. 1962
Honduras	21. 2. 1957	Zanzibar	22. 6. 1964
Hungary	8. 6. 1956	Togo	7. 6. 1960
Iceland	17. 2. 1958	Trinidad and Tobago	24. 5. 1963
India	30. 11. 1954	Tunisia	17. 12. 1962
Indonesia	12. 6. 1950	Uganda	4. 6. 1963
Iran	10. 6. 1957	Ukraine	10. 8. 1956
Iraq	27. 11. 1962	U.S.S.R.	23. 6. 1956
Ireland	2. 3. 1931	United Arab Republic	29. 11. 1955
Israel	7. 6. 1955	United Kingdom	3. 6. 1931
Italy	18. 6. 1934	Upper Volta	21. 11. 1960
Ivory Coast	21. 11. 1960	Venezuela	20. 11. 1944
Jamaica	26. 12. 1962	Viet-Nam	6. 6. 1953
Japan	21. 11. 1932	Yugoslavia	4. 3. 1933
Jordan	6. 6. 1966	Zambia	2. 12. 1964

CONGO (KINSHASA)

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

Sections 71 to 75 of the decree of 10 May 1957 providing for compulsory cultivation and maintenance and for labour in the communal interest are provisional measures. Their repeal depends upon the improvement of conditions in the country.

Under sections 9, 10 and 64 of Ordinance No. 344 of 17 September 1965, only persons detained by virtue of a judicial decision are required to work, while other detained persons work only if they so request.

The decree of 31 July 1920, which permits the imposition of certain requirements to work on the population in case of military occupation of the area, applies only when normal conditions of existence are endangered by insurrection or violence.

Requisition of persons under section 1 of the ordinance of 11 June 1940 is limited to exceptional cases.

LAOS

In reply to a request made by the Committee of Experts, the Government states that the provisions of section 3 of the decree of 30 December 1936, permitting compulsory labour as a transitional and exceptional measure, are no longer in force.

LUXEMBOURG (First Report)

There is no forced labour within the meaning of the Convention. However, the Act approving the ratification of Conventions Nos. 29 and 105 repealed certain orders which had long since fallen into disuse and which might have been regarded as being inconsistent with the provisions of those Conventions, namely the order of 21 February 1945 governing agricultural labour, the order of 14 March 1945 authorising the employment in agriculture and in the reconstruction of the country of political detainees and offenders, and the order of 4 May 1945 making it possible to compel enemy aliens and internees to work, particularly in agriculture and the reconstruction of the country.

The illegal imposition of forced labour would be punishable by penal sanctions under sections 147 *et seq.* and 434 *et seq.* of the Penal Code.

NETHERLANDS

In reply to a direct request made by the Committee of Experts, the Government states that section 6 of the Extraordinary Employment Relations Order, 1945 (which—in the absence of mutual consent or compelling reasons—prohibits employees, subject to penal sanctions, from terminating employment relationships without official consent), is still in force. The Government does not consider these provisions to involve compulsory labour within the meaning of the Convention, since the worker voluntarily enters into the employment contract.

PANAMA (First Report)

Political Constitution of 1 March 1946 (*Gaceta Oficial*, 4 Mar. 1946, p. 1).
See also under Convention No. 12.

No form of forced labour exists.

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

This Convention came into force on 29 August 1933

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Mexico	12. 5. 1934
Austria ¹	16. 2. 1933	New Zealand	29. 3. 1938
Bulgaria	22. 6. 1932	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Norway	29. 6. 1953
Cuba	24. 2. 1936	Panama	16. 2. 1959
Finland	13. 1. 1936	Paraguay	21. 3. 1966
Guatemala	4. 8. 1961	Spain	29. 8. 1932
Haiti	31. 3. 1952	Syrian Arab Republic	10. 5. 1960
Iraq	26. 11. 1962	United Arab Republic	10. 5. 1960
Israel	26. 6. 1951	Uruguay	6. 6. 1933
Kuwait	21. 9. 1961		
Luxembourg	3. 3. 1958		

¹ Conditional ratification.

BULGARIA

In reply to a direct request made by the Committee of Experts concerning the application of Article 6 of the Convention, the Government states that it would be possible to extend the daily maximum limit of ten hours to the category of workers mentioned in section 6 (f) of the ordinance of 10 July 1959.

CHILE

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

The Ministry of Labour and Social Affairs has been asked to take into account the comments of the Committee of Experts in connection with the revision of the Labour Code at present under consideration, so as to bring the national legislation into line with the provisions of the Convention.

Municipal employees are covered by section 5 of the Labour Code, and no special legislation has been adopted.

A copy of Decree No. 338 of 6 April 1960 was attached to the Government's report.

FINLAND

Act of 30 December 1965 (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.-F.F.)*, 1965, No. 746, p. 1603) (*L.S.* 1965—Fin. 1 B) to amend Act No. 605 of 2 August 1946 respecting conditions of employment in commercial establishments and in offices (*S.A.-F.F.*, 6 Aug. 1946, p. 1000) (*L.S.* 1946—Fin. 4 B).

Articles 2 to 6 of the Convention. Under section 4 of the Act as amended, normal hours of work in commercial establishments and offices may not exceed eight in the day and 40 in the week. Redistribution is permitted, the daily increase being limited to one hour; the same limit applies in the case of averaging over a maximum period of three weeks, when normal hours may not exceed 48 in any one week. In respect of passenger and goods transport and of loading and unloading of goods, and also in other cases but subject to authorisation by the Labour Council, averaging is per-

mitted over a maximum period of three weeks after consultation with the organisations of employers and workers concerned, maximum daily hours being limited to ten. National employers' and workers' organisations may agree on different systems of averaging, provided that normal hours of work do not exceed ten in the day and 48 in the week.

Article 7. Section 5 of the amended Act determines cases where overtime may be permitted in excess of normal working hours of ten in the day and 48 in the week, provided that the employee shall be granted an uninterrupted rest period of not less than ten or 12 hours, according to the case, in any period of 24 hours. The same section prescribes an annual maximum of additional hours; for special reasons this may be exceeded by not more than 50 per cent. with the authorisation of the Labour Council. An employee may be employed overtime, with his consent, for not more than three hours in the week for the performance of preparatory and complementary operations. Overtime performed in excess of the statutory normal daily hours of work shall be remunerated at the rate of time-and-a-half for the first two hours and double time for the following hours. For overtime performed in excess of normal weekly hours of work an employee shall be paid at the rate of time-and-a-half. Through collective agreements, organisations of employers and workers may make arrangements for compensation of overtime work, subject to a minimum rate for such work of time-and-a-quarter when hours of work exceed 48 a week.

In reply to a direct request made by the Committee of Experts, it is pointed out that the comments of the Committee were taken into consideration in connection with the amendment of the 1946 Act.

According to a statement by the Labour Council issued on 8 April 1965, since normal hours of work are prescribed both by the day and by the week, overtime compensation must be paid also in respect of hours which exceed the daily maximum.

IRAQ

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

Article 1 of the Convention. Postal and telephone workers are exempted from the provisions of the Labour Law and are covered by a special law.

As persons remunerated wholly by a share in the employer's profits or by a percentage levied on the volume of business or production are exempted from the provisions of the Labour Law, it is not possible to indicate in detail what categories of persons are in practice exempted.

Section 8 of the Labour Law exempts an employer from applying normal hours of work, subject to the approval of the Minister of Labour and Social Affairs and within the limits prescribed in the relevant sections of the Law. In addition, it has been customary to obtain the written agreement of the workers before allowing an employer to adopt such a system.

Articles 4 and 6. No recourse is had to these provisions. Section 131 of the Labour Law would apply in the event of recourse being had to Article 4 of the Convention.

Article 7. The suggestion of the Committee regarding the modification of section 7 of the Labour Law will be taken into consideration in the new draft Labour Law.

Exemptions concerning intermittent, preparatory or complementary work are provided for by section 10 of the Labour Law.

Article 8. The employers' and workers' organisations will be consulted as required.

Article 11. Inspectors on their visits ensure that notices regarding hours of work and rest periods are posted. Regulation No. 11 of 1958 provides for the keeping of records of overtime worked and of payment for overtime.

KUWAIT

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

Article 11, paragraph 1, of the Convention. The Labour Inspection Division of the Ministry of Social Affairs is the competent authority in this field.

See also under Convention No. 1.

LUXEMBOURG

Grand-Ducal Regulations of 28 October 1964 respecting the hours of work of salaried employees in the private sector (*Mémorial*, Series A, 17 Nov. 1964).
Instructions of 20 July 1966 to ministerial departments, administrations and public services respecting hours of work, annual holidays, etc.

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

Article 1 of the Convention. Section 3 of the Act of 20 April 1962 is wide in concept and does not exclude manual work when there is an intellectual element in the task carried out. In practice all persons occupied in commerce and offices, including manual workers, are covered by the above-mentioned Act, which provides for a shorter working day than the Convention.

Article 7. The possibility of working overtime is governed by section 5 of the Grand-Ducal Regulation of 28 October 1964 (a copy of which was attached to the Government's report), which limits overtime to two hours a day and total hours of work to ten a day.

The possibility granted to the heads of certain departments by section 4 of the instructions of 23 March 1961 to alter normal working hours "in the interests of the service and the public" is limited to fixing the opening and closing hours of offices or the hours of work of staff in respect of the time they have to attend to the public, and does not affect the normal working day of service, which may not exceed eight hours. Furthermore, the new instructions of 20 July 1966 (a copy of which was attached to the Government's report) have reduced the working week from 44 to 42 hours.

PANAMA (First Report)

See under Conventions Nos. 12 and 29.

Article 1 of the Convention. In private undertakings maximum hours of work are 48 a week and eight a day for day work; 45 a week and seven-and-a-half a day for mixed day and night work; and 42 a week and seven a day for night work. In all cases minimum hours are 36 a week and six a day. Public servants work eight hours a day and 40 hours a week.

Article 2. Hours of work are the time during which a worker is at the disposal of the employer (section 154 of the Labour Code).

Article 5. Normal hours of work cannot exceed the limits laid down in the Labour Code or the lower limits fixed by a work contract. The total of normal working hours plus overtime cannot exceed 11 a day, except in cases provided for under the Labour Code.

Article 6. Employers and workers can, with the approval of the competent labour authorities, conclude agreements with a view to the redistribution of hours of work within the maximum limits laid down by the law.

Article 11. The labour inspectorate is responsible for supervising the observance of the provisions regarding hours of work.

Internal works rules are required to be approved by the competent ministry and displayed permanently and visibly, and they must indicate hours of work and rest. Similarly, the obligation to fix hours of work is laid down in written contracts. Undertakings have to keep a card index showing the conditions of work of each worker.

Article 12. Any violation of the labour legislation relating to this Convention renders the offender liable to penalties to be imposed by the competent labour authorities or by the labour courts.

SYRIAN ARAB REPUBLIC

See under Convention No. 1.

UNITED ARAB REPUBLIC

Presidential Decree No. 560 of 1960 respecting the composition and powers of the Labour Advisory Board.

In reply to a direct request made by the Committee of Experts, the Government states that by virtue of section 3 of the above-mentioned decree the Labour Advisory Board shall examine any draft Bill as well as all questions relating to labour (Article 8 of the Convention).

See also under Convention No. 1.

URUGUAY

Decree of 21 December 1965 respecting hours of work in commercial establishments on special national public holidays, as well as time off and financial compensation granted to persons working during those hours.

Act No. 13320 of 28 December 1964 prescribing special financial compensation and corresponding hours of work for the postal services of the General Post Office.

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

Article 1, paragraph 1 (a), of the Convention. The decree of 29 October 1957 is applicable to non-state undertakings. The postal and telegraphic services are state-run and are governed by special regulations issued by the Executive (internal regulations).

Article 6 and Article 7, paragraphs 1 and 2. See under Convention No. 1, Articles 5 and 6.

Article 7, paragraph 3. The overtime permitted under the decree of 21 December 1965 does not supersede normal weekly hours, since the Government, when authorising such overtime, provides for compensation in the form of time off and extra wages.

Article 11, paragraph 2. See under Convention No. 1, Article 8.

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

This Convention came into force on 30 October 1934

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mexico	12. 5. 1934
Argentina	14. 3. 1950	Netherlands	25. 8. 1964
Belgium	2. 7. 1952	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Nigeria	16. 6. 1961
Canada	6. 4. 1946	Norway	23. 6. 1956
Chile	18. 10. 1935	Pakistan	10. 2. 1947
China	30. 11. 1935	Peru	4. 4. 1962
Cuba	7. 9. 1954	Sierra Leone	15. 6. 1961
Finland	23. 8. 1949	Singapore	25. 10. 1965
France	27. 5. 1955	Spain	28. 7. 1934
Honduras	17. 11. 1964	Sweden	3. 8. 1938
India	10. 2. 1947	Tanzania (Tanganyika)	19. 11. 1962
Italy	30. 10. 1933	United Kingdom	10. 1. 1935
Kenya	13. 1. 1964	Uruguay	6. 6. 1933
Malta	4. 1. 1965		

BULGARIA

In reply to a direct request made by the Committee of Experts, the Government indicates that the Committee's comments will be taken into account in the course of a further amendment of the regulations respecting the technical safety of water transport.

CHINA

In reply to observations made by the Committee of Experts, the Government states that it intends to bring the regulations for the safety and protection of dock-workers into line with the Convention.

CUBA

The general principles for the organisation of labour protection and occupational health, approved by the Council of Ministers in its decision of 8 September 1964, include provisions relating to the Convention.

The requirements of Article 9 of the Convention are met by Chapter III, section IV, of the general principles.

The requirements of Article 11, paragraphs 2, 3 and 5, are met by Chapter III, sections IV, V and VI, of the general principles.

In the port of Havana there are infirmaries for providing first aid, and, if necessary, victims of accidents are taken to the orthopaedic hospital.

The requirements of Article 17, paragraph 3, are met by Chapter II, section IV, of the general principles.

FINLAND

The work previously referred to in connection with the improvement of lighting facilities in ports has continued.

Provision has been made for increased inspection of loading and unloading operations.

Overloading of lifting devices has been authorised under conditions prescribed by the Ministry of Social Affaires.

FRANCE

Order of 7 July 1965 to prescribe precautions to be taken in the loading and unloading of sea-going vessels (*Journal officiel*, 23 July 1965).

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

The competent authorities are at present studying the text of an enactment designed to extend the application of the Convention to vessels engaged in inland navigation.

Article 17 of the Convention. The text of the Convention is posted up at work-places, and safety instructions are distributed to all port undertakings and all workers' organisations.

Such observations as have been received from workers' and employers' organisations consist mainly of letters of protest at failure to observe the instructions.

ITALY

The regulations relating to the prevention of employment injuries have been brought into effect in all ports and harbours.

The Government's report contained a complete list of all harbours of minor importance, together with those where the traffic is limited to ships of up to 1,000 tons.

Draft regulations for the prevention of employment injuries in ports and harbours are at present being prepared at the Ministry of Labour and Social Welfare.

KENYA

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

Rules 17 and 18 of the Dock Rules are administered in such a way as to cover adequately the requirements of Article 3 of the Convention.

Article 12 of the Convention is applied by the Dock Rules (rules 57 to 59) in conjunction with Part 8 of the East African Railways and Harbours Regulations, 1952.

MALTA

Dock Safety (Amendment) Regulations, 1966.

The above-mentioned regulations have been adopted to take care of the points raised by the Committee of Experts in respect of Articles 2, 3, 5 and 17 of the Convention.

Article 12 of the Convention. With regard to precautions for the protection of workers, action is taken in the Port Work Joint Council when the occasion warrants. Determinations in the Joint Council, when approved by the Minister, have the force of law.

Article 13. Under the Factories (First-Aid) Regulations, first-aid boxes or cup-boards shall be provided in all docks, wharves and quays in harbour. An ambulance service is maintained by the Government and serious cases can quickly be removed to hospital.

NETHERLANDS (First Report)

Act of 16 October 1914 respecting loading personnel (*Staatsblad (Sb.)*, 1914, No. 486).

Act of 2 July 1934 to issue provisions respecting safety in the performance of work in general and safety in factories and workplaces in particular (*Sb.*, 1934, No. 352) (*L.S.* 1934—Neth. 2).

Order of 21 November 1950 respecting safety measures in the loading and unloading of ships (*Sb.*, 1950, No. 519).

Order of 29 March 1963 respecting safety measures in inland water transport (*Sb.*, 1963, No. 170).

The Convention is applied to sea-going ships and river boats by virtue of the above-mentioned legislation.

Articles 1 to 14 of the Convention. The Government's report refers to the legal provisions corresponding to each Article of the Convention.

Article 15. The only exceptions are in respect of fishing-boats and government vessels, and in the case of river transport, mention is made of the following:

- (1) fishing boats are excepted on inland waterways;
- (2) as regards Article 2 of the Convention an exception has been made in the case of those port premises where the work of loading and unloading is not normally carried out;
- (3) as regards access to docks the regulations are less detailed than the requirements of Article 5 of the Convention;
- (4) an exception is made in relation to Article 6 of the Convention;
- (5) the rules regarding tests of hoisting equipment and gear used in connection with chains (Article 9 of the Convention) are not compulsory as regards loading and unloading equipment with a load of up to one ton.

Article 18. The Netherlands has concluded no agreements with regard to mutual recognition of certificates. In practice, however, it is only very rarely that difficulties arise in this connection.

The application of the legislation is supervised by the labour inspectorate.

SINGAPORE

In reply to a direct request made by the Committee of Experts, the Government indicates that Article 12 of the Convention is complied with by the Singapore Port Rules, Part VI, and that some other Articles are applied by orders or departmental instructions by the Port of Singapore Authorities.

SPAIN

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

Section 287 of the national regulations on dock work provides that in all areas where work is done in docks there shall be at least one copy of the recommendations made by the I.L.O. Meeting of Experts on Safety and Health in Dock Work held at Geneva from 3 to 21 December 1956.

The rules in question will be applied through the dock safety and health committees. They will also be applied by virtue of the internal dock regulations.

SWEDEN

Act of 19 November 1965 respecting safety on board ship and Royal Proclamation of 19 November 1965 respecting the application of the Act.

TANZANIA

Tanganyika

In reply to a direct request made by the Committee of Experts, the Government indicates that the inspecting officers who supervise the application of the Dock Rules see that rule 17 is applied in such a manner as to cover all the requirements of Article 3, paragraph 3, of the Convention.

Article 12 of the Convention is complied with by the East African Railways and Harbours Aide Mémoire of Special Requirements for the Working of Vessels Carrying Explosives, Dangerous and Inflammable Goods, 1963.

33. Minimum Age (Non-Industrial Employment) Convention, 1932

This Convention came into force on 6 June 1935

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Malagasy Republic	1. 11. 1960
Austria	26. 2. 1936	Mali	22. 9. 1960
Belgium	6. 6. 1934	Mauritania	20. 6. 1961
Cameroon (Eastern Cameroon)	7. 6. 1960	Netherlands	12. 7. 1935
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Spain	22. 6. 1934
Cuba ¹	24. 2. 1936	Togo	7. 6. 1960
Dahomey	12. 12. 1960	Upper Volta	21. 11. 1960
France	29. 4. 1939	Uruguay ¹	6. 6. 1933
Gabon	14. 10. 1960		
Guinea	21. 1. 1959		
Ivory Coast	21. 11. 1960		

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

AUSTRIA

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that identification at their workplace of male adolescents engaged in itinerant occupations is made possible by section 6, paragraph 1, of the Labour Inspection Act, 1956, which empowers the labour inspector to require any information from the proprietor of a firm, his representative and his employees, in any circumstances, and by section 26, paragraph 1, of the Act of 1 July 1948 respecting children and young persons in employment, which requires a record to be kept of the young persons employed in all undertakings.

CHAD

In reply to direct requests made by the Committee of Experts, the Government indicates that the new Labour and Social Welfare Code provides for a decree of application respecting work by children which contains the guarantees and restrictions mentioned in Article 3 of the Convention.

IVORY COAST

Decree No. 129 of 2 April 1965 respecting the files on workers to be kept at the manpower office, declarations concerning workers' movements to be recorded in such files, and employment cards (*Journal officiel*, 17 Apr. 1965, No. 19, Extraordinary, p. 425) (*L.S.* 1965—I.C. 2).

MAURITANIA

See under Convention No. 5.

NIGER

In reply to a direct request made by the Committee of Experts, the Government states that the draft decree to implement the Labour Code, which will take into account the Committee's comments and give effect to the provisions of Article 3, paragraphs 1 (c) and 2 (b), and of Articles 6 and 7 (b) of the Convention, is to be issued soon.

34. Fee-Charging Employment Agencies Convention, 1933

This Convention came into force on 18 October 1936

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

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

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

(See pp. 237-238: " List of Reports Containing Information Which Has Not Been Summarised ".)

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1947
Bulgaria	29. 12. 1949	Malta	4. 1. 1965
Chile	18. 10. 1935	Peru	8. 11. 1945
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Ecuador	5. 2. 1962	United Kingdom	18. 7. 1936
France	23. 8. 1939		

BARBADOS

On 21 June 1966 the Legislature passed the National Insurance and Social Security Act which, when proclaimed, will provide a system of social security for workers. The scheme will be a contributory one to which both workers and their employers will contribute. Regulations setting out the details of the scheme are being prepared and it was envisaged that the scheme would be launched early in 1967.

BULGARIA

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

Article 8 of the Convention. The authorities are examining a draft Penal Code and are also considering the possibility of abolishing the suspension of the right to a pension as an additional penalty for certain crimes.

Article 12, paragraph 5. The provisions of section 27 (6) of the regulations made under the Pensions Act of 1958 seem to be in conformity with the second sentence of this paragraph, because they provide for the withholding of pensions and not for the loss of the right to a pension. In accordance with section 146 (b) of the Labour Code the state social insurance scheme guarantees old-age, invalidity and survivors' pensions to all wage earners and salaried employees and to their dependants.

ECUADOR (First Report)

See under Convention No. 24.

Article 1 of the Convention. The provisions of the legislation respecting compulsory old-age insurance are more advantageous than the minimum rules established by the Convention.

Article 2, paragraph 1. The old-age insurance scheme covers wage earners, salaried employees and apprentices in industrial and commercial undertakings and the liberal professions; it does not cover persons working at home and in domestic service.

Paragraph 2, clause (a). The maximum wage from which a contribution can be deducted is 6,000 sucres a month. Any person receiving a higher monthly wage contributes on the basis of that figure and not of the greater amount.

Clause (b). Only agricultural workers can receive wages both in cash and in kind.

Clause (c). The social insurance scheme has no minimum or maximum age-limits governing membership.

Clauses (d) (e) and (f). Outworkers, the members of the family of an employer, casual workers and persons employed on a time basis are exempt from the compulsory social insurance scheme.

Clause (g). The fact that a person is an invalid and gets an invalidity or old-age pension is not regarded as a reason for him to be excluded from membership of the social insurance scheme.

Clause (h). The said categories of officials are not exempt. Members of the armed forces or of the police with a retirement pension who, when they were performing services covered by the insurance scheme, became members of the scheme, shall, when they retire, be entitled to an increase in their retirement pension, the cost being borne by the fund concerned.

Clause (i). These workers are not excluded.

Clause (j). Use is made of this provision of the Convention.

Paragraph 3. Use is not made of this optional provision.

Article 3. The law provides for voluntary continuation of insurance. Even if insured persons are not entitled to an old-age pension because they are not old enough, the law provides for the maintenance or prolongation of acquired rights for a period equal to half the period of effective membership, which must in no case be less than ten years.

Article 4. The minimum age of ordinary retirement is 55 years, and the retirement age increases in the same proportion as contribution periods decrease, up to retirement at the age of 70 years with ten years of insurance. There are no age-limits governing ordinary retirement in the case of 35 years' membership or more. Provision exists for special retirement at a minimum age of 45 years, with 23 years of contributions and at least six months without work.

Article 5. The right to an old-age pension is subject to the completion of a period of contributions.

Article 6. An insured person who ceases to be liable to compulsory insurance, without having caused the payment of any benefit in return for contributions paid, retains entitlement corresponding to such contributions which is transformed into rights in cases where the necessary requirements are met during the period of protection, or where there is re-entry into the compulsory insurance scheme, provided that the total of the previous contributions and the new contributions makes up the prescribed minimum.

Article 7, paragraphs 1 and 3. A pension is established on the basis of the period during which an insured person has paid contributions and of the average of the highest wages received over a period of five years. For longer periods of membership and better wages there are correspondingly greater pensions.

Paragraph 2. There are minimum rates, which at present are 150 sucres per month.

Article 8, paragraph 1. The possibility of fraudulent membership is excluded by law and in fact.

Paragraph 2, clause (a). The beneficiary of a pension who returns to work which comes within the scope of the compulsory social insurance scheme has the right to draw his pension and his pay up to an amount of 1,800 sucres per month.

Clause (b). The right to a pension is not suspended when retired persons with pensions paid exclusively by the State do paid work.

Article 9, paragraphs 1, 3 and 5. Insured persons and employers contribute to the financing of the insurance scheme.

Paragraph 2 (a) and (b). National legislation makes no exceptions in respect of contributions by apprentices, young workers, workers who are paid in kind, or workers whose wages are very low.

Paragraph 4. The State contributes to the general insurance of employees of industrial and commercial undertakings and persons in the liberal professions, 40 per cent. of pensions being paid by the National Insurance Fund.

Article 10, paragraphs 1 and 5. Insurance is administered by the National Welfare Institute and applied by the National Insurance Fund and the Medical Department. The Institute, the Fund and the Medical Department are autonomous entities in private law with welfare aims; their funds are distinct from those of the Exchequer, and the Comptroller General does not interfere with them in any way.

Paragraph 4. The three parties concerned with the implementation of the social insurance scheme—the State, the employers and the insured persons—all take part in its administration.

Article 11, paragraph 1. Insured persons and those entitled to claim in respect of them are recognised as having a right of appeal.

Paragraph 2. The National Welfare Institute settles disputes in the last resort, and there is no judicial or administrative appeal from its findings.

Paragraph 3. The law provides for the right of appeal in respect of compulsory social insurance benefits, and there is also the possibility of appeal in cases of disputes about membership and the payment of premiums.

Article 12. The Constitution establishes absolute equality of rights as between nationals and foreigners.

Article 13, paragraph 1. The Compulsory Social Insurance Act is in force throughout the whole of the national territory.

Paragraph 2. There is no agreement limiting the application of the Act.

Article 14. There is no special scheme governing the situation to which the contents of this Article refer.

Articles 15 to 22. There are no non-contributory pension schemes.

POLAND

Ordinance of 26 August 1964 of the Council of Ministers to amend the ordinance respecting the classification of paid workers in occupational categories (*Dziennik Ustaw (D.U.)*, 21 Sep. 1964, No. 34, Text 215).

Order of 20 October 1964 of the Council of Ministers respecting the raising of minimum pensions (*Monitor Polski (M.P.)*, 2 Nov. 1964, No. 75, Text 349).

Ordinance of 24 February 1965 of the Council of Ministers respecting social insurance contribution rates paid on behalf of wage earners employed in cutters and boats in individual sea fishing (*D.U.*, 6 Mar. 1965, No. 9, Text 56).

Ordinance of 5 April 1965 of the President of the Labour and Wages Committee respecting the basis for the calculation of social insurance contributions, social insurance benefits and pensions for wage earners employed in fishing boats in individual sea fishing (*D.U.*, 26 Apr. 1965, No. 15, Text 105).

Ordinance of 19 June 1965 of the Council of Ministers to amend the ordinance respecting the suspension of the right to a pension and the payment of compensatory invalidity pensions (*D.U.*, 29 June 1965, No. 26, Text 174).

Ordinance of 19 June 1965 of the Council of Ministers respecting increases in pensions on the grounds of scientific work (*D.U.*, 29 June 1965, No. 26, Text 175).

Ordinance of 18 April 1966 of the President of the Labour and Wages Committee to amend the ordinance respecting the designation of supervisory workers in mining operations and of workers employed in positions requiring the qualification of mining engineer or technician (*D.U.*, 16 May 1966, No. 16, Text 103).

Order of 19 April 1966 of the President of the Labour and Wages Committee to amend the decree respecting the definition of the components of wages forming the basis for the calculation of social insurance contributions in state undertakings (*M.P.*, 26 Apr. 1966, No. 18, Text 103).

Ordinance No. 174 of 19 June 1965 provides for the payment of half the old-age pension, the invalidity pension (second and third categories of invalidity) or a survivor's pension to beneficiaries whose earnings exceed the amount which normally requires the total suspension of the pension, on condition, however, that such earnings come from their activity in handicrafts undertakings for the benefit of the population.

In reply to a direct request made by the Committee of Experts in 1965, the Government specifies that the total number of pensions the payment of which has been suspended, because the beneficiaries had other sources of income besides the pension, amounted, according to an analysis made in 1964, to 77,980—i.e. 5.1 per cent. of all pensions for that year. There are no current statistics of suspended pensions.

UNITED KINGDOM

National Insurance, etc., Act, 1964.

National Insurance, etc., Act (Northern Ireland), 1964.

Family Allowances Act, 1965.

Family Allowances Act (Northern Ireland), 1966.

National Insurance Act, 1965.

National Insurance Act, 1966.

National Insurance Act (Northern Ireland), 1966.

National Insurance (No. 2) Act (Northern Ireland), 1966.

National Insurance (Industrial Injuries) Act (Northern Ireland), 1966.

The National Insurance Act, 1964, increased national insurance contributions and benefit rates. It also abolished the earning rule for widows' benefits. The National Insurance Act, 1966, provides for earnings-related supplements to certain short-term benefits of the national insurance scheme.

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Italy	22. 10. 1947
Bulgaria	29. 12. 1949	Malta	4. 1. 1965
Chile	18. 10. 1935	Peru	1. 2. 1960
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
France	23. 8. 1939	United Kingdom	18. 7. 1936

For information relating to the following countries, see under Convention No. 35:
Barbados, Bulgaria, Poland, United Kingdom.

37. Invalidity Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Italy	22. 10. 1947
Chile	18. 10. 1935	Peru	8. 11. 1945
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Ecuador	5. 2. 1962	United Kingdom	18. 7. 1936
France	23. 8. 1939		

CHILE

In reply to a direct request made in 1966 by the Committee of Experts, the Government states that all observations of the Committee will be taken into consideration during the current examination of a proposal for the revision of the social security legislation which would bring the national legislation into full conformity with the Convention.

* * *

For information relating to the following countries, see under Convention No. 35:

Barbados, Bulgaria, Poland, United Kingdom.

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

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

For information relating to the following countries, see under Convention No. 35:

Barbados, Bulgaria, Poland, United Kingdom.

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

This Convention came into force on 8 November 1946

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Peru	8. 11. 1945
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Ecuador	5. 2. 1962	United Kingdom	18. 7. 1936
Italy	22. 10. 1952		

For information relating to the following countries, see under Convention No. 35:

Barbados, Bulgaria, Poland, United Kingdom.

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

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

Countries	Ratification registered on
Peru	1. 2. 1960
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

For information relating to the following countries, see under Convention No. 35:

Barbados, Bulgaria, Poland, United Kingdom.

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

This Convention came into force on 22 November 1936

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	12. 6. 1939	Mali	22. 9. 1960
Argentina	14. 3. 1950	Mauritania ¹	20. 6. 1961
Belgium ¹	4. 8. 1937	Morocco	13. 6. 1956
Brazil ¹	8. 6. 1936	Netherlands ¹	9. 12. 1935
Burma ²	22. 11. 1935	New Zealand ¹	29. 3. 1938
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Ceylon ¹	2. 9. 1950	Pakistan ¹	22. 11. 1935
Chad	10. 11. 1960	Peru	8. 11. 1945
Congo (Brazzaville)	10. 11. 1960	Senegal ¹	4. 11. 1960
Dahomey	12. 12. 1960	Republic of South Africa ¹	28. 5. 1935
France ¹	25. 1. 1938	Switzerland ¹	4. 6. 1936
Gabon	14. 10. 1960	Togo	7. 6. 1960
Greece ¹	30. 5. 1936	United Arab Republic ¹	11. 7. 1947
Guinea ¹	21. 1. 1959	United Kingdom ²	25. 1. 1937
Hungary	18. 12. 1936	Upper Volta	21. 11. 1960
India ¹	22. 11. 1935	Venezuela	20. 11. 1944
Iraq	28. 3. 1938		
Ireland ¹	15. 3. 1937		
Ivory Coast	21. 11. 1960		
Malagasy Republic	1. 11. 1960		

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

² Has denounced this Convention.

HUNGARY

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

Although the Government appreciates the good reasons for complete conformity between the provisions of the national legislation and those of the Convention, sociological and legislative factors prevent this at present.

The Labour Code and the regulations made thereunder provide for protection approaching that prescribed by the Convention, particularly as regards determining the jobs from which women are excluded.

Although the degree of protection enjoyed by women in industry does not yet correspond to that prescribed by the Convention, a very high standard of protection has been attained at the national level. Sociological difficulties in the way of eliminating night shifts are very great, especially in the textile industry.

The absence of complete conformity is, therefore, not due to lack of goodwill. The Government is making every effort to protect the interests of working women and sees to it that they do not suffer any harm in night occupations not yet prohibited by legislation, in which they are employed exceptionally.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934

This Convention came into force on 17 June 1936

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Iraq	25. 7. 1941
Argentina	14. 3. 1950	Ireland	15. 3. 1937
Australia	29. 4. 1959	Italy	22. 10. 1952
Austria	26. 2. 1936	Japan	6. 6. 1936
Belgium	3. 8. 1949	Luxembourg	3. 3. 1958
Bolivia	19. 7. 1954	Malta	4. 1. 1965
Brazil	8. 6. 1936	Mexico	20. 5. 1937
Bulgaria	29. 12. 1949	Morocco	20. 5. 1957
Burma	17. 5. 1957	Netherlands ¹	1. 9. 1939
Burundi	11. 3. 1963	New Zealand	29. 3. 1938
Congo (Kinshasa)	20. 9. 1960	Norway	21. 5. 1935
Cuba	22. 10. 1936	Panama	16. 2. 1959
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Denmark	22. 6. 1939	Rwanda	18. 9. 1962
Finland	20. 1. 1950	Republic of South Africa	26. 2. 1952
France	17. 5. 1948	Spain	24. 6. 1958
Federal Republic of Germany	17. 6. 1955	Sweden	24. 2. 1937
Greece	13. 6. 1952	Turkey	27. 12. 1946
Guyana	8. 6. 1966	United Kingdom	29. 4. 1936
Haiti	19. 4. 1955	Uruguay	18. 3. 1954
Honduras	17. 11. 1964		
Hungary	17. 6. 1935		
India	13. 1. 1964		

¹ Convention denounced as a result of the ratification of Convention No. 121.

ALGERIA

See under Convention No. 18.

BOTSWANA

Workmen's Compensation Proclamation.

The Convention is applied by section 30 of the proclamation as read with the first and second schedules.

The first schedule mentions, *inter alia*, cyanide rash (any work involving its use or handling); lead poisoning or its sequelae (any work involving the use or handling of lead, its preparations or compounds); and mercury poisoning or its sequelae (any work involving the use of mercury, its preparations or compounds).

The Labour Branch in the Ministry of Labour and Social Services administers the law.

GUYANA (First Report)

Workmen's Compensation Ordinance, No. 63 of 1952, as amended.

Workmen's Compensation Regulations, No. 9 of 1955.

Workmen's Compensation (Occupational Diseases) Order, No. 19 of 1955.

Accidents and Occupational Diseases (Notification) Ordinance, No. 46 of 1955, as amended.

Accidents and Occupational Diseases (Notification) Regulations, No. 7 of 1956.

Article 1 of the Convention. Section 22 (1) of the 1952 ordinance prescribes the payment of compensation to workmen who contract any disease which is due to the

nature of their employment. Compensation is the same as that provided for in the case of an industrial accident. Section 8 (1) of the ordinance states the amount of compensation to be paid in the case of death, permanent, total or partial incapacity and temporary incapacity.

Article 2. The 1955 order lists the following occupational diseases: lead phosphorous, arsenical, mercurial or other form of metallic poisoning and anthrax. Conditions do not yet necessitate further additions to the list.

Responsibility for the enforcement of the legislation is vested in the Chief Labour Officer. The 1955 regulations set out the procedure relating to compensation.

INDIA (First Report)

Workmen's Compensation Act, No. VIII of 5 March 1923 (*L.S.* 1923—Ind. 1), as amended by the Act of 20 March 1959 (*Gazette of India (G.I.)*, 31 Mar. 1959, Part II, section 1, No. 5, Extraordinary, p. 49) (*L.S.* 1959—Ind. 1).

Employees' State Insurance Act, No. XXXIV of 19 April 1948 (Sickness, Maternity, etc.) (*G.I.*, 19 Apr. 1948, Extraordinary, Part IV, p. 161) (*L.S.* 1948—Ind. 3).

Employees' State Insurance (Central) Rules of 22 June 1950 (*G.I.*, 1 July 1950, Part II, section 3).

The Workmen's Compensation Act, 1923, as amended in conformity with the requirements of the Convention, provides that employers shall be liable to pay compensation for injury suffered by workers through an accident due to employment. Under the Act the contracting of the occupational diseases listed in Schedule III thereto is assimilated to an injury by accident and compensated by payment at equivalent rates. The payment of compensation for certain occupational diseases is subject to qualifying service.

The administration of the 1923 Act is entrusted to the state governments and that of the Employees' State Insurance Act to the autonomous Employees' State Insurance Corporation.

PANAMA (First Report)

See under Convention No. 12.

The Labour Code prescribes that compensation shall be payable in respect of occupational diseases contracted as a result of the execution of work; it provides for the establishment of regulations concerning diseases liable to cause temporary or permanent incapacity.

43. Sheet-Glass Works Convention, 1934

This Convention came into force on 13 January 1938

Countries	Ratification registered on
Belgium	4. 8. 1937
Bulgaria	29. 12. 1949
Czechoslovakia	19. 9. 1938
France	5. 2. 1938
Ireland	15. 5. 1939

Countries	Ratification registered on
Mexico	9. 3. 1938
Norway	21. 5. 1935
United Kingdom ¹	13. 1. 1937
Uruguay	18. 3. 1954

¹ Has denounced this Convention.

CZECHOSLOVAKIA

Order No. 1243 of 11 March 1965 of the Ministry of Light Industries governing hours of work in glass works operating continuously.

In conformity with the Convention, the above-mentioned order formally introduces a system of at least four shifts in sheet-glass and bottle factories and glass factories in general which operate continuously. The persons employed on such shifts are required to work an average of 42 hours per week, calculated over a period not exceeding four weeks.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Netherlands	17. 1. 1966
Bulgaria	29. 12. 1949	New Zealand	29. 3. 1938
Cyprus	8. 10. 1965	Norway	20. 5. 1957
Czechoslovakia	12. 6. 1950	Peru	4. 4. 1962
France	21. 2. 1949	Switzerland	14. 6. 1939
Ireland	10. 6. 1937	United Kingdom	29. 4. 1936
Italy	22. 10. 1952		

ALGERIA

Decree No. 153 of 25 April 1963 respecting the supervision of employment and the placement of workers (*Journal Officiel*, 3 May 1963; errata: *ibid.*, 21 May 1963).

Circulars Mes-TON 47/COGAU and 756/DASEL/AS of 26 March and 25 April 1963 respectively. Circular No. 526-SDAS of 11 May 1966 of the Ministry of Labour and Social Welfare.

Article 1 of the Convention. An allowance is paid to persons in search of employment and without resources who thus qualify as needy persons. This is essentially a provisional measure which will be modified as the country's economy develops; it has replaced the system of assistance to the involuntarily unemployed provided for under previous texts. The former measures, now suspended, are only continued where they were already being applied and in accordance with the special circumstances of each case.

Persons applying for the payment of unemployment benefits must prove that they have been resident for six months in the commune in which the application is made, and that they worked for at least six months in an industrial or commercial undertaking during the 12 months preceding their application to the employment office. Proof of such paid employment takes the form of six months' contributions to a social security fund, representing at least 75 days' work per six months.

Article 2. All persons without employment and in need are entitled to an unemployment allowance with the exception of persons over 65 years of age and persons who are physically unfit for work and destitute (section 4 of the order of 27 June 1955).

Article 3. The national legislation makes no provision for the payment of compensation for partial unemployment.

Article 4. Any worker seeking employment must register at the employment office nearest to his domicile or, in the absence of any such office, with the commune in which he resides, where his application is entered in a special register (section 4 of the decree of 25 April 1963).

Article 14. A judicial reform is at present being introduced for the creation of administrative tribunals to settle questions concerning applications for unemployment benefits or allowances. In each commune the mayor exercises control over applications for employment and, where necessary, supplies a list of the unemployed and needy. The manpower services collect and centralise these lists, which are examined by the competent services of the Ministry of Labour with a view to the creation of "full employment" work sites on which the greatest possible number of involuntarily

unemployed persons can be employed (section 7 of the order of 27 June 1955 and section 4 of the decree of 25 April 1963).

PERU

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

The question of replacing the allowances scheme by a scheme of unemployment insurance has been submitted to the drafting committee which is examining the Labour Code established by Act No. 15060 of 19 June 1964.

The Government further indicates that it tries to protect certain groups of workers against unemployment by various measures in cases of modernisation, rationalisation and automation of undertakings and in cases of dismissal or involuntary retirement.

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	14. 5. 1937	Japan	11. 6. 1956
Argentina	14. 3. 1950	Kenya	13. 1. 1964
Australia	7. 10. 1953	Lebanon	26. 7. 1962
Austria	3. 7. 1937	Lesotho	31. 10. 1966
Belgium	4. 8. 1937	Luxembourg	3. 3. 1958
Botswana	18. 10. 1966	Malawi	22. 3. 1965
Brazil	22. 9. 1938	Malaysia (States of Malaya)	11. 11. 1957
Bulgaria	29. 12. 1949	Mexico	21. 2. 1938
Byelorussia	4. 8. 1961	Morocco	20. 9. 1956
Cameroon:		Netherlands	20. 2. 1937
Eastern Cameroon	29. 1. 1963	New Zealand	29. 3. 1938
Western Cameroon	3. 9. 1962	Nigeria	17. 10. 1960
Canada	16. 9. 1966	Pakistan	25. 3. 1938
Ceylon	20. 12. 1950	Panama	16. 2. 1959
Chile	16. 3. 1946	Peru	8. 11. 1945
China	2. 12. 1936	Poland	15. 6. 1957
Costa Rica	22. 3. 1960	Portugal	18. 10. 1937
Cuba	14. 4. 1936	Sierra Leone	13. 6. 1961
Cyprus	23. 9. 1960	Singapore	25. 10. 1965
Czechoslovakia	12. 6. 1950	Somalia (ex-Trust Territory)	18. 11. 1960
Dominican Republic	12. 8. 1957	Republic of South Africa	25. 6. 1936
Ecuador	6. 7. 1954	Spain	24. 6. 1958
Finland	3. 3. 1938	Sweden	11. 7. 1936
France	25. 1. 1938	Switzerland	23. 5. 1940
Gabon	13. 6. 1961	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	15. 11. 1954	Tanzania (Tanganyika)	30. 1. 1962
Ghana	20. 5. 1957	Tunisia	15. 5. 1957
Greece	30. 5. 1936	Turkey	21. 4. 1938
Guatemala	7. 3. 1960	Uganda	4. 6. 1963
Guinea	12. 12. 1966	Ukraine	4. 8. 1961
Guyana	8. 6. 1966	U.S.S.R.	4. 5. 1961
Haiti	5. 4. 1960	United Arab Republic	11. 7. 1947
Honduras	20. 6. 1960	United Kingdom	18. 7. 1936
Hungary	19. 12. 1938	Uruguay	18. 3. 1954
India	25. 3. 1938	Venezuela	20. 11. 1944
Indonesia	12. 6. 1950	Viet-Nam	6. 6. 1953
Ireland	20. 8. 1936	Yugoslavia	21. 5. 1952
Italy	22. 10. 1952	Zambia	2. 12. 1964
Ivory Coast	5. 5. 1961		

PANAMA (First Report)

Mining Code, 1916.

Article 1 of the Convention. The term "mine" is defined in the Mining Code.

Article 2. The national legislation does not expressly prohibit the employment of women on underground work. Nevertheless, women may not be employed on arduous, dangerous or unhealthy tasks.

47. Forty-Hour Week Convention, 1935

This Convention came into force on 23 June 1957

Countries	Ratification registered on	Countries	Ratification registered on
Byelorussia	21. 8. 1956	Ukraine	10. 8. 1956
New Zealand	29. 3. 1938	U.S.S.R.	23. 6. 1956

BYELORUSSIA

See under U.S.S.R.

The Government refers to its report submitted under article 19 of the I.L.O. Constitution as regards the measures taken to reduce hours of work.

The average wage of workers in the whole of the economy increased by 7.5 per cent. in 1965 compared with 1964 and by 5 per cent. during the first half of 1966 compared with the same period in 1965. The real income of workers also increased as a result of expanded social benefits and reduced retail prices for several common consumer articles.

In reply to a direct request made by the Committee of Experts, the Government indicates once again that overtime is normally prohibited. The total of overtime authorised during the period under review has not affected the figures respecting average hours of work, which are a little less than 40 a week.

UKRAINE

See under U.S.S.R.

A six-hour day is prevalent, particularly in underground work and in arduous occupations. Weekly hours of work average 39.5 in manufacturing and extraction industries and 39.1 in the whole of the economy. Actual working hours have undergone a further reduction during the period under review.

The Government refers to its report submitted under article 19 of the I.L.O. Constitution concerning the Reduction of Hours of Work Recommendation, 1962 (No. 116).

U.S.S.R.

Ukase of 26 April 1965 of the Presidium of the Supreme Soviet of the U.S.S.R., declaring 9 May to be a holiday.

Ukase of 8 May 1965 of the Presidium of the Supreme Soviet of the U.S.S.R., declaring 8 March, International Women's Day, to be a holiday.

For the measures taken with a view to reducing hours of work, see the reports submitted under article 19 of the I.L.O. Constitution.

In reply to a direct request made by the Committee of Experts, the Government states that in 1965, parallel with the enforcement of measures for the reduction of hours of work, workers' wages rose by 6 per cent. compared with 1964.

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Czechoslovakia	19. 9. 1938
France	25. 1. 1938
Ireland	10. 6. 1937

Countries	Ratification registered on
Mexico	21. 2. 1938
New Zealand	29. 3. 1938
Norway	21. 7. 1936

CZECHOSLOVAKIA

See under Convention No. 43.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	Nigeria	17. 10. 1960
Belgium.	26. 7. 1948	Norway	7. 7. 1937
Botswana	18. 10. 1966	Rwanda	18. 9. 1962
Burundi.	11. 3. 1963	Sierra Leone.	13. 6. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Singapore	25. 10. 1965
Congo (Kinshasa)	20. 9. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Ghana	20. 5. 1957	Tanzania:	
Guyana	8. 6. 1966	Tanganyika	30. 1. 1962
Jamaica	26. 12. 1962	Zanzibar	22. 6. 1964
Japan.	8. 9. 1938	Trinidad and Tobago	24. 5. 1963
Kenya	13. 1. 1964	Uganda	4. 6. 1963
Malawi	7. 6. 1966	United Kingdom ¹	22. 5. 1939
Malaysia:		Zambia	2. 12. 1964
States of Malaya	11. 11. 1957		
Sabah, Sarawak	3. 3. 1964		
New Zealand	8. 7. 1947		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

CONGO (KINSHASA)

In reply to observations made by the Committee of Experts, the Government states that recruiting of indigenous workers no longer takes place and that provision for prohibition of the recruiting of such workers will be included in the legislation on contracts of employment.

GHANA

A Labour Decree will be issued which will apply Articles 7 and 10 of the Convention.

GUYANA

In reply to observations made by the Committee of Experts, the Government states that recruiting of Amerindians has never taken place and is unlikely to take place. If it should occur, however, the full observance of the Convention would be ensured by regulations under the Recruiting of Workers Ordinance.

TANZANIA

Tanganyika

In reply to a direct request made by the Committee of Experts, the Government states that draft amendments to the Employment Ordinance, aimed at giving statutory authority to administrative instructions abolishing licensed recruitment of workers, are now being considered.

ZAMBIA

Employment Act, No. 57 of 20 September 1965 (*Government Gazette*, 1 Oct. 1965, Supplement, p. 449).

Section 63 of the Employment Act makes it an offence to engage in recruiting.

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Ivory Coast	5. 5. 1961
Argentina	14. 3. 1950	Kuwait	21. 9. 1961
Brazil	22. 9. 1938	Lebanon	26. 7. 1962
Bulgaria	29. 12. 1949	Libya	20. 6. 1962
Burma	21. 5. 1954	Malagasy Republic	10. 8. 1962
Byelorussia	6. 11. 1956	Mauritania	8. 11. 1963
Central African Republic	9. 6. 1964	Mexico	9. 3. 1938
Chad	8. 6. 1961	Morocco	20. 9. 1956
Colombia	7. 6. 1963	New Zealand	10. 11. 1950
Cuba	20. 7. 1953	Panama	3. 6. 1958
Czechoslovakia	12. 6. 1950	Paraguay	21. 3. 1966
Denmark	22. 6. 1939	Peru	1. 2. 1960
Dominican Republic	5. 12. 1956	Senegal	22. 10. 1962
Finland	23. 8. 1949	Syrian Arab Republic	26. 7. 1960
France	23. 8. 1939	Tunisia	15. 5. 1957
Gabon	13. 6. 1961	Ukraine	14. 9. 1956
Greece	13. 6. 1952	U.S.S.R.	10. 8. 1956
Guinea	12. 12. 1966	United Arab Republic	3. 7. 1954
Hungary	8. 6. 1956	Uruguay	18. 3. 1954
Iraq	12. 5. 1960	Viet-Nam	6. 6. 1953
Israel	22. 8. 1951	Yugoslavia	26. 3. 1953
Italy	22. 10. 1952		

COLOMBIA (First Report)

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407, p. 299) (*L.S.* 1950—Col. 3A), as amended by Decree No. 3743 of 20 December 1950 (*D.O.*, 11 Jan. 1951, No. 27504, p. 113), by Decree No. 617 of 26 February 1954 (*D.O.*, 5 Mar. 1954, p. 776) (*L.S.* 1954—Col. 1B), and by Legislative Decree No. 2351 of 4 September 1965 (*D.O.*, 17 Sep. 1965, No. 31754, p. 537) (*L.S.* 1965—Col. 1).

Act No. 188 of 30 December 1959 to regulate contracts of apprenticeship (*D.O.*, 25 Jan. 1960, No. 30140, p. 22) (*L.S.* 1960—Col. 3B).

Act No. 72 of 1931.

Decrees Nos. 1054 of 1938, 484 of 1944 and 2939 of 1944.

Decree No. 13 of 4 January 1967.

Article 1 of the Convention. The Labour Code incorporates the provisions of this Article in its sections 3 and 5.

Article 2. The requirements of the Convention are met by sections 186, 187 and 188 of the Labour Code, by Act No. 72 of 1931, by Decree No. 1054 of 1938 and by Act No. 188 of 1959.

Article 3. The Labour Code applies the provisions of this Article in its section 192, as amended by section 8 of Decree No. 617 of 1954. Decree No. 2939 of 1944 also applies these provisions.

Article 4. The requirements of this Article are met by section 13 of the Labour Code, by section 189 of the Code as amended by section 7 of Decree No. 617 of 1954, by Decree No. 484 of 1944 and by section 190 of the Labour Code concerning the accumulation of holidays.

Article 6. Section 189 of the Labour Code and section 4 of Decree No. 484 of 1944 cover this requirement.

Article 7. There were no provisions relating to the keeping of the register specified in this Article, but section 184 of the Labour Code has now been amended and brought into line with the Convention by Decree No. 13 of 4 January 1967.

NEW ZEALAND

In reply to a request made by the Committee of Experts, the Government states that every worker is entitled to a paid annual holiday of two weeks, which is unaffected by absences from work due to sickness.

PANAMA (First Report)

Act No. 121 of 6 April 1943 to amend section 796 of the Administrative Code (*Gaceta Oficial*, Year XL, 14 Apr. 1943, No. 9075).

See also under Conventions Nos. 12 and 29.

Article 1 of the Convention. All persons employed in private undertakings or establishments are granted annual holidays with pay; the holidays of persons employed in public undertakings or establishments are governed by special provisions.

Article 2. All workers are entitled to an annual paid holiday of one month for each work period of 11 months, or of one day for each work period of 11 days. Weekly rest days, public holidays and justifiable absences are considered as working days for the calculation of annual holiday entitlements. Civil servants are entitled to one month's leave for each work period of 11 months.

Article 3. Payment for the month's holiday is equivalent to the employed person's remuneration for one month or for 4.3 weeks.

Article 4. There is no provision whereby a paid holiday may be relinquished.

Article 6. In case of termination of a contract, for whatever reason, the employed person is entitled to the proportion of holiday due to him.

Article 7. All employers are required to keep a register for each of their employees in which, *inter alia*, the date of commencement of service is entered.

Article 8. The present legislation provides for sanctions against employers and workers who violate its provisions.

URUGUAY

In reply to an observation made by the Committee of Experts, the Government states that a Bill is being submitted to the Legislature to repeal section 16 of the Act of 23 December 1958.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Mauritania	8. 11. 1963
Belgium	11. 4. 1938	Mexico	1. 9. 1939
Brazil	12. 10. 1938	New Zealand	29. 3. 1938
Bulgaria	29. 12. 1949	Norway	7. 7. 1937
China	10. 12. 1964	Peru	4. 4. 1962
Denmark	13. 7. 1938	Philippines	17. 11. 1960
Finland	8. 4. 1947	Syrian Arab Republic	26. 7. 1960
France	19. 6. 1947	United Arab Republic	20. 5. 1939
Italy	22. 10. 1952	United States	29. 10. 1938
Liberia	9. 5. 1960	Yugoslavia	26. 5. 1961

BELGIUM

Royal Order of 18 March 1966 to amend the Royal Order of 21 May 1958 respecting the granting of titles, diplomas, certificates and licences in the merchant navy and sea-fishing fleet and for pleasure boats.

CHINA (First Report)

Merchant Shipping Act of 30 December 1929, as amended on 25 July 1962.

Rules and Regulations of 16 January 1946 respecting special examinations for inland waterway and coastal navigation officers, as amended.

Article 1 of the Convention. Section 3 of the Merchant Shipping Act lays down that all vessels are covered by the Act except those of less than 20 tons if they are equipped with a motor and those of less than 50 tons if they do not have a motor.

Article 2. The definitions given in this Article are the same as those contained in the national legislation.

Article 3, paragraph 1. According to the rules and regulations concerning special examinations there are various grades of deck officers, engineers and radio officers. In order to obtain the relevant certificate of competency the candidate must pass a special examination. Certificates issued by a foreign country are not recognised.

Paragraph 2. No exceptions are provided for under the legislation.

Article 4. The special examination mentioned above is held twice a year.

Articles 5 and 6. Officers on board short sea trade ships must produce certified proof of their qualifications and these qualifications must correspond to the duties which they are required to perform.

The Ministry of Communications, which is responsible for the enforcement of the above-mentioned legislation, is competent to inspect the certificates of competency and work permits of all seafarers.

58. Minimum Age (Sea) Convention (Revised), 1936

This Convention came into force on 11 April 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Japan	22. 8. 1955
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	17. 2. 1955	Liberia	9. 5. 1960
Belgium	11. 4. 1938	Mauritania	8. 11. 1963
Brazil	12. 10. 1938	Mexico	18. 7. 1952
Bulgaria	29. 12. 1949	Netherlands	8. 7. 1947
Byelorussia	6. 11. 1956	New Zealand	7. 6. 1946
Canada	10. 9. 1951	Nigeria	16. 6. 1961
Ceylon	18. 5. 1959	Norway	7. 7. 1937
China	10. 12. 1964	Peru	4. 4. 1962
Cuba	20. 7. 1953	Sierra Leone	13. 6. 1961
Denmark	4. 6. 1955	Sweden	6. 1. 1939
France	9. 12. 1948	Switzerland	21. 4. 1960
Ghana	20. 5. 1957	Tanzania (Zanzibar)	22. 6. 1964
Greece	9. 10. 1963	Turkey	29. 9. 1959
Guatemala	30. 10. 1961	Ukraine	14. 9. 1956
Iceland	21. 8. 1956	U.S.S.R.	10. 8. 1956
Iraq	30. 12. 1939	United States	29. 10. 1938
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Jamaica	26. 12. 1962	Yugoslavia	5. 5. 1958

CHINA (First Report)

Merchant Shipping Act of 30 December 1929, as amended on 25 July 1962.

Regulations for the supervision of seamen during the period of the suppression of the rebellion, issued on 16 June 1951 by the Ministry of Communications and amended most recently on 18 June 1964.

Article 1 of the Convention. The term "vessel" has the same meaning in the Merchant Shipping Act as in the Convention.

Article 2. According to section 7 of the above-mentioned regulations, only persons who have attained the age of 18 years may be employed on board ship. No provision exists for the application of paragraph 2 of this Article.

Article 3. No provision exists for the application of this Article.

Article 4. Since young persons under 16 years of age are not employed on board ship, the provisions of this Article are not applicable.

NEW ZEALAND

Education Act, 1964.

Shipping and Seamen (Amendment) Act of 24 September 1965.

URUGUAY

See under Convention No. 10.

YUGOSLAVIA

See under Convention No. 7.

59. Minimum Age (Industry) Convention (Revised), 1937

This Convention came into force on 21 February 1941

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Norway	26. 8. 1938
Botswana	18. 10. 1966	Pakistan	26. 5. 1955
Bulgaria	22. 7. 1960	Paraguay	21. 3. 1966
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
China	21. 2. 1940	Philippines	17. 11. 1960
Cuba	7. 9. 1954	Sierra Leone	15. 6. 1961
Ghana	20. 5. 1957	Tanzania:	
Iraq	5. 7. 1960	Tanganyika	30. 1. 1962
Italy	22. 10. 1952	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Ukraine	14. 9. 1956
Luxembourg	3. 3. 1958	U.S.S.R.	10. 8. 1956
New Zealand	8. 7. 1947	Uruguay	18. 3. 1954
Nigeria	16. 6. 1961		

CHINA

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

The Mines Act forbids persons under 14 years of age to work in mine pits and inspections have shown that in fact persons under 15 years of age are hardly ever found to be working in mine pits.

A revision of the Labour Code will be submitted to the Legislative Yuan after first being examined by the Executive Yuan.

CUBA

See under Convention No. 5.

GHANA

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

Article 1, clause (d), of the Convention. A decree is to be issued which will give effect to this clause.

IRAQ

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that, after the promulgation of the new Labour Law, section 3 of Regulation No. 4 will be amended so as to bring it fully into conformity with the provisions of Article 2, paragraph 2, of the Convention.

KENYA

In reply to a direct request made by the Committee of Experts, the Government states that a revision of the labour legislation is in progress and that a request has

been made for expert assistance in this connection. The revision, *inter alia*, will complete the definition of "industrial undertaking" given in section 2 of the Employment of Women, Young Persons and Children Ordinance, in order to give full effect to the provisions of Article 1 of the Convention.

PAKISTAN

In reply to an observation made by the Committee of Experts, the Government states that the revision of the Mines Act, which will include the suppression of the words "which is below the ground" in section 26 A, is still under consideration both by the central and provincial governments. If some delay seems likely to occur in the enactment of the main Bill, action may be taken to modify section 26 A of the Act by another subsidiary Bill.

PERU

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

Article 1 of the Convention. The national legislation does not provide any definition of the term "industrial undertaking". The principles established by the I.L.O. *International Standard Classification of Occupations* are applied.

Article 2, paragraph 1. The Minors' Code provides that no one under 15 years of age may be employed in an industrial undertaking. The Code, being of later date than Act No. 2851, annuls any provisions of the latter which may be in opposition to it.

Paragraph 2. Section 47 of the Minors' Code does not provide for any exception.

Article 3. The Employment Contracts Department and the Women and Minors Division of the General Directorate of Labour in the Ministry of Labour and Communities are responsible for the approval of employment contracts for apprentices and minors and for surveillance of the work of minors throughout the country.

Article 4. The registration of minors is still governed by the provisions of section 24 of Act No. 2851. There is no compulsory type of register; the Women and Minors Division keeps a card index recording the age of each minor.

SIERRA LEONE

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that action is being taken to amend the Employers and Employed (Amendment) Act of 1962, in order to give full effect to the provisions of Article 5 of the Convention.

TANZANIA

Tanganyika

In reply to a direct request made in 1965 by the Committee of Experts, the Government indicates that draft amendments to the Employment Ordinance, including modifications to Part VII, are currently under consideration, in order to take account of the view of the Committee of Experts that the employment of children should be progressively prohibited. Consultations are now taking place.

URUGUAY

See under Convention No. 10.

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Byelorussia	6. 11. 1956
Cuba	7. 9. 1954
Italy	22. 10. 1952
Luxembourg	3. 3. 1958
New Zealand ¹	8. 7. 1947

Countries	Ratification registered on
Paraguay	21. 3. 1966
Ukraine	14. 9. 1956
U.S.S.R.	10. 8. 1956
Uruguay	18. 3. 1954

¹ Has denounced this Convention.

CUBA

See under Convention No. 5.

URUGUAY

See under Convention No. 10.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Hungary	8. 6. 1956
Belgium.	3. 10. 1951	Mauritania	8. 11. 1963
Bulgaria	29. 12. 1949	Mexico	4. 7. 1941
Burundi.	11. 3. 1963	Netherlands	2. 5. 1950
Central African Republic	9. 6. 1964	Peru	4. 4. 1962
Congo (Kinshasa)	20. 9. 1960	Poland	17. 4. 1950
Finland	8. 4. 1947	Rwanda	18. 9. 1962
France	16. 12. 1950	Spain	24. 6. 1958
Federal Republic of Germany	14. 6. 1955	Switzerland	23. 5. 1940
Guinea	12. 12. 1966	Tunisia	12. 1. 1959
Honduras	17. 11. 1964	Uruguay	18. 3. 1954

FINLAND

In reply to a direct request made by the Committee of Experts, the Government states that draft regulations to ensure, *inter alia*, the full application of Article 15, paragraph 3, of the Convention have been submitted to the Council of State and will probably be adopted in 1967.

FEDERAL REPUBLIC OF GERMANY

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

Article 7, paragraph 2, of the Convention. A draft of new regulations concerning the prevention of occupational accidents (scaffolding) is being prepared. A request has been made that the new text should include a provision to the effect that scaffolds shall not be constructed, taken down or substantially altered except under the supervision of a competent person and by competent workers with adequate experience of this kind of work.

Article 16. The occupational organisations have been asked to prepare regulations relating to the installation and utilisation of safety equipment, particularly with respect to the building industry. These regulations will shortly be published.

Article 17. Work carried on in proximity to any place where there is a risk of drowning is considered as work within the competence of civil engineers, and section 75 of the regulations of the Civil Engineers' Association applies in such cases.

MAURITANIA

In reply to a direct request made by the Committee of Experts, the Government calls attention to a legislative provision relating to the posting of appropriate regulations, and gives statistics of occupational accidents. An addition to Order No. 10281 of 2 June 1965 is envisaged, fixing a minimum age for crane operators and signalmen.

PERU

The request made by the Committee of Experts has been referred to the committee responsible for framing the Labour Code in order that it may take account of the points raised therein.

POLAND

Act of 30 March 1965 respecting occupational safety and health (*Dziennik Ustaw*, 6 Apr. 1965, No. 13, Text 91) (*L.S.* 1965—Pol. 1).

The above-mentioned Act is designed to take into account the latest practice and modern technological progress in furthering accident prevention activities in the building industry.

In reply to a direct request made by the Committee of Experts, the Government states that, in pursuance of section 1 of the Act, the necessary safety equipment referred to under Article 17 of the Convention must be provided in the building industry.

SPAIN

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

Article 9, paragraph 2, of the Convention. The requirements of this paragraph are met by the order of 23 September 1966 amending section 16 of the 1952 Safety Regulations for the Building Industry.

Article 12 and Article 14, paragraph 1. The examination of proposals for the amendment of the above-mentioned regulations, aimed at bringing them into line with the requirements of the Convention in regard to temporarily installed hoisting apparatus, is well advanced.

TUNISIA

Decree No. 422 of 18 December 1964 to amend Decree No. 129 of 18 April 1962 respecting safety requirements in the building industry (*Journal officiel*, 22 Dec. 1964, No. 63).

URUGUAY

In reply to an observation made by the Committee of Experts, the Government states that competent officials have been requested by the Ministry of Industry and Labour to prepare within 120 days draft standards designed to apply the Convention.

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Mexico	16. 7. 1942
Australia ¹	5. 9. 1939	Netherlands	9. 3. 1940
Austria ^{1 2}	26. 11. 1958	New Zealand ¹	18. 1. 1940
Botswana ²	18. 10. 1966	Norway ³	29. 3. 1940
Burma ^{2 3}	24. 11. 1961	Republic of South Africa ^{1 2}	8. 8. 1939
Canada	6. 4. 1946	Sweden ³	21. 6. 1939
Ceylon ²	25. 8. 1952	Switzerland ^{2 3}	23. 5. 1940
Chile ³	10. 5. 1957	Syrian Arab Republic ^{2 3}	26. 7. 1960
Cuba	7. 9. 1954	Tanzania:	
Czechoslovakia	12. 6. 1950	Tanganyika ¹	19. 11. 1962
Denmark ³	22. 6. 1939	Zanzibar	22. 6. 1964
Finland ³	8. 4. 1947	United Arab Republic ^{2 3}	5. 10. 1940
France	28. 6. 1951	United Kingdom	26. 5. 1947
Federal Republic of Germany	22. 6. 1954	Uruguay	18. 3. 1954
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		
Kenya	13. 1. 1964		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

CZECHOSLOVAKIA

In reply to an observation made by the Committee of Experts, the Government states that measures have been taken to ensure the publication of statistics of hours actually worked and normal hours by industry in the official statistical reports.

Measures have also been taken to ensure, as from 1967, the publication, in the national statistical yearbook, of statistical data on average earnings of male and female workers in industry and construction.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	26. 7. 1948	Nigeria	17. 10. 1960
Botswana	18. 10. 1966	Rwanda	18. 9. 1962
Burundi	11. 3. 1963	Sierra Leone	13. 6. 1961
Cameroon (Western Cameroon)	3. 9. 1962	Singapore	25. 10. 1965
Congo (Kinshasa)	20. 9. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Ghana	20. 5. 1957	Tanzania:	
Guyana	8. 6. 1966	Tanganyika	30. 1. 1962
Jamaica	26. 12. 1962	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Uganda	4. 6. 1963
Lesotho	31. 10. 1966	United Kingdom ¹	24. 8. 1943
Malawi	7. 6. 1966	Zambia	2. 12. 1964
Malaysia:			
States of Malaya	11. 11. 1957		
Sabah, Sarawak	3. 3. 1964		
New Zealand	8. 7. 1947		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

CONGO (KINSHASA)

In reply to a direct request made by the Committee of Experts, the Government states that the provisions of the Convention are no longer relevant inasmuch as the national legislation no longer distinguishes between indigenous and non-indigenous workers, that local conditions no longer permit application of the Convention, and that denunciation of the Convention is contemplated.

GHANA

A Labour Decree will be issued which will apply Article 4, paragraph 1, of the Convention.

GUYANA

In reply to observations made by the Committee of Experts, the Government states that legislative amendments to give full effect to the Convention are now being considered by the law officers.

LESOTHO

Article 14 of the Convention. In reply to a direct request made by the Committee of Experts, the Government states that, in fixing the wages of workers engaged for South African mines, no allowance is made for the worker's liability for repatriation expenses. Transfer of this liability to the employer would require a formal agreement between the governments of the countries concerned, and such an agreement has not been concluded.

UGANDA

Article 2, paragraph 1, and Article 13, paragraph 2, of the Convention. In reply to a direct request made by the Committee of Experts, the Government indicates that

it is currently examining a Bill to replace the existing Employment Act; this Bill will adequately apply these provisions.

ZAMBIA

See under Convention No. 50.

67. Hours of Work and Rest Periods (Road Transport) Convention, 1939

This Convention came into force on 18 March 1955

Countries	Ratification registered on	Countries	Ratification registered on
Central African Republic	9. 6. 1964	Peru	4. 4. 1962
Cuba	20. 7. 1953	Uruguay	18. 3. 1954

CUBA

In reply to an observation made by the Committee of Experts, the Government states that, although Decree No. 2513 of 19 October 1933—as amended by the Constitution, which prescribes a 44-hour working week—is still in force, administrative measures adopted in each undertaking exclude recourse to the provisions of this decree, which would permit the calculation of weekly hours of work on the basis of a monthly maximum of 208 hours.

URUGUAY

In reply to an observation made by the Committee of Experts, the Government has pointed out that the Labour Legal Adviser to the Ministry of Industry and Labour is studying a draft decree prepared by the National Labour Institute covering the points made by the Committee.

68. Food and Catering (Ships' Crews) Convention, 1946

This Convention came into force on 24 March 1957

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	22. 10. 1952
Argentina	24. 9. 1956	Netherlands	17. 6. 1958
Belgium	5. 12. 1951	Norway	28. 1. 1957
Bulgaria	29. 12. 1949	Peru	4. 4. 1962
Canada	19. 3. 1951	Poland	13. 4. 1954
France	9. 12. 1948	Portugal	13. 6. 1952
Ireland	12. 6. 1956	United Kingdom	6. 8. 1953

BULGARIA

Decree respecting health inspection (*D'rzhaven Vestnik*, 25 Mar. 1966, No. 24).

In reply to a request made in 1965 by the Committee of Experts, the Government states that collaboration between the master and the seamen's delegates, required by Article 3 of the Convention, is governed by the instruction respecting the functions of health personnel on board ship and by sections 4 and 103 of the Labour Code. Both texts provide for the establishment of committees and the appointment of delegates responsible for supervising the living conditions of the workers.

The above-mentioned instruction also contains provisions designed to apply Article 7.

As regards Article 8, there is no provision covering complaints from members of the crew. However, seamen, like any other citizens, are entitled to present complaints in accordance with the procedure laid down by the ukase respecting the reception, examination and settlement of workers' complaints and the relevant regulations.

The decree respecting health inspection gives effect to the provisions of Article 9, paragraph 2.

NETHERLANDS

Royal Decree of 10 December 1964 (*Staatsblad (Sb.)*, 1964, No. 504) to amend the Seafarers' Order of 15 May 1937 (*Sb.*, 1937, No. 242) (*L.S.* 1937—Neth. 4); entered into force on 1 January 1966. Royal Decree of 17 December 1965 (*Sb.*, 1965, No. 579).

In reply to direct requests made by the Committee of Experts, the Government states that the above-mentioned legislation provides that once a week the master, or the officer assigned by him for the purpose, shall make an inspection in conformity with Article 7 of the Convention, and shall be accompanied by a responsible member of the catering department.

69. Certification of Ships' Cooks Convention, 1946

This Convention came into force on 22 April 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	22. 10. 1952
Belgium	5. 12. 1951	Netherlands	23. 2. 1951
Bulgaria	29. 12. 1949	Norway	6. 3. 1952
Canada	19. 3. 1951	Peru	4. 4. 1962
France	9. 12. 1948	Poland	13. 4. 1954
Ghana	18. 3. 1965	Portugal	13. 6. 1952
Greece	9. 10. 1963	United Kingdom	29. 7. 1949
Ireland	16. 6. 1951	Yugoslavia	6. 3. 1961

ALGERIA

In reply to a direct request made by the Committee of Experts, the Government states that ships' cooks undergo an examination after 60 months' service at sea. The syllabus of the examination as well as the composition of the jury are laid down in the order of 20 March 1961.

GHANA (First Report)

See under Convention No. 8.

Section 75 of the Merchant Shipping Act provides for the carrying of certificated ships' cooks on board all foreign-going ships of 1,000 gross tons and above.

Since a very small number of cooks are required to meet the needs of the merchant marine, limited arrangements have been made with government-sponsored catering establishments for the examination and certification of ships' cooks in accordance with the requirements of the Convention.

Ghana recognises certificates issued by all Commonwealth countries and by recognised maritime nations.

The enforcement of the above-mentioned legislation is entrusted to the Shipping Section of the Ministry of Communications.

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Japan	22. 8. 1955
Argentina	17. 2. 1955	Netherlands	17. 6. 1958
Belgium	5. 12. 1951	Norway	17. 2. 1955
Bulgaria	29. 12. 1949	Peru	4. 4. 1962
Canada	19. 3. 1951	Poland	13. 4. 1954
China	10. 12. 1964	Portugal	13. 6. 1952
Finland	15. 5. 1956	Sweden	9. 1. 1962
France	9. 12. 1948	Uruguay	18. 3. 1954
Italy	22. 10. 1952	Yugoslavia	25. 11. 1966

BELGIUM

See under Convention No. 113.

CHINA (First Report)

Rules for the supervision of seamen, issued on 1 September 1948 by the Ministry of Communications, as amended.

Seamen's Service Regulations, issued on 19 May 1951 by the Ministry of Communications, as amended.

Regulations for the supervision of seamen during the period of the suppression of the rebellion, issued on 16 June 1951 by the Ministry of Communications and amended most recently on 18 June 1964.

According to the Seamen's Service Regulations a seaman, on being engaged for the first time to work on board a vessel, must produce a medical certificate attesting to his fitness for the work for which he is to be employed at sea. A yearly examination is required if the person is to continue his work at sea. The medical certificate shall be issued by a doctor at any of the public hospitals. As to the nature of the examination, due regard is paid to the age of the person and the nature of the duties required of him. The medical certificate and the certificate concerning colour vision remain in force for one year.

All public hospitals are competent to undertake medical examinations. Anyone who has failed his medical examination at one public hospital may go to another one.

URUGUAY

Decree No. 24098 of 27 March 1958 governing the functions of merchant navy mechanics.

Decree of 30 June 1960 respecting the registration of crews of the merchant navy.

Decree No. 24421 of 23 May 1961 governing the functions of pilots, masters, engineers and chief engineers of the merchant navy.

The decree of 30 June 1960 prescribes that members of the crews of merchant navy vessels and tugs navigating at sea or on rivers must be entered in a seamen's register. Registration presupposes the possession of a seaman's card, issued by the maritime authorities and proving that the holder is familiar with the tasks of a seafarer and that this is his usual occupation, together with a health card. Any person struck off the seamen's register or refused the possibility of being included therein may appeal against the decision.

According to Decree No. 24098 of 1958, merchant navy mechanics must undergo a medical examination by the medical services of the armed forces before being engaged. The health examination must be repeated every ten years, but the merchant navy authorities may require a mechanic to undergo a medical examination whenever they deem such an examination to be desirable. Decree No. 24421 of 1961 makes a medical examination compulsory for any person desiring to qualify as a pilot, engineer, chief engineer or master in the merchant navy.

74. Certification of Able Seamen Convention, 1946*This Convention came into force on 14 July 1951*

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	New Zealand	5. 12. 1961
Belgium	5. 12. 1951	Poland	13. 4. 1954
Canada	19. 3. 1951	Portugal	13. 6. 1952
France	9. 12. 1948	United Arab Republic	30. 3. 1967
Ghana	18. 3. 1965	United Kingdom	13. 5. 1952
Ireland	21. 6. 1957	United States	9. 4. 1953
Netherlands	14. 7. 1950	Yugoslavia	22. 12. 1961

ALGERIA

In reply to a request made in 1966 by the Committee of Experts, the Government provided information concerning the examinations for obtaining an able seaman's certificate.

77. Medical Examination of Young Persons (Industry) Convention, 1946*This Convention came into force on 29 December 1950*

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Israel	23. 12. 1953
Algeria	19. 10. 1962	Italy	22. 10. 1952
Argentina	17. 2. 1955	Luxembourg	3. 3. 1958
Bulgaria	29. 12. 1949	Paraguay	21. 3. 1966
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
Cuba	13. 1. 1954	Philippines	17. 11. 1960
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Hungary	8. 6. 1956	Uruguay	18. 3. 1954
Iraq	13. 1. 1951		

URUGUAY

See under Convention No. 10.

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Iraq	5. 7. 1960
Algeria	19. 10. 1962	Israel	23. 12. 1953
Argentina	17. 2. 1955	Italy	22. 10. 1952
Bulgaria	29. 12. 1949	Luxembourg	3. 3. 1958
Byelorussia	6. 11. 1956	Paraguay	21. 3. 1966
Cuba	7. 9. 1954	Peru	4. 4. 1962
France	28. 6. 1951	Poland	11. 12. 1947
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
Honduras	20. 6. 1960	Uruguay	18. 3. 1954
Hungary	8. 6. 1956		

HONDURAS (First Report)

Public Health and Hygiene Regulations, May 1951.

See also under Convention No. 14.

Article 1 of the Convention. The criterion for the differentiation of the various occupations is the number of persons employed and the absence of any relationship to the employer; no reference is made to the type of economic activity. Minors under 16 years of age cannot conclude employment contracts, and children under 14 years of age cannot be employed in any type of work unless the authorities consider it necessary for the sustenance of the minor or his family (see sections 31 to 33 of the Labour Code).

The line of division of occupations is determined by the persons employed and not by the type of activity.

The exemption provided for by paragraph 4 is applied: sections 395, 129 and 134 of the Labour Code define those occupations which are considered to be physically or morally dangerous for minors, and prohibit the employment of minors in such occupations. Occupations not mentioned in those sections are considered as non-dangerous.

Article 2. The Labour Inspectorate is empowered to authorise the employment of minors after an appropriate medical examination.

In general, the Ministry of Labour and Social Welfare is responsible through its competent services for such medical examinations and for issuing the appropriate medical certificates. The medical certificate indicates the conditions of work and risks, and the workplace or establishment. Although under the national legislation the Ministry of Labour and Social Welfare is responsible for issuing medical certificates, especially with respect to minors, the General Directorate of Health, the National Social Security Institute and other state medical services may also issue such certificates. The pre-employment medical examination is carried out in the large towns where medical services are available.

Article 3. The medical certificate stipulates that medical supervision shall be continued up to the age of 18 years; the Government requires repetition of the examination every six months, but in special cases the Medical Inspectorate and the General Labour Inspectorate may fix special intervals between examinations.

Article 4. The legislation makes no provision for a medical examination up to the age of 21 years but steps will be taken to meet this requirement and to define the occupations in which the periodic examination is to be continued.

Article 5. In accordance with section 157 of the Labour Code and the relevant provisions of collective agreements, medical examinations are generally carried out free of charge.

Article 6. The national legislation (the Minors' Courts Act and the Constitution, articles 118 to 120) provides for the protection of the health and well-being of minors but without stipulating any specific measures or specialised institutions for the vocational guidance or reclassification of minors.

Article 7. Some of the requirements of this Article are met by section 133 of the Labour Code, the provisions of which refer to minors under 16 years of age.

URUGUAY

See under Convention No. 10.

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	17. 2. 1955	Luxembourg.	3. 3. 1958
Bulgaria	29. 12. 1949	Paraguay	21. 3. 1966
Byelorussia	6. 11. 1956	Peru	4. 4. 1962
Cuba	7. 9. 1954	Poland	11. 12. 1947
Dominican Republic	22. 9. 1953	Ukraine.	14. 9. 1956
Guatemala	13. 2. 1952	U.S.S.R.	10. 8. 1956
Israel	23. 12. 1953	Uruguay	18. 3. 1954
Italy	22. 10. 1952		

UKRAINE

In reply to a direct request made in 1966 by the Committee of Experts the Government supplied the text of Instruction No. 29-3601 of 12 April 1958 of the Ministry of Culture of the U.S.S.R. and the Central Committee of Cultural Workers' Unions; this instruction supplements the existing regulations respecting the conditions of children and young persons engaged in the film industry.

URUGUAY

See under Convention No. 10.

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Lebanon	26. 7. 1962
Argentina	17. 2. 1955	Luxembourg	3. 3. 1958
Austria	30. 4. 1949	Malawi	22. 3. 1965
Belgium	5. 4. 1957	Malaysia:	
Brazil	25. 4. 1957	States of Malaya	1. 7. 1963
Bulgaria	29. 12. 1949	Sabah, Sarawak	3. 3. 1964
Cameroon (Western Cameroon) ¹	3. 9. 1962	Mali	2. 3. 1964
Central African Republic	9. 6. 1964	Malta ¹	4. 1. 1965
Ceylon	3. 4. 1956	Mauritania	8. 11. 1963
Chad	30. 11. 1965	Morocco	14. 3. 1958
China ¹	13. 2. 1962	Netherlands	15. 9. 1951
Costa Rica	2. 6. 1960	New Zealand ¹	30. 11. 1959
Cuba	7. 9. 1954	Nigeria ¹	17. 10. 1960
Cyprus ¹	23. 9. 1960	Norway	5. 1. 1949
Denmark	6. 8. 1958	Pakistan	10. 10. 1953
Dominican Republic	22. 9. 1953	Panama	3. 6. 1958
Finland	20. 1. 1950	Peru	1. 2. 1960
France	16. 12. 1950	Portugal	12. 2. 1962
Federal Republic of Germany	14. 6. 1955	Senegal	22. 10. 1962
Ghana	2. 7. 1959	Sierra Leone ¹	13. 6. 1961
Greece	16. 6. 1955	Singapore	25. 10. 1965
Guatemala	13. 2. 1952	Spain	30. 5. 1960
Guinea	26. 3. 1959	Sweden	25. 11. 1949
Guyana ¹	8. 6. 1966	Switzerland ¹	13. 7. 1949
Haiti	31. 3. 1952	Syrian Arab Republic	26. 7. 1960
India ¹	7. 4. 1949	Tanzania (Tanganyika) ¹	30. 1. 1962
Iraq	13. 1. 1951	Tunisia	15. 5. 1957
Ireland ¹	16. 6. 1951	Turkey	5. 3. 1951
Israel	7. 6. 1955	Uganda ¹	4. 6. 1963
Italy	22. 10. 1952	United Arab Republic	11. 10. 1956
Jamaica ¹	26. 12. 1962	United Kingdom ¹	28. 6. 1949
Japan	20. 10. 1953	Viet-Nam	6. 1. 1964
Kenya	13. 1. 1964	Yugoslavia	18. 8. 1955
Kuwait	23. 11. 1964		

¹ Excluding Part II.

KUWAIT (First Report)

Labour Law (Private Sector), No. 38 of 1964.

Articles 1 and 2 of the Convention. A system of labour inspection covering all categories of workers and undertakings is maintained in industrial workplaces.

Article 3. The inspectorate has no function other than that stated in this Article.

Articles 4 and 5. The Ministry of Social Affairs and Labour, acting through its Labour Inspection Division, is the central authority for supervision and control, and co-operates with the Ministry of Health.

Articles 6 and 7. The inspection staff are independent; they enjoy stability of employment and their recruitment is based only on their qualifications for the performance of their duties. Training courses and lectures are given to members of the inspectorate and it is intended that some of them will have the benefit of overseas training.

Article 8. In view of local circumstances no women have as yet been appointed to the inspectorate.

Article 9. Contact is maintained with the technicians of the Ministry of Health and other pertinent public and private organisations.

Articles 10 and 11. There are plans to increase the inspection staff so as to ensure the effective discharge of their duties. The inspectors are provided with local offices and transport facilities, as required by the Convention.

Article 12. The Government's report refers to administrative decisions and the Labour Law.

Article 13. The powers provided for by this Article are exercised by the Labour Inspection Division acting in collaboration with the Health and Safety Division of the Ministry of Health. Quick action can be taken when required.

Article 14. Chapter 12 of the Labour Law makes provision for notifying the labour inspectorate of industrial accidents and occupational diseases.

Article 15. This Article is applied.

Article 16. The Government hopes that, in the future, inspection visits will be made as frequently as necessary.

Article 17. This Article is applied.

Article 18. Section 97 of the Labour Law provides for penalties in case of violations of the legislative provisions.

Article 19. There are no local inspection offices. There is only a central inspection authority, the Labour Inspection Division, at the Ministry of Social Affairs and Labour.

Article 20. A copy of the annual report of the Labour Inspection Division will be sent to the I.L.O.

Article 21. The Government intends to comply with this Article in future annual reports.

Article 22. Labour inspection covers both industry and commerce.

MOROCCO

Royal Decree No. 969-65 of 14 Safar 1386 (3 June 1966) to promulgate an Act amending and completing the Dahir of 13 Chaabane 1366 (2 July 1947) respecting the regulation of labour (*Bulletin officiel du Royaume du Maroc*, 15 June 1966, No. 2798, p. 643).

The above-mentioned decree, promulgated in response to direct requests made by the Committee of Experts and in conformity with Article 13, paragraph 2 (*b*), of the Convention, empowers labour inspectors to adopt measures with immediate executory force in the event of imminent danger to the health or safety of workers.

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

Countries	Ratification registered on
Belgium	27. 1. 1955
France	26. 7. 1954
New Zealand	1. 7. 1952

Countries	Ratification registered on
United Kingdom ¹	27. 3. 1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

(See pp. 237-238: "List of Reports Containing Information Which Has Not Been Summarised".)

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955

Countries	Ratification registered on	Countries	Ratification registered on
Australia	30. 9. 1954	France	26. 7. 1954
Belgium	27. 1. 1955	United Kingdom	27. 3. 1950

CONGO (KINSHASA)

Legislative Decree of 18 September 1965 to establish and organise a General Inspectorate of Labour (*Moniteur Congolais (M.C.)*, 1 Nov. 1965, No. 20, p. 970) (*L.S. 1965—Congo (Kin.) 1*).

Ordinance No. 357 of 18 September 1965 respecting the organisation of the General Inspectorate of Labour.

Legislative Ordinance No. 123 of 1 May 1964 respecting workers' representation in undertakings (*M.C.*, 1 June 1964, No. 11, p. 326) (*L.S. 1964—Congo (Leo.) 2*).

Article 1 of the Convention. A labour inspection service exists.

Article 2. Labour inspectors are trained at the National School of Law and Administration (*Ecole nationale de droit et d'administration*) at Kinshasa or at the International Civil Service Institute (*Institut international d'administration publique*) in Paris, or in special courses organised at Kinshasa by the Government.

Article 3. Section 16 of the legislative ordinance of 1 May 1964 provides that workers' representatives may transmit to the General Inspectorate of Labour any complaint or claim concerning the provisions of laws or regulations which the Inspectorate is responsible for administering.

Article 4, paragraph 1. According to section 9 of the legislative decree of 18 September 1965, the purpose of labour inspection is to promote good relations between employers and workers and to ensure respect for social justice, in particular through the application of the legislative provisions concerning conditions of work.

Paragraph 2. Section 11 of the legislative decree confers upon labour inspectors the same powers as those mentioned in the Convention.

Article 5. The provisions concerning inspectors' obligations are applied by sections 8, 13 and 19 of the legislative decree.

Article 8. The Government will not submit any further reports on this Convention since Convention No. 81 is to be ratified.

There are still insufficient inspectors. The training of new personnel and the further training of those already in service is continuing. The lack of material resources constitutes the chief obstacle to the effective functioning of inspection.

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

Countries	Ratification registered on	Countries	Ratification registered on
Botswana	18. 10. 1966	Tanzania:	
Guatemala	13. 2. 1952	Tanganyika	30. 1. 1962
Guyana	8. 6. 1966	Zanzibar	22. 6. 1964
Jamaica	26. 12. 1962	Uganda	4. 6. 1963
Kenya	13. 1. 1964	United Kingdom ¹	27. 3. 1950
Malawi	22. 3. 1965	Zambia	2. 12. 1964
Malaysia (Sabah, Sarawak)	3. 3. 1964		
Sierra Leone	13. 6. 1961		
Singapore	25. 10. 1965		

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

MALAWI

Employment Ordinance, No. 14 of 1964.

UGANDA

See under Convention No. 64.

ZAMBIA

See under Convention No. 50.

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Ivory Coast	21. 11. 1960
Algeria	19. 10. 1962	Jamaica	26. 12. 1962
Argentina	18. 1. 1960	Japan	14. 6. 1965
Austria	18. 10. 1950	Kuwait	21. 9. 1961
Belgium	23. 10. 1951	Lesotho	31. 10. 1966
Bolivia	4. 1. 1965	Liberia	25. 5. 1962
Botswana	18. 10. 1966	Luxembourg	3. 3. 1958
Bulgaria	8. 6. 1959	Malagasy Republic	1. 11. 1960
Burma	4. 3. 1955	Mali	22. 9. 1960
Byelorussia	6. 11. 1956	Malta	4. 1. 1965
Cameroon:		Mauritania	20. 6. 1961
Eastern Cameroon	7. 6. 1960	Mexico	1. 4. 1950
Western Cameroon	3. 9. 1962	Netherlands	7. 3. 1950
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Nigeria	17. 10. 1960
Congo (Brazzaville)	10. 11. 1960	Norway	4. 7. 1949
Costa Rica	2. 6. 1960	Pakistan	14. 2. 1951
Cuba	25. 6. 1952	Panama	3. 6. 1958
Cyprus	24. 5. 1966	Paraguay	28. 6. 1962
Czechoslovakia	21. 1. 1964	Peru	2. 3. 1960
Dahomey	12. 12. 1960	Philippines	29. 12. 1953
Denmark	13. 6. 1951	Poland	25. 2. 1957
Dominican Republic	5. 12. 1956	Rumania	28. 5. 1957
Ethiopia	4. 6. 1963	Senegal	4. 11. 1960
Finland	20. 1. 1950	Sierra Leone	15. 6. 1961
France	28. 6. 1951	Sweden	25. 11. 1949
Gabon	14. 10. 1960	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	20. 3. 1957	Togo	7. 6. 1960
Ghana	2. 6. 1965	Trinidad and Tobago	24. 5. 1963
Greece	30. 3. 1962	Tunisia	18. 6. 1957
Guatemala	13. 2. 1952	Ukraine	14. 9. 1956
Guinea	21. 1. 1959	U.S.S.R.	10. 8. 1956
Honduras	27. 6. 1956	United Arab Republic	6. 11. 1957
Hungary	6. 6. 1957	United Kingdom	27. 6. 1949
Iceland	19. 8. 1950	Upper Volta	21. 11. 1960
Ireland	4. 6. 1955	Uruguay	18. 3. 1954
Israel	28. 1. 1957	Yugoslavia	23. 7. 1958
Italy	13. 5. 1958		

BOLIVIA (First Report)

Constitution.

General Labour Act, Presidential Decree of 24 May 1939 (*Protección Social*, May 1939, Vol. II, No. 14, p. 28) (*L.S.* 1939—Bol. 1).

Decree of 23 August 1943 for the application of the General Labour Act.

Presidential Decree No. 07822 of 23 September 1966.

Presidential Decree No. 07822 of 23 September 1966 superseded Presidential Decrees Nos. 07171 and 07172 of 17 and 18 May 1965 respectively, Nos. 07204 and 07205 of 3 June 1965, and No. 07634 of 18 May 1966, which constituted special measures adopted in view of the growing social unrest that threatened public order and the safety of the Government.

Article 2 of the Convention. Article 128 of the Constitution guarantees the right to form occupational associations and trade unions and recognises the system of collective labour agreements. In accordance with section 99 of the General Labour Act, associations must obtain recognition of their legal personality and approval of their statutes. Civil servants are not protected by the above-mentioned provisions.

Article 3. The legislation enumerates the data which must appear in association statutes, i.e. name and type of organisation; legal domicile; aims; obligations and rights of members; conditions for admission, withdrawal and expulsion; manner of designating and renewing the mandate of executive officers; obligations of executive officers; administration of funds, and of income and expenditure budgets; rendering of accounts and their approval; sanctions for contravention of statutes or of decisions of the executive committee or assemblies, and for misuse of the organisation's funds or damage to its property; days on which general assemblies and meetings of the executive committee are held; destination of funds in case of dissolution.

Section 100 of the General Labour Act and section 136 of the decree for the application of the Act indicate what activities are permitted to occupational associations; party political activities are expressly prohibited.

Article 4. The legislation authorises the dissolution of an association proved to have contravened the laws in this field or to have been in abeyance for more than a year for any cause imputable to the association itself. The dissolution of such associations was formerly within the competence of the executive authorities, but at the present time it is the responsibility of the labour tribunals, against whose decisions an appeal may be made to the National Labour and Social Security Court.

Article 5. Section 133 of the above-mentioned decree provides that trade unions may form federations and confederations; the legal personality of such federations and confederations is established in the same way as that of trade unions themselves.

There are no legislative provisions concerning the affiliation of workers' or employers' organisations with international organisations, but there are no legal obstacles to such affiliation.

Article 6. The provisions relating to the constitution, operation and dissolution of trade unions apply also to federations and confederations but dissolution of the latter does not necessarily entail dissolution of the affiliated associations.

Article 7. The legal personality of trade union organisations and approval of their statutes are obtained through the Ministry of Labour. The following documents are required: act of constitution; text of statutes; minutes of the meeting at which the statutes were approved; document proving the identity of the applicant for recognition as a body corporate; record of election and nomination of the executive committee; and list of members. Legal personality is accorded by means of a presidential decision.

Article 8. Section 137 of the above-mentioned decree stipulates that trade unions shall not engage in activities other than those indicated in the Act, or act in such a way as to undermine individual freedom, freedom of employment or industrial freedom, as they are guaranteed by the national Constitution and laws.

Article 9. The members of the armed forces and police are not guaranteed freedom of association.

ETHIOPIA

In reply to a direct request made in 1966 by the Committee of Experts, the Government states that trade unions and employers' associations have a right of appeal to the courts against decisions of the Minister of Labour refusing to register them.

IRELAND

In reply to a direct request made by the Committee of Experts, the Government states that its aim in introducing a scheme of conciliation and arbitration for the civil service was to ensure that questions affecting the service should be taken out of the arena of party policies. This aim was clearly recognised to be in the public interest. Each staff association decides whether or not to participate in the scheme. If an association decides to participate the Government cannot see why Article 3 of the Convention should prohibit the association and the administration from entering into a contract with mutual advantages and obligations.

LESOTHO

In reply to a direct request made by the Committee of Experts, the Government states that casual and temporary workers enjoy full right to organise. All unions whose constitutions do not cover "allied workers" have overcome any possible restriction by having broad membership arrangements, including provision for *ad hoc* committees to accommodate such temporary and casual workers. The creation of such committees is allowed under section 13 (1) (e) of the Trade Unions and Trade Disputes Law, 1964.

Regulation No. 39 made under Proclamation No. 32 of 1928 appears never to have been applied to trade unions, but they, like any other bodies, have to apply for a licence to hold a public meeting whenever the Public Order Proclamation, No. 3 of 1964, is applied to a township or area.

MALTA

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the decisions of the Registrar to refuse or cancel registration are subject to judicial review and that nothing in the Trade Unions and Trade Disputes Ordinance bars federations or confederations from registering as trade unions and from organising their administration and activities without any hindrance or interference.

NORWAY

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

In 1964 a new federation of public servants' organisations was created. As a result some public servants' organisations which did not fulfil the requirements of the Public Service Disputes Act for obtaining the right to negotiate have received this right through membership in the new federation.

PAKISTAN

East Pakistan Trade Unions Act, No. V of 1965.

East Pakistan Labour Disputes Act, No. VI of 1965.

West Pakistan Industrial Disputes (Conciliation and Adjudication) Order, 1965.

In reply to a direct request made in 1965 and repeated in 1966 by the Committee of Experts, the Government supplied the following information.

As regards East Pakistan, the Labour Disputes Act reduces considerably the number of public utility services. Even in public utility services workers and employers may resort to strike and lockout. It is possible, once an appeal has been lodged,

to obtain a "stay order" from a judicial authority before steps are taken by the administrative authorities to wind up or suspend the activities of a trade union.

As regards West Pakistan, strikes and lockouts are prohibited during conciliation and adjudication proceedings. They may, however, take place during the period between submission of the report on the conciliation proceedings by the conciliation officer to the provincial government and reference of the dispute by the government to the industrial court.

PANAMA (First Report)

See under Conventions Nos. 12 and 29.

Article 2 of the Convention. The Constitution protects freedom of association, and this principle is developed in the Labour Code. Section 280 of the Code recognises the right of employers and workers to form organisations without authorisation; however, an application for registration must be submitted within 30 days, and the administrative authorities must reply within 30 days.

Article 4. Workers' and employers' organisations may be dissolved by judicial action at the request of the Ministry of Labour if it is proved that they have contravened the Labour Code or the Constitution.

Article 5. There are no restrictions concerning affiliation with international organisations.

Article 6. There are no restrictions concerning federations or confederations, in which the affiliated organisations maintain their identity and autonomy.

Article 7. The acquisition of legal personality depends upon registration, which is compulsory. The requirements concerning registration do not involve any tax or costs whatever and do not restrict freedom of association.

Article 8. The national legislation in no way impairs the guarantees provided for in the Convention. The only requirement is that 24 hours' notice of public meetings must be given to the competent authority.

Article 9. The members of the National Guard do not have the right to form trade unions; they are governed by a special statute.

RUMANIA

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

According to article 27 of the Constitution, citizens have the right to be associated in trade union, co-operative, youth, women's, social and cultural organisations, in creative unions, and in other civic organisations.

The State supports the activities of civic and mass organisations, creates the conditions for the development of the material basis of these organisations, and protects their assets.

The civic and mass organisations ensure widespread participation by the popular masses in the political, economic, social and cultural life of the country and in the exercise of civic control—an expression of the democratic nature of the Socialist régime. Through the civic and mass organisations, the Rumanian Communist Party establishes an organised link between the working class, the peasants, the intellectuals and other categories of workers, and thus enrolls them in the campaign to complete the building-up of Socialism.

According to article 28 of the Constitution, freedom of speech, of the press, of association, of meeting and of demonstration is guaranteed to citizens.

SWEDEN

Act of 1965 respecting state employees.
Act of 1965 respecting municipal employees.

In connection with the new legislation, a national administrative authority, the Swedish Government Employee Negotiation Board, has been created. The new authority is responsible for negotiating the conditions of employment of state employees (excluding employees of the Parliament and its authorities) and other employees whose conditions are subject to negotiations with the Government or such authority as the Government may appoint.

In the case of negotiations concerning municipal employees, the employers are represented by the Association of Swedish County Councils, the Association of Swedish Rural Districts and the Swedish Town Federation.

SYRIAN ARAB REPUBLIC

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the provisions of Legislative Decree No. 31 of 29 February 1964 were discussed by the general assembly of the trade union federation and that they were approved by that assembly.

The Government further states that the observations made by the Committee of Experts were brought to the notice of the trade union federation and that the latter is preparing a draft law on trade unions which is expected to take the observations in question into account.

TRINIDAD AND TOBAGO

Industrial Stabilisation Act, No. 8 of 1965 (*Trinidad and Tobago Gazette*, No. 26, Extraordinary, 20 Mar. 1965, Supplement) (*L.S.* 1965—Trin. 1).

UKRAINE

In reply to a direct request made in 1966 by the Committee of Experts concerning rules under which associations cease to operate, the Government states that the position is extremely clearly stated in section 39 of the Civil Code of the Ukrainian S.S.R., 1963, which specifies that an association "shall cease its activity in accordance with the provisions of its constitution"—i.e. the question of its dissolution is decided independently with regard only to the formalities prescribed in a constitution which the association itself has determined and adopted.

In compliance with a request made by the Committee of Experts, a copy of the Civil Code of the Ukrainian S.S.R., 1963, which came into force on 1 January 1964, was appended to the Government's report.

UNITED KINGDOM

Trade Disputes Act of 5 August 1965 (*L.S.* 1965—U.K. 2)

In reply to a direct request made by the Committee of Experts, the Government states that the legal position as it was thought to exist before the House of Lords decision in the case of *Rookes v. Barnard* (January 1964) has been restored by the enactment of the Trade Disputes Act, 1965, which provides that acts done by a person in contemplation or furtherance of a trade dispute shall not be actionable in tort on the ground only that they consist in his threatening that a contract of employment (whether one to which he is a party or not) will be broken or that he will induce another person to break a contract of employment. The Government of Northern

Ireland intends to legislate on similar lines when parliamentary time becomes available, but having regard to the findings of the Royal Commission on Trade Unions and Employers' Associations, if it has reported in the interim. The Government furnished a copy of this Commission's report on its first year's work.

A court of inquiry appointed by the Minister of Labour in May 1966 will consider the position of merchant seamen in relation to the Conspiracy and Protection of Property Act, 1875, among other questions relating to terms and conditions of sea-going employment.

U.S.S.R.

Civil Code of the R.S.F.S.R. of 1964.

A number of legislative requirements relating to trade unions are contained in the new civil codes adopted in the Union republics during the period under review. Special sections in these codes are devoted to ownership by trade union organisations and govern questions concerning the property rights of the unions; thus, sections 102 to 104 of the Civil Code of the R.S.F.S.R. guarantee a sound material basis for the activities of trade unions and other public organisations representing the workers.

In reply to a request made by the Committee of Experts referring to section 18 of the Civil Code of the R.S.F.S.R. of 1922, the Government states that there are no such provisions in the new civil codes, and that sections 27 and 39 of the Civil Code of the R.S.F.S.R. specify that the procedure for the establishment and dissolution of public organisations shall be governed by their regulations.

The procedure for the establishment and dissolution of trade union organisations is determined by the Trade Union Regulations of the U.S.S.R. (section 60).

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	24. 9. 1956	Libya	20. 6. 1962
Australia	24. 12. 1949	Luxembourg	3. 3. 1958
Belgium	16. 3. 1953	Malta	4. 1. 1965
Brazil	25. 4. 1957	Netherlands	7. 3. 1950
Bulgaria ¹	29. 12. 1949	New Zealand	3. 12. 1949
Canada	24. 8. 1950	Nigeria	16. 6. 1961
Central African Republic	9. 6. 1964	Norway	4. 7. 1949
Costa Rica	2. 6. 1960	Peru	6. 4. 1962
Cuba	29. 4. 1952	Philippines	29. 12. 1953
Cyprus	23. 9. 1960	Sierra Leone	13. 6. 1961
Czechoslovakia	12. 6. 1950	Singapore	25. 10. 1965
Dominican Republic	22. 9. 1953	Spain	30. 5. 1960
Ethiopia	4. 6. 1963	Sweden	25. 11. 1949
France	15. 10. 1952	Switzerland	19. 1. 1952
Federal Republic of Germany	22. 6. 1954	Syrian Arab Republic	26. 7. 1960
Ghana	4. 4. 1961	Tanzania (Tanganyika)	30. 1. 1962
Greece	16. 6. 1955	Turkey	14. 7. 1950
Guatemala	13. 2. 1952	United Arab Republic	3. 7. 1954
India	24. 6. 1959	United Kingdom	10. 8. 1949
Iraq	22. 6. 1951	Venezuela	16. 11. 1964
Israel	21. 8. 1959	Yugoslavia	23. 7. 1958
Italy	22. 10. 1952		
Japan	20. 10. 1953		

¹ Has denounced this Convention.

(See pp. 237-238: "List of Reports Containing Information Which Has Not Been Summarised".)

89. Night Work (Women) Convention (Revised), 1948

This Convention came into force on 27 February 1951

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Luxembourg	3. 3. 1958
Austria	5. 10. 1950	Malawi	22. 3. 1965
Belgium	1. 4. 1952	Malta	4. 1. 1965
Brazil	25. 4. 1957	Mauritania	8. 11. 1963
Burundi	11. 3. 1963	Netherlands	22. 10. 1954
Ceylon	31. 3. 1966	New Zealand	10. 11. 1950
Congo (Kinshasa)	20. 9. 1960	Pakistan	14. 2. 1951
Costa Rica	2. 6. 1960	Paraguay	21. 3. 1966
Cuba	29. 4. 1952	Philippines	29. 12. 1953
Cyprus	8. 10. 1965	Portugal	2. 6. 1964
Czechoslovakia	12. 6. 1950	Rumania	28. 5. 1957
Dominican Republic	22. 9. 1953	Rwanda	18. 9. 1962
France	21. 9. 1953	Senegal	22. 10. 1962
Ghana	2. 7. 1959	Republic of South Africa	2. 3. 1950
Greece	27. 4. 1959	Spain	24. 6. 1958
Guatemala	13. 2. 1952	Switzerland	6. 5. 1950
Guinea	12. 12. 1966	Syrian Arab Republic	1. 12. 1949
India	27. 2. 1950	Tunisia	15. 5. 1957
Ireland	14. 1. 1952	United Arab Republic	26. 7. 1960
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Kenya	30. 11. 1965	Viet-Nam	26. 10. 1965
Kuwait	21. 9. 1961	Yugoslavia	20. 6. 1956
Lebanon	26. 7. 1962	Zambia	22. 2. 1965
Libya	20. 6. 1962		

AUSTRIA

In reply to an observation made in 1966 by the Committee of Experts, the Government states that efforts to formulate separate Federal legislation respecting night work by women, designed to eliminate the slight discrepancies between the national legislation and the Convention, have continued. The Austrian Chamber of Workers and Employees and the Austrian Federation of Trade Unions consider the enactment of the necessary provisions for the full application of this Convention before the 51st (1967) Session of the International Labour Conference as absolutely essential. They also consider the Bill respecting hours of work and rest periods as a possible solution for the difficulties encountered in giving effect to the Convention.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948

This Convention came into force on 12 June 1951

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	24. 9. 1956	Lebanon	26. 7. 1962
Byelorussia	6. 11. 1956	Luxembourg	3. 3. 1958
Ceylon	18. 5. 1959	Mauritania	8. 11. 1963
Costa Rica	2. 6. 1960	Mexico	20. 6. 1956
Cuba	29. 4. 1952	Netherlands	22. 10. 1954
Cyprus	8. 10. 1965	Norway	20. 5. 1957
Czechoslovakia	12. 6. 1950	Pakistan	14. 2. 1951
Dominican Republic	12. 8. 1957	Paraguay	21. 3. 1966
Ghana	4. 4. 1961	Peru	4. 4. 1962
Greece	30. 3. 1962	Philippines	29. 12. 1953
Guatemala	13. 2. 1952	Tunisia	26. 4. 1961
Guinea	12. 12. 1966	Ukraine	14. 9. 1956
Haiti	12. 4. 1957	U.S.S.R.	10. 8. 1956
India	27. 2. 1950	Uruguay	18. 3. 1954
Israel	23. 12. 1953	Yugoslavia	20. 2. 1957
Italy	22. 10. 1952		

URUGUAY

See under Convention No. 10.

92. Accommodation of Crews Convention (Revised), 1949

This Convention came into force on 29 January 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Ireland	21. 7. 1952
Belgium	30. 8. 1962	Netherlands	17. 6. 1958
Brazil	8. 6. 1954	Norway	29. 6. 1950
Costa Rica	2. 6. 1960	Poland	13. 4. 1954
Cuba	29. 4. 1952	Portugal	29. 7. 1952
Denmark	30. 9. 1950	Sweden	18. 7. 1950
Finland	22. 12. 1951	United Kingdom	6. 8. 1953
France	26. 10. 1951	Yugoslavia	25. 11. 1966
Ghana	18. 3. 1965		

GHANA (First Report)

Merchant Shipping (Crew Accommodation) Regulations, 1964.
See also under Convention No. 8.

Sections 67 and 145 of the United Kingdom Merchant Shipping Act and the above-mentioned regulations apply the Convention.

The application of this legislation is entrusted to the Shipping Commissioner of the Ministry of Communications.

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	22. 10. 1952
Austria	10. 11. 1951	Jamaica	26. 12. 1962
Belgium	13. 10. 1952	Kenya	13. 1. 1964
Botswana	18. 10. 1966	Malaysia (Sabah, Sarawak)	3. 3. 1964
Brazil	18. 6. 1965	Mauritania	8. 11. 1963
Bulgaria	7. 11. 1955	Morocco	20. 9. 1956
Burundi	11. 3. 1963	Netherlands	20. 5. 1952
Cameroon:		Nigeria	17. 10. 1960
Eastern Cameroon	29. 1. 1963	Philippines	29. 12. 1953
Western Cameroon	3. 9. 1962	Rwanda	18. 9. 1962
Central African Republic	9. 6. 1964	Sierra Leone	15. 6. 1961
Congo (Kinshasa)	30. 9. 1960	Singapore	25. 10. 1965
Costa Rica	2. 6. 1960	Somalia (ex-British Somaliland)	18. 11. 1960
Cuba	29. 4. 1952	Syrian Arab Republic	7. 6. 1957
Cyprus	23. 9. 1960	Tanzania:	
Denmark	15. 8. 1955	Tanganyika	30. 1. 1962
Finland	22. 12. 1951	Zanzibar	22. 6. 1964
France	20. 9. 1951	Turkey	29. 3. 1961
Ghana	4. 4. 1961	Uganda	4. 6. 1963
Guatemala	13. 2. 1952	United Arab Republic	26. 7. 1960
Guinea	12. 12. 1966	United Kingdom	30. 6. 1950
Guyana	8. 6. 1966	Uruguay	18. 3. 1954
Israel	30. 3. 1953		

BOTSWANA

Articles 1 and 2 of the Convention. It is standard administrative practice to include labour clauses in public contracts awarded by central authorities. It is also intended to ask local authorities to apply the Convention to contracts awarded by them.

Article 3. Apart from the provisions of the Employment and Workmen's Compensation Laws and related regulations, there are, as yet, no laws concerning health and safety. Working conditions are, however, inspected in accordance with the above-mentioned laws and the terms of the contract.

Article 4. Many workers employed under public contracts are illiterate and so far employers have not been required to post notices concerning conditions of work. However, officials of the Labour Branch (through which most workers obtain employment) explain verbally the conditions of service and the workers' rights.

URUGUAY

Public Works Specifications, approved by the National Council of Government on 5 February 1963.

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	7. 1. 1957	Malagasy Republic	1. 11. 1960
Algeria	19. 10. 1962	Malaysia:	
Argentina	24. 9. 1956	States of Malaya	17. 11. 1961
Austria	10. 11. 1951	Sabah, Sarawak	3. 3. 1964
Botswana	18. 10. 1966	Mali	22. 9. 1960
Brazil	25. 4. 1957	Malta	4. 1. 1965
Bulgaria	7. 11. 1955	Mauritania	20. 6. 1961
Byelorussia	4. 8. 1961	Mexico	27. 9. 1955
Cameroon:		Netherlands	20. 5. 1952
Eastern Cameroon	7. 6. 1960	Niger	27. 2. 1961
Western Cameroon	3. 9. 1962	Nigeria	17. 10. 1960
Central African Republic	27. 10. 1960	Norway	29. 6. 1950
Chad	10. 11. 1960	Paraguay	21. 3. 1966
China	16. 11. 1962	Philippines	29. 12. 1953
Colombia	7. 6. 1963	Poland	25. 10. 1954
Congo (Brazzaville)	10. 11. 1960	Senegal	4. 11. 1960
Costa Rica	2. 6. 1960	Sierra Leone	15. 6. 1961
Cuba	29. 4. 1952	Somalia (ex-British Somaliland)	18. 11. 1960
Cyprus	23. 9. 1960	Spain	24. 6. 1958
Dahomey	12. 12. 1960	Syrian Arab Republic	7. 6. 1957
Ecuador	6. 7. 1954	Tanzania:	
France	15. 10. 1952	Tanganyika	30. 1. 1962
Gabon	14. 10. 1960	Zanzibar	22. 6. 1964
Greece	16. 6. 1955	Togo	7. 6. 1960
Guatemala	13. 2. 1952	Tunisia	28. 5. 1958
Guinea	21. 1. 1959	Turkey	29. 3. 1961
Guyana	8. 6. 1966	Uganda	4. 6. 1963
Honduras	20. 6. 1960	Ukraine	4. 8. 1961
Hungary	8. 6. 1956	U.S.S.R.	4. 5. 1961
Iraq	12. 5. 1960	United Arab Republic	26. 7. 1960
Israel	12. 1. 1959	United Kingdom	24. 9. 1951
Italy	22. 10. 1952	Upper Volta	21. 11. 1960
Ivory Coast	21. 11. 1960	Uruguay	18. 3. 1954
Libya	20. 6. 1962		

ALGERIA

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

Article 4 of the Convention. Section 43 of Book I of the Labour Code stipulates that wages must be paid in money accepted as legal tender. Allowances in kind, which are as a rule fixed in accordance with the customs of the trade or region, are for the personal use of the worker and his family.

Article 6. Section 75 of Book I of the Labour Code stipulates that an employer may not oblige his employees to spend their wages in stores specified by him.

Any more general provision prohibiting employers from restricting their workers' freedom as regards the disposal of their wages would seem at the present time to be superfluous.

BOTSWANA

Employment Law, No. 15 of 1963, as amended by Law No. 24 of 1964

Article 1 of the Convention. Under section 2 of the law "wages" mean any remuneration or earnings capable of being expressed in terms of money.

Article 2. Section 48 permits the exclusion of those categories of persons referred to in paragraph 2 of this Article, but no exclusions have been made in terms of section 48.

Article 3. Section 49 (3) provides that wages must be paid in legal tender or, by arrangement and subject to limitations which may be prescribed, into a bank account or by cheque, postal order or money order expressed in legal tender.

Article 4. Section 53 authorises partial payment in kind in terms of this Article.

Article 7. Section 55 provides that no worker may be compelled to use shops opened by an employer. There is no legislation requiring that goods shall be sold at fair and reasonable prices where access to other shops is not possible, but, if necessary, action could be taken under the Price Control Law.

Article 8. Section 52 regulates deductions from wages. Workers are informed of these provisions directly or through the trade unions.

Articles 10 and 11. Under section 59 payment of two months' wages is a first priority on the proceeds of attachment.

Article 12. According to section 15 wages shall be paid at intervals not exceeding one month. Section 20 provides that final settlement of wages must be made when a contract terminates.

Articles 14 and 15. Where necessary, a summary of the law shall be made available to employers and employees (section 9). Employers are required to post such summaries in conspicuous places and to keep prescribed records.

Article 17. A number of indigenous workers working for indigenous employers are, by custom, paid only in kind. This practice is gradually disappearing. Encouragement to pay cash wages in these cases will, in time, achieve the desired effect; compulsion would result in difficulties of enforcement and possible unemployment.

The Law is applied by labour officers under the supervision of the Commissioner of Labour.

COLOMBIA (First Report)

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407, p. 299) (*L.S.* 1950—Col. 3 A), as amended by Decree No. 617 of 26 February 1954 (*D.O.*, 5 Mar. 1954, p. 776) (*L.S.* 1954—Col. 1 B).

Article 1 of the Convention. Section 127 of the Labour Code establishes the integral elements of the wage in the manner prescribed by the Convention.

Article 3. The payment of wages in legal tender is provided for in sections 134 and 135 of the Code.

Article 4. These provisions are embodied in general terms in sections 129 and 136 of the Code.

Articles 5 and 6. These Articles are covered by sections 139 and 142 of the Code.

Article 7. Sections 57 and 139 of the Code are in line with this Article.

Articles 8 and 9. Sections 59 and 149 to 152 of the Code are in line with these provisions.

Articles 10 and 11. These requirements are met by sections 154 to 157 of the Code.

Article 12. The requirements of this Article are met by sections 65 and 134 of the Code.

Article 13. This provision is covered by section 138 of the Code.

Article 14. This provision is covered by section 38 of the Code.

The labour inspectors and labour visitors supervise the application of the Convention.

PHILIPPINES

Republic Act No. 4707 of 18 June 1966.

The above-mentioned Act has made the Minimum Wages Law once more applicable to mining enterprises.

96. Fee-Charging Employment Agencies Convention (Revised), 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Libya ¹	20. 6. 1962
Belgium ¹	4. 7. 1958	Luxembourg ¹	15. 12. 1958
Bolivia ¹	19. 7. 1954	Mauritania ¹	31. 3. 1964
Brazil ¹	21. 6. 1957	Netherlands ¹	20. 5. 1952
Ceylon ²	1. 5. 1958	Norway ¹	29. 6. 1950
Costa Rica ¹	2. 6. 1960	Pakistan ¹	26. 5. 1952
Cuba ¹	3. 2. 1953	Poland ¹	25. 10. 1954
Finland ¹	22. 12. 1951	Senegal ²	22. 10. 1962
France ¹	10. 3. 1953	Sweden ¹	18. 7. 1950
Gabon ¹	13. 6. 1961	Syrian Arab Republic ¹	7. 6. 1957
Federal Republic of Germany ¹	8. 9. 1954	Turkey ²	23. 1. 1952
Guatemala ¹	3. 1. 1953	United Arab Republic ¹	26. 7. 1960
Israel ²	19. 6. 1961		
Italy ¹	9. 1. 1953		
Ivory Coast ¹	22. 5. 1961		
Japan ²	11. 6. 1956		

¹ Has accepted the provisions of Part II.

² Has accepted the provisions of Part III.

BRAZIL

Act No. 4923 of 23 December 1965 respecting the establishment of a National Department of Manpower.

In reply to an observation made by the Committee of Experts, the Government states that the National Department of Manpower is now preparing a Bill for the establishment of a national unemployment assistance scheme.

MAURITANIA (First Report)

Labour Code, Act No. 23 of 23 January 1963 (*Journal officiel*, 20 Feb. 1963, No. 106, p. 53; errata: *ibid.*, 15 May 1963, No. 112, p. 143) (*L.S.* 1963—Mau. 1).

There is no fee-charging employment agency.

PAKISTAN

In reply to an observation made by the Committee of Experts, the Government states that the necessary measures are being adopted with a view to giving effect to the Convention.

97. Migration for Employment Convention (Revised), 1949

This Convention came into force on 22 January 1952

Countries	Ratification registered on	Countries	Ratification registered on
Algeria ¹	19. 10. 1962	Malaysia (Sabah ²)	3. 3. 1964
Belgium	27. 7. 1953	Netherlands	20. 5. 1952
Brazil	18. 6. 1965	New Zealand ³	10. 11. 1950
Cameroon (Western Cameroon) ²	3. 9. 1962	Nigeria ²	17. 10. 1960
Cuba	29. 4. 1952	Norway	17. 2. 1955
Cyprus ²	23. 9. 1960	Spain	21. 3. 1967
France ¹	29. 3. 1954	Tanzania (Zanzibar) ²	22. 6. 1964
Federal Republic of Germany	22. 6. 1959	Trinidad and Tobago ²	24. 5. 1963
Guatemala	13. 2. 1952	United Kingdom ⁴	22. 1. 1951
Guyana ²	8. 6. 1966	Upper Volta	9. 6. 1961
Israel	30. 3. 1953	Uruguay	18. 3. 1954
Italy	22. 10. 1952	Zambia ²	2. 12. 1964
Jamaica ²	26. 12. 1962		
Kenya ²	30. 11. 1965		
Malawi	22. 3. 1965		

¹ Has excluded the provisions of Annex II.

² Has excluded the provisions of Annexes I to III.

³ Has excluded the provisions of Annex I.

⁴ Has excluded the provisions of Annexes I and III.

ALGERIA

Ministerial Order of 10 November 1964.

In reply to a direct request made by the Committee of Experts, the Government indicates, in particular, that a seminar organised by the Franco-Algerian Association recently discussed the setting up of information offices at arrival points, reception centres and the preparation of a multi-lingual migrant's guide. In order for a migrant for employment to obtain a visa from the National Manpower Service he is required to have a certificate from the medical service stating that he is free from contagious disease and fit for work.

CAMEROON

Western Cameroon

In reply to a direct request made by the Committee of Experts, the Government states that the public employment service consists only of an experimental office open in the first instance to certain types of unemployed workers living in the urban area where the office is situated.

FEDERAL REPUBLIC OF GERMANY

Act of 5 April 1965 to amend and supplement the Federal Act respecting family allowances (*Bundesgesetzblatt (BGBl.)*, Part I, 1965, p. 222).

Aliens Act of 28 April 1965 (*BGBl.*, Part I, 1965, p. 353) and Regulations of 10 September 1965 (*BGBl.*, Part I, 1965, pp. 1341 and 1346).

Act of 20 December 1965 to ensure a balanced budget (*BGBl.*, Part I, 1965, p. 2065).

Section 7 of the Act of 20 December 1965 provides for a reduction of education grants.

ITALY

The organisation of flows of emigration has involved the ratification or renewal of a number of intergovernmental agreements during the period 1964-66, in particular

those concluded with Belgium, Brazil, Denmark, France, the Federal Republic of Germany and Sweden.

JAMAICA

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

Article 2 of the Convention. The provisions of the Foreign Nationals and Commonwealth Citizens (Employment) Act, 1964, prevent problems from arising in connection with the entry of immigrants; necessary arrangements are made by employers.

The Migration Advisory Service provides free services to nationals emigrating to the United Kingdom.

Article 4. The services of the Tourist Board and of travel and shipping agents are available to individual migrants. In the case of workers emigrating to the United Kingdom the Migration Advisory Service provides information and every facility on departure and arrival through its staff members or officials of the welfare services of the Jamaican High Commission in the United Kingdom.

Article 7, paragraph 2. The public employment service, under the Ministry of Labour and National Insurance, provides entirely free services to the general public.

Article 8, paragraph 1. Since the passing of the Foreign Nationals and Commonwealth Citizens Act, 1964, migrants for employment are no longer admitted to Jamaica on a permanent basis to take up employment and therefore no measures are foreseen to apply this Article.

Article 9. Although restrictions exist in respect of the transfer of funds to non-sterling areas, migrants from such countries may remit earnings through the deposit of salary in an external account with any commercial bank in Jamaica, and may convert part or the whole into foreign currency.

NETHERLANDS

In application of Regulation No. 38-64 of the European Economic Community, and of the instructions of 25 February and 25 March 1964 relating to migration and the residence of foreigners, certain measures have been adopted to make the conditions governing the entry, residence and expulsion of foreign workers more flexible.

NEW ZEALAND

Immigration Act, 1964.

Immigration (Diseases) Order, 1965.

Immigration Restriction Regulations, 1930, and amendments.

Agreement between the Government of New Zealand and the Government of the Netherlands concerning migration (*New Zealand Treaty Series*, 1950, No. 5).

TRINIDAD AND TOBAGO

In reply to a request made by the Committee of Experts the Government states that information on conditions of life and work in the United Kingdom is provided to emigrants by the British High Commissioner, whose approval is required for immigration. The provisions of section 7 of the Recruiting of Workers Ordinance and the measures called for under Article 4 of the Convention apply to all migrants.

Cessation of work because of illness or injury sustained after entry does not constitute grounds for repatriation; immigrants established in the country may transfer such part of their earnings and savings as they desire.

URUGUAY

The preliminary draft decree prepared by the General Directorate for Migration, together with the observations made by the Committee of Experts, are still being studied by the Minister of the Interior.

ZAMBIA

Immigration and Deportation Act, No. 29 of 1965, repealing the Immigration Act, 1954, and the Deportation Act, 1954.

Ordinance No. 19 of 1964, repealing the Alien Natives Registration Ordinance.

Exchange Control Act, No. 2 of 1965.

Exchange Control Regulations (*Statutory Instruments*, 1965, No. 207).

Employment Act, No. 57 of 20 September 1965 (*Government Gazette*, 1 Oct. 1965, Supplement, p. 449).

Article 1 of the Convention. Officially recognised emigration to countries south of Zambia virtually ceased during the period under review.

Article 4. The employment of immigrants is facilitated by making it necessary for them to have a work permit, which enables clearance to be effected with a minimum of delay. Section 2 of the Employment Act, which entered into force on 14 October 1966, will have the same effect as section 100A of the Employment of Natives Ordinance, which requires medical examination and vaccination of all labour employed in mines and on other works.

Article 5. Circumstances in which fuller medical examination may be necessary are provided for by section 25 (2) of the Immigration and Deportation Act; this section specifies that an immigration officer may require any immigrant suspected of having a mental or physical condition which would prohibit entry to submit to a medical examination. Furthermore, the forms for application for an entry permit and the questionnaire and declaration to be completed by entrants contain questions on physical and mental health. Section 34 of the Employment Act will have the same effect as section 103 of the Employment of Natives Ordinance.

Article 6. The new Employment Act applies equally to both immigrants and nationals earning less than £750 per annum.

Article 9. The Exchange Control Act and Regulations were passed during the period under review; these prohibit the transfer of securities and export of currency without permission from the Minister of Finance. Immigrant employees on contract who have been recruited from outside Zambia, and their wives, may remit up to half their earnings (exclusive of pension contributions) in any one year; immigrant employees recruited in Zambia may remit up to one-third of their annual earnings. The only exchange of currency entitlement granted to the wife of an employee not under contract is a resident's travel allowance. Transfer is made on an annual basis or on termination of employment in Zambia. Applications for transfer to a non-sterling area country must be submitted to the Exchange Control for approval.

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Lesotho	31. 10. 1966
Algeria	19. 10. 1962	Liberia	25. 5. 1962
Argentina	24. 9. 1956	Libya	20. 6. 1962
Austria	10. 11. 1951	Luxembourg	3. 3. 1958
Belgium	10. 12. 1953	Malawi	22. 3. 1965
Brazil	18. 11. 1952	Malaysia:	
Bulgaria	8. 6. 1959	States of Malaya	5. 6. 1961
Byelorussia	6. 11. 1956	Sabah, Sarawak	3. 3. 1964
Cameroon:		Mali	2. 3. 1964
Eastern Cameroon	29. 1. 1963	Malta	4. 1. 1965
Western Cameroon	3. 9. 1962	Morocco	20. 5. 1957
Central African Republic	9. 6. 1964	Niger	23. 3. 1962
Chad	8. 6. 1961	Nigeria	17. 10. 1960
China	11. 10. 1962	Norway	17. 2. 1955
Costa Rica	2. 6. 1960	Pakistan	26. 5. 1952
Cuba	29. 4. 1952	Panama	16. 5. 1966
Cyprus	24. 5. 1966	Paraguay	21. 3. 1966
Czechoslovakia	21. 1. 1964	Peru	13. 3. 1964
Denmark	15. 8. 1955	Philippines	29. 12. 1953
Dominican Republic	22. 9. 1953	Poland	25. 2. 1957
Ecuador	28. 5. 1959	Portugal	1. 7. 1964
Ethiopia	4. 6. 1963	Rumania	26. 11. 1958
Finland	22. 12. 1951	Senegal	28. 7. 1961
France	26. 10. 1951	Sierra Leone	13. 6. 1961
Gabon	29. 5. 1961	Singapore	25. 10. 1965
Federal Republic of Germany	8. 6. 1956	Sudan	18. 6. 1957
Ghana	2. 7. 1959	Sweden	18. 7. 1950
Greece	30. 3. 1962	Syrian Arab Republic	7. 6. 1957
Guatemala	13. 2. 1952	Tanzania:	
Guinea	26. 3. 1959	Tanganyika	30. 1. 1962
Guyana	8. 6. 1966	Zanzibar	22. 6. 1964
Haiti	12. 4. 1957	Trinidad and Tobago	24. 5. 1963
Honduras	27. 6. 1956	Tunisia	15. 5. 1957
Hungary	6. 6. 1957	Turkey	23. 1. 1952
Iceland	15. 7. 1952	Uganda	4. 6. 1963
Indonesia	15. 7. 1957	Ukraine	14. 9. 1956
Iraq	27. 11. 1962	U.S.S.R.	10. 8. 1956
Ireland	4. 6. 1955	United Arab Republic	3. 7. 1954
Israel	28. 1. 1957	United Kingdom	30. 6. 1950
Italy	13. 5. 1958	Upper Volta	16. 4. 1962
Ivory Coast	5. 5. 1961	Uruguay	18. 8. 1954
Jamaica	26. 12. 1962	Viet-Nam	6. 1. 1964
Japan	20. 10. 1953	Yugoslavia	23. 7. 1958
Kenya	13. 1. 1964		

BYELORUSSIA

A number of new regulations relating to the signature and application of collective agreements came into force during the period under review. Thus, the regulations concerning Socialist state productive undertakings, as approved by an order of 4 October 1965 of the Council of Ministers of the U.S.S.R., state that: "The management of an undertaking in the person of the director shall conclude a collective

agreement with the works or local trade union committee as the representative of the wage earners and salaried employees of that undertaking and shall ensure due application of the obligations thereunder" (paragraph 95). Paragraph 98 of the same regulations provides that "the management of the undertaking shall report to sessions of the works or local trade union committee" concerning fulfilment of "obligations under the collective agreement".

In addition, the Council of Ministers of the U.S.S.R. and the All-Union Central Council of Trade Unions adopted on 6 March 1966 an order concerning the conclusion of collective agreements at undertakings. This order is based on the fact that extension of the rights of undertakings, improvement of planning, and expansion of economic incentives for industrial production and of material incentives for workers with a view to improvement of the work of undertakings make it essential for the role of collective agreements to be increased.

The above-mentioned order requires collective agreements to be concluded not later than February each year at undertakings in the field of industry, building, agriculture, forestry, transport and communications, in organisations for geological prospection and topographical and geophysical activities, and in undertakings concerned with trade, public feeding and services. Collective agreements are concluded by works and local trade union committees between wage earners and salaried employees of the undertaking and the management in the person of the director of the undertaking following discussion and approval at a general meeting of employees.

The order, which stresses the standard-setting role of collective agreements, provides that, apart from basic provisions with regard to labour and wage questions laid down for the particular undertaking in accordance with existing legislation, collective agreements should include specific standards jointly drawn up by the management and the trade union committee at the undertaking.

Enforcement of the requirements under collective agreements is the responsibility of trade union and economic authorities.

The management of the undertaking and the works or local trade union committee report to the whole labour force of the undertaking on implementation of the requirements of the collective agreement.

CZECHOSLOVAKIA (First Report)

Constitution, Act of 11 July 1960 (*Sbírka Zákonů (S.Z.)*, 11 July 1960, No. 40, Text 100) (*L.S.* 1960—Cz. 2).

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

Under the Constitution, no person can be the object of discriminatory measures in respect of employment on account of his union activities. On the contrary, the development of union activities is encouraged by section X of the Basic Principles of the Labour Code, which states: "The participation of the Revolutionary Trade Union Movement in the labour relationships governed by this Code shall form an integral part of those relationships". Paragraph 2 of section 19 of the Labour Code, for its part, lays down that "managerial staff shall be required to discharge their statutory obligations towards the basic organisations of the Revolutionary Trade Union Movement and to the trade union authorities".

A worker may not be dismissed on account of his union activities; in fact, the list of grounds for dismissal given in section 46 of the Code is a limiting one and does not include the union activities of workers. Moreover, under section 59 of the Code, an undertaking cannot put an end to an employment relationship without the prior consent of the works committee. Lastly, the Labour Code (section 48) forbids undertakings to give a worker notice of dismissal during a "protected" period, particularly during "any period for which he is completely released from his work for a long

period of time to enable him to hold public office" (paragraph (1) (c)), a union post being assimilated to public office for the purposes of this provision.

It is apparent from the above guarantees (the Government's report states) that any possibility of employers' interfering with the union rights of workers or subordinating the workers' union activities to the interests of the employers is precluded.

The encouragement of procedures for voluntary negotiation of collective agreements is secured by section 20 of the Code, which sanctions the right of trade unions to conclude collective agreements. The obligation to respect the clauses of collective agreements is laid down by section 20 (4), according to which "managerial staff, within the limits of their official duties, and any other workers specifically mentioned in a collective agreement shall also be responsible under this Code, in addition to the undertaking, for fulfilling the commitments assumed by the undertaking in the agreement. Any culpable failure to discharge those commitments shall be treated as a breach . . .".

In the armed forces the above dispositions affect civil employees only.

GABON

In reply to a direct request made by the Committee of Experts, the Government states that due note has been taken of the Committee's recommendation that, when the machinery is set in motion for the amendment of the Labour Code, a provision should be inserted in the Code stipulating that in accordance with article 1 of the national Constitution and Article 1 of the Convention a worker's membership or non-membership of a particular union, or his union activities outside working hours or, with the consent of the employer, within working hours, shall not be deemed to be a ground for refusal to hire him or a pretext for any measure which will harm him in his employment.

In accordance with case law, such discriminatory measures, if they cause the worker to leave his employment, will result in the person responsible being charged with unlawful breach of contract and consequent harm to the worker.

GHANA

Industrial Relations Act, No. 299 of 1965.

Article 1 of the Convention. Protection against acts of anti-union discrimination in respect of their employment is ensured to workers by section 26 of the Act.

Article 2. Adequate protection is ensured to workers' and employers' organisations against any acts of interference by each other. Section 27 of the Act provides protection to workers. Under sections 29 and 30 interference with supplies and services of the business of the employer constitutes an unfair labour practice.

Article 3. For the purposes of enforcing the above-mentioned provisions and in order to ensure respect for the right to organise, sections 31 and 32 of the Act have set up an Unfair Labour Practices Tribunal with jurisdiction to inquire into and to determine whether a person has engaged in any unfair labour practice as defined in the Act and to make such orders as it thinks fit, forbidding him to engage in any such activity.

Article 4. Under sections 5 to 8 of the Act provisions have been made with a view to encouraging and promoting the full development and utilisation of machinery for voluntary negotiation between employers and workers, for the purpose of regulating the terms and conditions of employment by means of collective agreements. There is a penalty for failure to negotiate which is enforced in the Civil Court, and

refusal by an employer to admit union officers for negotiation constitutes an unfair labour practice under section 28 of the Act.

Article 5. The guarantees provided in the Convention do not apply to members of the armed forces and the police. Such persons are not members of any of the national unions listed under the First Schedule of the Act to whom the provisions relating to the right to organise apply.

Article 6. Civil servants who are members of unions enjoy the same protection as other workers.

ITALY

Act No. 604 of 15 July 1966 to issue rules for the dismissal of individual employees (*Gazzetta Ufficiale*, 6 Aug. 1966, No 195, p. 3986) (*L.S.* 1966—It. 1).

Dismissal on account of union membership or participation in union activities is null and void under the above-mentioned Act.

JAMAICA

Observations have been received by the Government from the National Workers Union to the effect that Convention No. 98 bestows on all workers the right to organise and bargain collectively and that “the pure intentions of the Convention have had negligible effect upon the governmental stance” in the sense that the Government should “freely negotiate” with trade unions the terms and conditions of service of government employees.

The Government states that the Civil Service Association and the unions representing government employees have always been free to make representations to the Government on behalf of their membership and have been given the opportunity to discuss these representations.

JAPAN

In reply to an observation made in 1965 by the Committee of Experts, the Government states that on 17 May 1965 the Diet passed Bills for the amendment of the Public Corporation and National Enterprise Labour Relations Law and the Local Public Enterprise Labour Relations Law, which would include the repeal of section 4, paragraph 3, of the former law and of section 5, paragraph 3, of the latter law (providing that only employees shall be eligible to be members or officers of the trade unions formed by employees), together with a Bill for approval of the Freedom of Association and Protection of the Right to Organise Convention, 1947 (No. 87). These texts were promulgated on 18 May 1965 and put into effect on 15 August 1965.

KENYA

Trade Disputes Act, No. 15 of 1965.
See also under Convention No. 11.

In reply to a direct request made by the Committee of Experts, the Government states that the objects of staff associations and employees' organisations and associations are more or less the same as those of trade unions, with certain legal differences as regards income and expenditure, recovery of damages and enjoyment of “trade union immunities”. Everyone may join or form a trade union but some persons, because of the nature of their jobs, prefer less militant types of associations, such as staff or employees' associations and organisations, which are purely permissive but can, if they wish, apply to be registered as trade unions. Such persons have the right of free association and the removal of their right to belong to these associations would be in conflict with the Convention.

LUXEMBOURG

Act of 12 June 1965 respecting collective labour agreements (*Mémorial*, 2 July 1965, No. 35A, p. 623) (L.S. 1965—Lux. 1).

PAKISTAN

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the East Pakistan Trade Unions Act of 1965 meets the requirements of the Convention and that West Pakistan is expected to adopt similar provisions shortly.

PANAMA (First Report)

See under Convention No. 12.

The legislation protects the right to organise and to bargain collectively. The General Inspectorate of Labour or the labour tribunals intervene in cases of mutual interference between organisations. The Ministry of Labour encourages and promotes the use of free bargaining procedures among employers and workers.

SUDAN

Trade Unions Ordinance (Amendment) Act, 1966.
Regulation of Trade Disputes Act, No. 16 of 1966.

TRINIDAD AND TOBAGO

See under Convention No. 87.

UGANDA

Trades Disputes (Arbitration and Settlement) Act, No. 20 of 1964 (L.S. 1964—Ug. 1).
See also under Convention No. 11.

UKRAINE

Constitution of the Ukrainian S.S.R.
Code of Labour Laws of the Ukrainian S.S.R.
Resolution of 15 March 1947 of the Council of Ministers of the Ukrainian S.S.R.

The Ukrainian Republic Council of Trade Unions issues regulations every year on the conclusion of collective agreements in the coming year; the regulations make arrangements and prescribe dates for the conclusion of the agreements.

In accordance with the above-mentioned instruments, the factory or local trade union committees, acting on behalf of the work force (wage-earning and salaried employees) annually conclude collective agreements with the managements of the undertakings after the terms have been discussed and accepted at general meetings or delegate conferences of the wage and salary earners.

Collective agreements are concluded at all undertakings and offices which have their own budgets and legal personality. The agreements are aimed at ensuring completion of production plans (or production in excess), further increases in productivity and improvements in the organisation of work; they are also aimed at achieving greater provision by the economic and trade union organisations for improvements in the material conditions and cultural facilities of the wage earners, office employees and technical and supervisory personnel of undertakings. According to information provided by the Ukrainian Republic Council of Trade Unions, 18,651 collective agreements were concluded in 1966—considerably more than in the previous year—because the unions and managements have begun to conclude such agreements in many small undertakings.

The statutory right to organise and to conclude collective agreements does not extend to the army or the milice.

According to articles 93 and 97 of the Constitution of the Ukrainian S.S.R., the Public Prosecutor has over-all responsibility for ensuring full observance of statutory provisions throughout the territory of the republic; supervision is carried out by his officers in the field, who do their duty independently of any local agencies of government.

Responsibility for supervision of due enjoyment of the right to organise and to bargain collectively lies with the trade unions in accordance with the constitutions of the trade unions of the U.S.S.R.

The factory and local trade union committees carry out direct and systematic supervision, throughout the year, of fulfilment of the obligations contracted in collective agreements. At the end of every quarter, half-year and year each such committee makes a report on implementation of the agreement for discussion at the staff meeting or conference, where the general manager of the undertaking and the chairman of the factory or local committee also make statements.

Implementation of collective agreements is discussed at the end of each year and half-year at meetings of senior officers of the ministries and departments together with the republic committees of the corresponding trade unions.

The Presidium of the Ukrainian Republic Council of Trade Unions and corresponding meetings of the district councils hear reports on the implementation of the collective agreements, both in whole branches of industry and in particular undertakings. Decisions are reached and very strong action is taken against persons who decline to discharge their obligations under the agreements.

The right of the workers to associate in trade unions is a constitutional right and is laid down in article 106 of the Constitution of the Ukrainian S.S.R. Consequently, there are not and cannot be cases of refusal to engage workers, or of their dismissal, because of union membership or participation in union activities.

Furthermore, according to present legislation (section 10 of the regulations respecting the rights of factory committees of trade unions, adopted by decree of the Presidium of the Supreme Council of the U.S.S.R. on 15 July 1958), a management may not dismiss a single worker without the consent of the factory or local committee of the trade union.

UNITED KINGDOM

In reply to an observation made by the Committee of Experts, the Government states that in July 1965 a working party, consisting of representatives of the majority of the London Clearing Banks, the Central Council of Bank Staff Associations and the National Union of Bank Employees, was established to consider the practicability of setting up national negotiating machinery for bank employees. The Working Party has completed its discussions and reported back to its sponsors. Further information will be forwarded as soon as it becomes available.

U.S.S.R.

Order No. 177 of 6 March 1966 of the Council of Ministers of the U.S.S.R. and the All-Union Central Trade Union Council respecting the conclusion of collective agreements at undertakings.

This order, which is directly linked with the measures undertaken with a view to extending the rights of undertakings and strengthening the role of trade unions within undertakings, stresses in section 4 the standard-setting significance of collective agreements. It provides that, in addition to the basic provisions relating to labour and wage questions laid down for a particular undertaking in accordance with existing legislation, the collective agreement must contain specific standards jointly drawn up by the management and the trade union committee of the undertaking.

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Malawi	22. 3. 1965
Austria	29. 10. 1953	Mexico	23. 8. 1952
Brazil	25. 4. 1957	Morocco	14. 10. 1960
Central African Republic	9. 6. 1964	Netherlands	11. 6. 1954
Ceylon	5. 4. 1954	New Zealand	1. 7. 1952
Costa Rica	2. 6. 1960	Paraguay	24. 6. 1964
Cuba	13. 1. 1954	Peru	1. 2. 1960
Czechoslovakia	21. 1. 1964	Philippines	29. 12. 1953
France	29. 3. 1954	Senegal	22. 10. 1962
Gabon	13. 6. 1961	Sierra Leone	13. 6. 1961
Federal Republic of Germany	25. 2. 1954	Syrian Arab Republic	10. 8. 1965
Guatemala	4. 8. 1961	Tunisia	12. 1. 1959
Guinea	12. 12. 1966	United Kingdom	9. 6. 1963
Ivory Coast	5. 5. 1961	Uruguay	18. 3. 1954

CZECHOSLOVAKIA (First Report)

The machinery for fixing the wages of agricultural workers is similar to that used for other branches of the national economy (see under Convention No. 26). Wages are payable entirely in cash.

MOROCCO

See under Convention No. 26.

PARAGUAY (First Report)

Resolution No. 36 of 8 April 1964.

See also under Convention No. 26.

Article 1 of the Convention. Resolution No. 36 fixes minimum wages in agriculture.

Article 2. The resolution fixes wage scales with and without food and lodging.

Articles 3 and 4. See under Convention No. 26.

PHILIPPINES

Agricultural Land Reform Code, Republic Act No. 3844 of 1963 (*Philippine Annotated Laws*, 1963, Cumulative Supplement, Vol. 3).

Republic Act No. 3844 lays down a daily minimum wage of 3.50 pesos for farm workers. This wage may be increased by the Minimum Wage Board under the Minimum Wage Law.

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	India	25. 9. 1958
Algeria	19. 10. 1962	Indonesia	11. 8. 1958
Argentina	24. 9. 1956	Iraq	28. 8. 1963
Austria	29. 10. 1953	Israel	9. 6. 1965
Belgium	23. 5. 1952	Italy	8. 6. 1956
Brazil	25. 4. 1957	Ivory Coast	5. 5. 1961
Bulgaria	7. 11. 1955	Jordan	22. 9. 1966
Byelorussia	21. 8. 1956	Libya	20. 6. 1962
Central African Republic	9. 6. 1964	Malagasy Republic	10. 8. 1962
Chad	29. 3. 1966	Malawi	22. 3. 1965
China	1. 5. 1958	Mexico	23. 8. 1952
Colombia	7. 6. 1963	Niger	9. 8. 1966
Costa Rica	2. 6. 1960	Norway	24. 9. 1959
Cuba	13. 1. 1954	Panama	3. 6. 1958
Czechoslovakia	30. 10. 1957	Paraguay	24. 6. 1964
Denmark	22. 6. 1960	Peru	1. 2. 1960
Dominican Republic	22. 9. 1953	Philippines	29. 12. 1953
Ecuador	11. 3. 1957	Poland	25. 10. 1954
Finland	14. 1. 1963	Portugal	20. 2. 1967
France	10. 3. 1953	Rumania	28. 5. 1957
Gabon	13. 6. 1961	Senegal	22. 10. 1962
Federal Republic of Germany	8. 6. 1956	Sweden	20. 6. 1962
Guatemala	2. 8. 1961	Syrian Arab Republic	7. 6. 1957
Haiti	4. 3. 1958	Ukraine	10. 8. 1956
Honduras	9. 8. 1956	U.S.S.R.	30. 4. 1956
Hungary	8. 6. 1956	United Arab Republic	26. 7. 1960
Iceland	17. 2. 1958	Yugoslavia	21. 5. 1952

AUSTRIA

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

Following suggestions and representations by the competent authorities, the employers' and workers' occupational organisations have modified a number of collective agreements so that the different rates of remuneration for men and women workers which used to be provided for in them, and which were unconnected with differences of performance, are no longer included. Since 1962 collective agreements taking the provisions of the Convention fully into account have been concluded in respect of various sectors of the economy, namely steel-making, smelting, metallurgy, mechanical and metallurgical engineering, construction of vehicles, metal-working, electro-technical industries and metal handicrafts (13 federal guilds); mines other than coal mines and undertakings producing and distributing gas and electricity (collective agreements concluded after 1962); the glass industry (agreement of 3 August 1965); the clothing industry (agreements of 10 and 25 May 1965); the umbrella industry of Vienna and Upper Austria and handicraft production of umbrellas (agreements of 11 and 4 May 1965 respectively); the Viennese artificial flower and ornamental feather industry and handicraft production of these articles (agreements of 28 April and 30 September 1965 respectively); the Viennese glove industry (agreement of 5 December

1965); the leather goods and Morocco-leather tanning industry and Viennese trade in these articles (agreements of 25 October and 1 December 1965 respectively).

In the chemical industry the wage structure was reorganised in March 1966 according to jobs, without regard to sex.

The basic agreement of the food, tobacco and beverage industries of 29 March 1963, for its part, refers directly to the Convention.

BELGIUM

Fresh progress has been made towards securing equal remuneration for men and women workers. The Government's report enumerates the sectors in which collective agreements provide for equal remuneration, comprising in particular, in the case of wage earners, the clothing and ready-made dress industry, laundries, various undertakings in the ceramic industry and several branches of the food industry, and, in the case of salaried employees, the independent retail trade, food shops with more than one branch establishment, the chemical industry, export undertakings, the textile industry and the hosiery trade. There is also equal remuneration in the hotel industry, the health services, insurance companies, banks and large stores.

A difference of up to 10 per cent. is found between men's and women's wages in several branches of the food industry and in agriculture, as well as, in the case of salaried employees, in the clothing and ready-made dress industry and in independent coking plants.

A difference of 10 to 15 per cent. exists, in the case of wage earners, in the chemical industry, in several branches of the food industry, in the textile industry and the hosiery trade (repairs staff), as well as, in the case of salaried employees, in the metal-working industries (several provinces). The difference is between 15 and 20 per cent. for wage earners in several branches of the food industry and 30 per cent. in the ceramic industry (faience, porcelain, sanitary articles in pottery and abrasive products; no new collective agreement has been concluded in these sectors since 1961).

Several collective agreements have introduced a uniform classification for men and women. The Government has constantly submitted to the recommendations of the negotiators of collective agreements in regard to the obligations deriving from the Convention.

In reply to an observation made by the Committee of Experts, the Government states that the principle of equal remuneration has long been an objective of social policy which it has sought to achieve progressively in a manner compatible with national practice in the fixing of wages. The action taken by the Government must be judged in the context of the magnitude of the wage differentials existing at the outset and of the necessity of controlling the transitions so as to permit economic adaptation and, ultimately, the success of the wage-levelling policy. Some headway has been made by reducing wage differentials in classifications where the distinction between men and women subsists and by progressively replacing classifications making such a distinction by classifications based on the value of the work performed. During the period under review no collective agreement in which distinctions of classification subsist has been made obligatory by Royal Decree if it has not taken a step towards equalisation, in compliance with the Convention.

CHINA

In reply to a direct request made by the Committee of Experts, the Government states that at present no provision exists for the inspection of wages of non-industrial workers, particularly workers in shops and offices and agricultural workers.

If the Temporary Basic Regulations are approved for application, the Government hopes to extend the scope of wages inspection to workers in agriculture, fishing and stock raising. For workers in shops, it will be necessary to await the enactment of the revised Labour Code.

None of the collective agreements at present in force prescribes different wage rates for men and women workers.

COLOMBIA (First Report)

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407, p. 299) (*L.S.* 1950—Col. 3A), as amended by Decree No. 3743 of 20 December 1950 (*D.O.*, 11 Jan. 1951, No. 27504, p. 113).

Pursuant to section 143, paragraph 1, of the Labour Code, for equal work, carried on in the same conditions with respect to the post occupied, hours of work and efficiency, equal wages must be paid. Paragraph 2 provides that no discrimination shall be made in the payment of wages on account of, *inter alia*, sex.

CUBA

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

The rates of remuneration or the wages payable to workers according to their categories or trades are fixed for the whole national territory by the Minister of Labour, in exercise of the powers conferred upon him by the basic Act respecting the Ministry, and the interested parties, namely workers and employers, cannot, whether by individual or collective agreement, disregard or deviate from the rates laid down for each contingency or industry in respect of wages and remuneration for work.

FINLAND (First Report)

With the exception of forestry and floating, for which a Minimum Wage Act is in force, workers' wages are generally determined by collective agreements.

Article 2 of the Convention. The joint committee set up in 1962 by the Finnish Employers' Confederation and the Confederation of Finnish Trade Unions recommended that rates of remuneration for men and women workers should be made equal gradually during a transitional period and that the objective was in any case to be reached before the beginning of 1966.

In the negotiation of collective agreements for 1963 a number of employers representing branches of activity in which many women workers are employed adopted measures designed to achieve common rates of remuneration for men and women workers by the end of 1964. Some other employers even made rates of remuneration immediately uniform. The Finnish Employers' Confederation reported that measures designed to make uniform the rates of remuneration for men and women, as provided for in the Convention, have in practice already been taken, or unanimous agreement has been reached on them within the Confederation. The Confederation of Finnish Trade Unions, for its part, stated that agreements providing for uniform rates have not yet been concluded but that they are under discussion in certain industries.

The agreement concerning technical employees in industry provided for the gradual application of the equal pay principle by the end of 1965 at the latest. With respect to salaried employees, agreement was reached on the establishment of a

statistical classification on which the examination of defects in the equal pay principle will be based. In 1963 it was agreed that in most of the commercial branches represented by the Confederation of Commercial Employers the principle of equal pay would be put into effect in collective agreements to be concluded for 1965. Implementation was to be effected in three stages in regard to office clerks, shop assistants, storage workers, shop managers, certain groups employed in hotels and restaurants, insurance and banking employees, workers in butcheries, sausage manufacturing and food preparation, bakeries and dairies.

Arrangements for the application of the equal remuneration principle were already being made in agriculture, forestry and floating, printing and publishing, tailoring, pharmacies, barbering and hairdressing. With respect to public service employees, at the time of negotiation of a collective agreement for 1964-65 a general directive of the Minister of Finance provided that the implementation of the principle of equal remuneration would be completed during 1965. In regard to municipal employees the implementation of the principle has been slower. However, the directives given by the central organ of the municipal governments contained a recommendation to the municipalities to give effect to the principle of equal remuneration during 1965.

Article 3. It was decided in 1963 that the employers' and workers' organisations would continue their co-operation with a view to establishing a suitable method and procedure for the appraisal of requirements as between different jobs. The workers' organisations further stressed that the implementation of the equal pay principle depends primarily on the appraisal of different jobs and on the placing of women in wage groups on this basis.

GABON

In reply to a direct request made in 1966 by the Committee of Experts, the Government supplied the following information.

The principle of equal remuneration for men and women workers performing work of equal value has not been changed. The sectors in which female workers are most numerous are the civil service, commerce and domestic work.

In the civil service wage rates are the same for men and women. The principle of equal remuneration is also respected in a commercial agreement of 10 October 1957. The principle is strictly applied to domestic workers, whose job descriptions and basic wages are fixed by regulations.

FEDERAL REPUBLIC OF GERMANY

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

The collective agreement covering the agricultural workers of Hesse, which provided for different monthly wages according to sex, has been replaced by a system of wages based on the type of work done.

In the leather industry the regulations providing for reductions in wages for women workers have been repealed as a result of the conclusion of a series of new collective agreements. On 30 June 1966 there were only a very small number of branches of activity in which the principle of equal pay was not yet applied. It is planned to get rid of all such discrimination in the near future.

A committee of inquiry was entrusted with the task of ascertaining whether, in cases where women did different work from men, wages were fixed in such a way that

they were fairly related to the value of the work performed. This was a difficult task, going far beyond the question of discrimination, and the terms of reference of the committee were regarded as a kind of starting-point for collective bargaining.

However, in view of the fact that in recent years employers and workers have been paying increasing attention, in collective bargaining, to the question of a fair wage for different kinds of work and that considerable progress has been made it is felt that there is no reason for the committee of inquiry to continue its work.

During the period from November 1963 to January 1966, there was not, as in previous years, a higher rate of increase in women's wages. On the contrary, for reasons mainly connected with the tight situation in the employment market, men's and women's wages increased at about the same rate (18.1 per cent. in the case of men and 17.7 per cent. in the case of women).

HONDURAS

Constitution, 1965, approved by Decree No. 20 of 3 June 1965 (*La Gaceta*, 12 June 1965, No. 8588).

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

Public employees are subject under articles 311, 312 and 313 of the Constitution to civil service rules, and at present the National Congress is considering a Bill respecting the civil service. The rates of wages or salaries of public employees are determined exclusively by the National Congress within the framework of the Budget Act.

In purely agricultural or agricultural and cattle-raising establishments employing less than ten workers it is in practice difficult to ensure supervision of the application of the Convention.

INDIA

The Iron and Steel Wage Board stated that a differential in wage scales of men and women workers can be justified only on the basis of differences in job content. The central Government fixed the same minimum rates of wages for men and women workers employed in baryte, bauxite and gypsum mines and revised the minimum wage for men and women industrial workers employed in the southern regional station of the National Dairy Research Institute. Different minimum wage rates were maintained for unskilled men and women workers employed in the Kulu Valley Vegetable Breeding Station because of the lighter nature of the work allotted to women.

In reply to an observation made by the Committee of Experts, the Government states that wage-fixing authorities take into account the productive efficiency of the workers. Wherever lower wage rates are fixed for women, this is because of the lower output of women workers when they are employed on the same jobs as men.

The government of Madhya Pradesh has reiterated that the value of the output of male and female workers covered by the Madhya Pradesh Act No. 16 of 1962 is different and so it became essential to fix different wages; otherwise unskilled women workers would not find employment.

ITALY

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

The equal pay principle is now fully implemented.

Following the conclusion of the Inter-Confederation Agreement of July 1960 covering various sectors, intense trade union activity has resulted in the negotiation of numerous collective agreements covering almost the whole of the national territory and nearly all branches of activity. Even though the provisions of collective agreements apply only to workers enrolled in the signatory trade union organisations, all workers are adequately protected as regards their wages by section 2099 of the Civil Code. This provision enables workers employed by persons who are not members of a signatory association to appeal to the law courts which award the wage rates established by the collective agreements.

During 1964-65 considerable progress was made both in the fixing and the payment of equal wages in some sectors, particularly in the textile industry. In October 1966 a national agreement was concluded ensuring the extension of the equal pay principle to farm labourers, a large number of whom are women.

NORWAY

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

The adjustment of the remuneration of men and women workers in commercial establishments and offices has been completed and an equal wage structure was introduced as from October 1965.

During the general negotiations on wages in the spring of 1966 the penultimate stage in the adjustment of the remuneration of men and women workers in industry was reached. There are still some sectors outside those covered by the equal pay agreement concluded in 1961 between the Norwegian Employers' Confederation and the General Confederation of Trade Unions in Norway where a different wage structure for men and women has been maintained, e.g. horticulture. The Equal Pay Council will take up this matter for closer investigation. Statistical inquiries show that in most sectors there has been an adjustment in the average remuneration of men and women workers for work of the same type. But there are still some important differences in the incomes of the two sexes.

The Government's report also contained information from the Norwegian Employers' Confederation, the General Confederation of Trade Unions in Norway and the Equal Pay Council indicating the progress made in the gradual elimination of sex differentials so as to achieve the full application of the principle of equal remuneration.

PANAMA (First Report)

See under Conventions Nos. 12 and 29.

Articles 1 and 2 of the Convention. The term "wages" includes all remuneration in cash or in kind paid directly to the worker.

Provision is made for the payment of wages under the legislation without distinction as to age, sex, nationality or race.

There are no problems respecting the implementation of the principle of equal remuneration because it applies to all workers and assures them of a minimum wage fixed according to the branch of economic activity.

The collective agreements concluded between employers and workers fix wages higher than the minimum established by law, without discrimination as to sex, nationality or race.

PARAGUAY (First Report)

See under Convention No. 26.

Article 1 of the Convention. Section 228 of the Labour Code defines "wages"

Articles 2 and 3. Section 230 provides that, in fixing rates of remuneration, there shall be no discrimination based, *inter alia*, on sex; there shall be equal remuneration for work which is equal as regards efficiency, type of work and duration. Since the adoption of the Code, great progress has been made as regards the achievement of the equal remuneration principle; this is due, primarily, to there being no discrimination based on sex in the fixing of minimum wages.

Article 4. The Minimum Wage Board, established under section 253 of the Code, is composed of government, employers' and workers' representatives.

RUMANIA

See under Convention No. 87.

Article 17 of the Constitution provides that all citizens, without distinction, *inter alia*, as to sex, shall enjoy equal rights in all fields of economic, political, juridical, social and cultural life. No restriction of these rights or any discrimination in their exercise based on sex is tolerated.

Article 18 of the Constitution provides that wages shall be equal for work of equal value.

SENEGAL

Act No. 33 of 15 June 1961 respecting the status of civil servants (*Journal officiel*, 22 June 1961, Extraordinary).

In reply to a direct request made in 1966 by the Committee of Experts, the Government supplied the following information.

Civil servants are governed by the civil service statutes and by the individual statutes of each organ. The legislative texts do not contain any provisions concerning equality of remuneration for men and women workers.

Some collective agreements include, in addition to job classifications, supplementary definitions of specialised occupations, i.e. a classification of jobs based on the type of work involved. These definitions make no distinction between men and women workers.

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Netherlands	27. 11. 1958
Austria	14. 6. 1954	New Zealand	24. 7. 1953
Belgium	20. 3. 1954	Norway	30. 9. 1954
Brazil	25. 4. 1957	Paraguay	21. 3. 1966
Central African Republic	9. 6. 1964	Peru	1. 2. 1960
Cuba	7. 9. 1954	Poland	8. 10. 1956
France	29. 3. 1954	Senegal	22. 10. 1962
Gabon	13. 6. 1961	Sierra Leone	15. 6. 1961
Federal Republic of Germany	5. 1. 1955	Sweden	12. 8. 1953
Guatemala	4. 8. 1961	Syrian Arab Republic	26. 7. 1960
Hungary	8. 6. 1956	Tanzania (Tanganyika)	30. 1. 1962
Israel	14. 7. 1953	United Arab Republic	9. 4. 1956
Italy	8. 6. 1956	United Kingdom	25. 6. 1956
Malagasy Republic	10. 8. 1962	Uruguay	18. 3. 1954
Mauritania	8. 11. 1963	Yugoslavia	30. 4. 1955
Morocco	14. 10. 1960		

(See pp. 237-238: "List of Reports Containing Information Which Has Not Been Summarised".)

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Ratification registered on	Countries	Ratification registered on
Belgium ¹	26. 11. 1959	Netherlands ¹	11. 10. 1962
Denmark ²	15. 8. 1955	Niger ⁸	9. 8. 1966
Federal Republic of Germany ¹	21. 2. 1958	Norway ⁹	30. 9. 1954
Greece ³	16. 6. 1955	Peru ¹⁰	23. 8. 1961
Iceland ⁴	20. 2. 1961	Senegal ¹¹	22. 10. 1962
Israel ⁵	16. 12. 1955	Sweden ¹²	12. 8. 1953
Italy ⁶	8. 6. 1956	United Kingdom ¹³	27. 4. 1954
Luxembourg ¹	31. 8. 1964	Yugoslavia ¹⁴	20. 12. 1954
Mexico ⁷	12. 10. 1961		

¹ Has accepted the provisions of Parts II to X.

² Has accepted the provisions of Parts II, IV to VI and IX.

³ Has accepted the provisions of Parts II to VI and VIII to X.

⁴ Has accepted the provisions of Parts V, VII and IX.

⁵ Has accepted the provisions of Parts V, VI and X.

⁶ Has accepted the provisions of Parts V, VII and VIII.

⁷ Has accepted the provisions of Parts II, III, V, VI and VIII to X.

⁸ Has accepted the provisions of Parts V to VIII.

⁹ Has accepted the provisions of Parts II to VII.

¹⁰ Has accepted the provisions of Parts II, III, V, VIII and IX.

¹¹ Has accepted the provisions of Parts VI to VIII.

¹² Has accepted the provisions of Parts II to IV and VI to VIII.

¹³ Has accepted the provisions of Parts II to V, VII and X.

¹⁴ Has accepted the provisions of Parts II to VI, VIII and X.

BARBADOS

National Insurance and Social Security Act, 1966.

DENMARK

Act No. 218 of 4 June 1965 respecting national pensions, as amended by Acts Nos. 448 of 21 December 1965 and 32 of 1 February 1966.

Act No. 219 of 4 June 1965 respecting invalidity pensions, as amended by Acts Nos. 447 of 21 December 1965 and 230 of 8 June 1966.

PART V. OLD-AGE BENEFIT

Article 28 of the Convention. Benefit rates are now the same throughout the country and the calculation will in future be made collectively. The previous percentages will accordingly be replaced, for the entire country, by 42.1 per cent., disregarding the rates of wages in the rural areas. Pensioners who have not much income in addition to their old-age pension qualify for a supplement, payable at the same rate to a person living alone and to a husband and wife, and amounting, at 1 April 1966, to 756 crowns a year, the total annual pension thus amounting to 9,864 crowns.

PART IX. INVALIDITY BENEFIT

Articles 54 to 58. Act No. 219 of 1965 provides that an invalidity pension shall be payable to persons whose earning capacity, by reason of physical or mental disability, is permanently reduced to a specified extent on the basis of a general medical and socio-occupational evaluation. The factors to be taken into account are, *inter alia*, age, occupation and employment opportunities. An invalidity pension is now payable according to three scales, having regard to the reduction of earning capacity. The pension consists of a basic amount corresponding to that hitherto in force

and related to the income of the pensioner in the same way as before, a non-income-related disability benefit replacing the previous disability supplement, payable at the rate of half the basic amount, and a non-income-related unemployability supplement of the same amount as the disability benefit. The three pension scales are established as follows: (i) the maximum pension consists of the basic amount, disability benefit and the unemployability supplement; (ii) the medium pension consists of the basic amount and disability benefit; (iii) the minimum pension consists of half the basic amount and half the disability benefit. The maximum pension is payable to a disabled person who is incapable of engaging in any occupation or whose earning capacity is negligible. The medium pension is payable to a disabled person whose earning capacity is reduced by about two-thirds. The minimum pension is payable to a disabled person whose earning capacity is reduced by at least one half.

The special outside assistance and constant attendance allowances payable with the pension have been increased so as to amount to the rate of the disability benefit, i.e. half the basic amount.

In addition, invalidity pensioners are eligible for the same supplements as are paid to old-age pensioners, i.e. a pension supplement, a marriage supplement, a children's allowance, and personal supplements. However, no pension supplement or marriage supplement is payable with the minimum pension, and a children's allowance is payable at half rate only.

As far as age conditions are concerned, a pension will not be awarded, disallowed or changed to a higher or lower amount after the age of 60 years, except that persons between 60 and 67 years of age may be awarded a medium pension if they are incapable of engaging in any occupation or their earning capacity is negligible. Non-pensioners as well as pensioners in receipt of a minimum pension who are afflicted by severe disability between the ages of 60 and 67 years will thus be eligible for a medium pension.

Article 76. Invalidity benefits are payable under rules similar to those applying to the old-age pension. Irrespective of the income of the person concerned, the invalidity pension cannot fall below certain amounts varying with the degree of incapacity for work.

The cost of invalidity pensions is met by the Exchequer through general taxation. The amount of the pension is independent of periods of insurance. At the age of 67 years an invalidity pension is no longer payable and the beneficiaries transfer to the old-age pension scheme.

FEDERAL REPUBLIC OF GERMANY

Federal Act of 24 August 1965 (*Bundesgesetzblatt (BGBl.)*, Part I, 27 Aug. 1965, No. 42, p. 912) to amend the Maternity Protection Act of 24 January 1952 (*BGBl.*, Part I, 30 Jan. 1952, No. 5, p. 69) (*L.S.* 1952—Ger.F.R. 2) and the Federal Social Insurance Code in accordance with the terms of the Act of 20 December 1965 to ensure a balanced budget (*BGBl.*, Part I, 1965, p. 2065).

Federal Act of 9 June 1965 to amend certain social insurance provisions (*BGBl.*, Part I, 1965, p. 476).

Federal Act of 14 April 1964 respecting the grant of family allowances and education supplements (*BGBl.*, Part I, 18 Apr. 1964, No. 18, p. 265) (*L.S.* 1964—Ger.F.R. 1), as amended by the Act of 5 April 1965 (*BGBl.*, Part I, 10 Apr. 1965, No. 14, p. 222) and with provisional modifications made in virtue of the Act of 20 December 1965 to ensure a balanced budget (*BGBl.*, Part I, 1965, p. 2065).

Article 12 of the Convention. In reply to a direct request made by the Committee of Experts, the Government states that a Bill respecting a new sickness insurance scheme, submitted on 7 December 1962, has not yet been examined by the legislature. It is expected that when the new text is adopted it will include all the Government's proposals concerning compulsory hospitalisation in cases where the illness can be diagnosed or treated only in a hospital.

PART III. SICKNESS BENEFIT

Article 16. The maximum limit prescribed for the earnings taken into account in the calculation of benefit has been increased to 35 marks per day of the week and to 42 marks per working day.

The amount of medium wages has been changed as follows: 4.51 marks per hour, 189.40 marks per week, 823.60 marks per month and 9,883 marks per year.

Sickness benefit has been increased to 85 per cent. of the standard wage from the seventh week of incapacity for married workers with two children and to 75 per cent. for the same period for a single woman worker without children.

PART IV. UNEMPLOYMENT BENEFIT

Article 22. The amount of the wage of a skilled worker has been fixed at 129.53 marks per week. An amount of 54 marks per week has been fixed for benefit in the case of a wage of 129 marks.

PART V. OLD-AGE BENEFIT

Article 28. The limit for the assessment of contributions was fixed for 1965 at 14,400 marks (miners 18,000 marks) and for 1966 at 15,600 marks (miners 19,200 marks). Accordingly current benefits were increased by 9.4 per cent. from 1 January 1965 and by 8.3 per cent. from 1 January 1966.

PART VII. FAMILY BENEFIT

Article 40. Family allowances are granted for the second and each following child. The term "child" means every child under 18 years of age. Nevertheless, family allowances are granted up until 25 years of age for single children in certain circumstances.

No limit of age is fixed for single children who are physically or mentally handicapped and are incapable of self-support. Officials, salaried employees and wage earners in the public services receive family allowances for each child. Education allowances are granted for children between 15 and 27 years of age who attend a recognised private, general or technical school, or who undergo apprenticeship or probationary training in recognised occupations.

Article 41. Family allowances for the second child are granted on condition that the annual earnings of the parents do not exceed 7,800 marks. Education allowances are granted without any condition as to earnings.

Article 42. The amount of family allowances is 25 marks for the second, 50 marks for the third, 60 marks for the fourth, and 70 marks for the fifth and each following child. Officials, salaried employees and wage earners in the public services receive 50 marks for each child. The amount of the education allowance is 30 marks for each child.

PART VIII. MATERNITY BENEFIT

Article 52. Since 1 January 1966 insured women workers receive daily maternity benefit for six weeks before and eight weeks after confinement with a prolongation of four weeks in case of premature confinement.

PART X. SURVIVORS' BENEFIT

Article 64. As regards children's benefit, it is extended beyond 25 years of age in case of interruption or prolongation of academic or vocational training on account of military or other similar national service for a period equivalent to the duration of such service.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. As regards Luxembourg, Regulation No. 3 of 25 September 1958 of the Council of Ministers of the European Economic Community respecting social security of migrant workers is applied. The regulation establishes the principle of equality of treatment for all nationals of the member States of the Community and replaces in principle the agreements concluded with Belgium, Italy and Netherlands.

PART XIII. COMMON PROVISIONS

Article 69, clause (e). In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the provision for refusal of benefit to an insured person if his illness arises out of the fact that "he is guilty of participation in a brawl" will be re-examined in the course of preparation of a new Bill.

Clause (i). In reply to an observation made in 1965 by the Committee of Experts concerning non-suspension of the right to unemployment benefit for certain categories of workers in case of strike, the Government points out that the Committee makes a distinction between three groups of workers, namely (i) those who participate actively in a strike, (ii) those who do not, and who may or may not be employed in the undertaking or branch of it where the strike takes place, but whose working conditions could be affected by its outcome, and (iii) those who do not participate in the strike, are not employed in the undertaking where the dispute occurs and are not interested in it, but who cannot work because of lack of supplies or similar factors beyond their control. In the near future in revising the social insurance and unemployment schemes the Government will examine the rules made under section 84 (3) of the Placement and Unemployment Insurance Act with a view to adopting more favourable treatment for the third group.

ITALY

Legislative Decree No. 706 of 31 August 1964 respecting the global financing of certain social services. Act No. 903 of 21 July 1965 respecting the reform and improvement of the social insurance pensions scheme (*Gazzetta Ufficiale*, 31 July 1965, No. 190).

PART VIII. MATERNITY BENEFIT

As from 1 November 1964 the right to maternity benefit was extended by a judicial decision to persons employed at home in non-traditional occupations.

PART XIII. COMMON PROVISIONS

Article 71 of the Convention. The collective contribution towards assistance to farm hands, made by employers in non-agricultural sectors and amounting to 0.58 per cent. of the wages of these workers, has been taken over by the State by virtue of Legislative Decree No. 706.

Responsibility for the checking of contributions and supervision of beneficiaries in the agricultural sector rests with the Unified Contributions in Agriculture Service.

MEXICO (First Report)

Constitution of 1917.

Federal Labour Act of 18 August 1931 (*Diario Oficial de la Federación (D.O.)*, 28 Aug. 1931, Vol. LXVII, No. 51, p. 3) (*L.S.* 1931—Mex. 1), as amended until 1959 (*D.O.*, Section I, 31 Dec. 1959, No. 50, p. 17) (*L.S.* 1959—Mex. 1).

Social Insurance Act of 31 December 1942 (*D.O.*, 19 Jan. 1943) (*L.S.* 1942—Mex. 1), as amended by the Acts of 30 December 1947 (*D.O.*, 31 Dec. 1947, No. 50, p. 11) (*L.S.* 1947—Mex. 1), 3 February 1949 (*D.O.*, 28 Feb. 1949, No. 48, p. 2) (*L.S.* 1949—Mex. 1), 29 December 1956 (*D.O.*, Section IV, 31 Dec. 1956, No. 50, p. 14) (*L.S.* 1956—Mex. 1) and 30 December 1959 (*D.O.*, Section II, 31 Dec. 1959, No. 50, p. 34) (*L.S.* 1959—Mex. 2) and by the Decree of 31 December 1965 (*D.O.*, 31 Dec. 1965).

Act of 28 December 1959 respecting the Government Servants' Social Security and Welfare Institution (*D.O.*, 30 Dec. 1959; errata: *D.O.*, 13 Jan. 1960).

PART II. MEDICAL CARE

Article 7 of the Convention. Medical care is granted in accordance with section 3 of the Social Insurance Act and section 3 of the Act respecting the Government Servants' Social Security and Welfare Institution.

Article 8. The contingencies covered include any morbid condition and pregnancy and confinement and their consequences.

Article 9. The persons protected by the Social Insurance Act comprise 24.2 per cent. of all employed persons, as well as spouses or common-law wives, children aged under 16 years and the parents and grandparents of the person insured; 38.7 per cent. of all employed persons in urban areas; 5.8 per cent. of all employed persons in agricultural occupations; 48.4 per cent. of all employed persons in industrial occupations; 16.8 per cent. of the economically active population.

In addition, protection is granted through the Government Servants' Social Security and Welfare Institution to government employees, their spouses or common-law wives, their children aged under 18 years and their parents; other special institutions grant protection to members of the armed forces, railway workers, petroleum workers and other groups.

Article 10. Legislation provides for medical, surgical and pharmaceutical care, hospitalisation and the provision of prosthetic appliances in the event of an employment accident or an occupational disease. Under the Social Insurance Act insured wives are granted obstetric assistance during pregnancy, confinement and the post-natal period and the Act respecting the Government Servants' Social Security and Welfare Institution extends to employed women belonging to the Institution, and to the spouse or common-law wife of a male worker, the same benefits as are available to women covered by the Social Insurance Act. In the event of non-occupational sickness the insured person, his spouse or common-law wife, his children and his parents and grandparents are entitled to whatever medical, surgical, pharmaceutical or hospital care is necessary.

Article 11. The enactments quoted above do not lay down any qualifying period for entitlement to medical, pharmaceutical, hospital or diagnostic care or to attendance by a physician.

Article 12. The Social Insurance Act grants eligibility to benefit for up to 52 weeks in respect of a single case of sickness, subject to extension for up to a further 26 weeks.

The Act respecting the Government Servants' Social Security and Welfare Institution fixes the maximum duration of medical, surgical, pharmaceutical and hospital care for a single case of sickness at 52 weeks.

PART III. SICKNESS BENEFIT

Article 14. The contingency covered includes incapacity for work resulting from sickness. Cash benefit varying between 4.20 and 54 pesos per day is payable, in accordance with each of the wage categories described in the Social Insurance Act.

The Act respecting the Government Servants' Social Security and Welfare Institution recognises the right to leave of absence from work on full or half pay in the event of incapacity for work resulting from sickness. If incapacity for work continues after expiry of the half pay leave period the Institution pays an allowance.

Article 16. A periodical payment is made, equivalent to 60 per cent. of the average wage on which contributions are based at the time of incapacity. The per-

centage is applied to the basic earnings of each wage category as established in accordance with a schedule contained in section 51 of the Social Insurance Act. By wage is understood the total income received by the worker as remuneration for his services.

An allowance equivalent to 50 per cent. of wages is payable upon expiry of the period of entitlement to leave on half pay. The Federal Act respecting government servants provides for entitlement to sick leave on full pay in the first instance and on half pay subsequently.

Article 18. Benefit is granted for up to 52 weeks, subject to extension by up to a further 26 weeks. No payment is made for the first three days of incapacity for work.

In accordance with section 22 of the Act respecting the Government Servants' Social Security and Welfare Institution and section 85 of the Federal Act respecting government servants such workers are entitled to sick leave on full pay for up to 52 weeks from the beginning of incapacity for work, and subsequently to leave on half pay and then without pay.

PART V. OLD-AGE BENEFIT

Article 25. National legislation guarantees old-age benefit.

Article 26, paragraphs 1 and 2. The Social Insurance Act prescribes the age of 65 years for entitlement to an old-age pension. The Act respecting the Government Servants' Social Security and Welfare Institution fixes pensionable age at 55 years subject to a minimum of 15 years' employment and of contributions to the Institution.

Paragraph 3. The Social Insurance Act suspends payment of a pension during any time when the insured person is performing work covered by the social insurance scheme. However, if the sum of the pension and the wages is not greater than the wages received at the time of obtaining pension entitlement such a suspension does not apply; if the sum is greater, the pension is reduced by the amount necessary to make the total of the pension plus wages equal to the wages earned at the time of acquisition of pension eligibility.

According to section 66 of the Act respecting the Government Servants' Social Security and Welfare Institution, no pension may be paid by the Institution if the person concerned performs any function or job remunerated by the public authorities referred to in section 1 of the Act, or if the person concerned receives any other pension from the Institution or from the public authorities referred to and included within their pension scheme. The person concerned becomes eligible for a pension again once the other source of income referred to is no longer received.

Article 28. Under section 74 of the Social Insurance Act, the pension is composed of a basic amount which is increased on the basis of the number of weekly contributions paid. In accordance with a table contained in the same section, the basic amount represents 34 per cent. of the average wage for each group within a wage scale (contribution categories). The basic amount is calculated by taking the average wage for the last 250 weeks of contributions or the most recent weeks, irrespective of number, if less than 250. The increments described are also calculated in accordance with the table and are equivalent to 1 per cent. of the average weekly wage for each category in respect of each week of contribution above the first 500.

An insured person reaching 65 years of age and having paid not less than 500 weekly contributions may defer his old-age pension, in which case the increments in respect of subsequent weeks of contribution are increased by 200 per cent. over the amounts laid down for increments in the table. An increment of up to 20 per cent. of the pension sum is payable if the pensioner's physical state requires the permanent or continuous assistance of another person.

Under section 3 (transitory), workers who entered the insurance scheme within the first six months of its establishment in new geographical areas or in new branches of industry in which they were employed are entitled to an increment of pension equivalent to 33.33 per cent. of 1 per cent. of the difference between the age at entry and the age of 30 years, in respect of each year of such difference. In no case may the pension be less than 150 pesos per month.

For each of a pensioner's children under 16 years of age a family allowance equivalent to 10 per cent. of the pension sum is payable. In no case may the sum of the pension and the family allowance exceed 85 per cent. of the average wage on which the pension amount was based.

Under section 77 of the Act respecting the Government Servants' Social Security and Welfare Institution, the old-age pension is calculated in accordance with a table applying certain percentages to the base wage, these varying between 40 per cent. for workers with 15 years' employment and 95 per cent. for workers with 29 years' employment.

Under both systems the minimum percentage is above 40.

Article 29, paragraph 1. Section 71 of the Social Insurance Act guarantees the benefit concerned to protected persons who have paid a minimum of 500 weekly contributions.

Paragraph 2. The pension granted to persons having paid ten years' (500 weeks') contributions is a full pension in terms of the law; however, it is reduced to 72 per cent. if the insured person is dismissed from employment before reaching 60 years of age but has paid the minimum number of contributions.

Paragraph 3. The percentage reduction of the pension rate at 60 years of age with ten years of contributions is 10.52.

Paragraph 4. Under the national social insurance scheme the normal old-age pension rate is reduced only if an insured person who has paid ten years' contributions and has been dismissed from employment is aged not less than 60 years. The amount of such a reduced pension increases proportionately for every month of age over 60 years.

Paragraph 5. An insured person reaching 65 years of age may defer his old-age pension if he has paid a minimum of 500 weeks' contributions. In this case the increments will be greater than the ordinary increments, as explained in connection with Article 28 of the Convention.

Article 30. The provisions of this Article are applied.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 31. National legislation guarantees medical care and cash benefit in case of employment injury.

Article 32. Under section 287 of the Federal Labour Act, the following contingencies are covered: temporary incapacity for work owing to an employment accident or an occupational disease; permanent partial incapacity; permanent total incapacity; death of breadwinner. Sections 288 to 290 of the Federal Labour Act contain the definitions of these contingencies.

Article 34, paragraphs 1 and 2. Under section 37 of the Social Insurance Act and section 32 of the Act respecting the Government Servants' Social Security and Welfare Institution, medical care comprises the following: medical, surgical and pharmaceutical care, hospitalisation, and the provision of prosthetic and orthopaedic appliances as necessary.

Article 36, paragraph 1. Section 37 of the Social Insurance Act provides that, in the event of temporary incapacity for work, payment equivalent to 100 per cent. of wages shall be granted; in the event of permanent total incapacity a pension equivalent to 75 per cent. of the average contribution wage at the time of the accident is payable in the case of insured persons with a wage of up to 30 pesos per day, the rate for persons earning over 30 pesos per day being 66.67 per cent.

In the event of death owing to an employment accident or an occupational disease the widow or former common-law wife is entitled to a pension equivalent to 36 per cent. of the pension for permanent total incapacity to which the insured person would have been entitled at the time of his death; each child under 16 years of age is entitled to a pension equivalent to 20 per cent. of that amount, and each full orphan to a pension of 30 per cent. In the absence of a widow, common-law wife or orphans, each of the dependent parents or grandparents is entitled to a pension equivalent to 20 per cent. of the amount stated.

Paragraph 2. In the event of permanent partial incapacity a pension proportionate to the amount of the pension for permanent total incapacity is payable.

Paragraph 3. If the monthly pension rate is less than 50 pesos the insured person is entitled instead to a lump sum equivalent to five annual payments of the pension which would have been due.

Article 37. The provisions of this Article are applied.

Article 38. In the event of temporary incapacity for work an allowance is payable for up to 72 weeks unless permanent incapacity occurs earlier. Under section 303 of the Federal Labour Act this allowance is payable from the first day of incapacity without any qualifying period. The pension for permanent partial or total incapacity is also payable without any qualifying period and is considered temporary during the "period of adjustment" of the first two years of incapacity. If incapacity for work continues after the expiry of that period the pension is considered permanent.

A child's pension is payable up to 16 years of age but may be extended to 25 years of age if the child is physically incapable of self-support through its own work or if it is engaged in studies, the family and personal situation of the beneficiary being taken into consideration.

PART VIII. MATERNITY BENEFIT

Article 47. Under national legislation the contingency covered comprises pregnancy, confinement, the post-natal period and suspension of earnings arising therefrom.

Article 49, paragraphs 1 and 2. Under section 56 of the Social Insurance Act and section 26 of the Act respecting the Government Servants' Social Security and Welfare Institution, benefits comprise obstetric care (including general and specialised medical care, medicaments, medical appliances and hospitalisation), nursing assistance when the mother is physically unable to nurse her child, and a layette. Expectant mothers are generally confined in specialised hospitals or maternity homes. The wives and common-law wives of insured persons and pensioners are also entitled to complete medical care.

Paragraph 3. Obstetric care is designed essentially for assistance to women during the pre-natal period, confinement and the post-natal period.

Paragraph 4. The Mexican Social Insurance Institute encourages protected women to use the maternity facilities provided, by means of various forms of publicity and educational courses at the social security centres for family welfare.

The Government Servants' Social Security and Welfare Institution carries out extensive informational activities of a similar nature.

Article 50. Under section 56 of the Social Insurance Act, benefit consists of a cash grant equivalent to what would be payable in the event of non-occupational disease (i.e., equivalent to 60 per cent. of the average contribution wage at the time of incapacity). An increment, equivalent to 100 per cent. of the basic allowance, is payable for the eight days preceding and the 30 days following delivery.

Article 51. Under section 59 of the Social Insurance Act, an insured woman, in order to be entitled to cash benefit, must have paid not less than 30 weeks' contributions in the 12-month period preceding the date on which the payment of such benefit would begin.

Article 52. Medical care is granted throughout the contingency, nursing assistance being granted for a period of up to six months. The cash allowance is payable for 42 days before and 42 days after childbirth. The increment mentioned above is payable for eight days before and 30 days after childbirth.

PART IX. INVALIDITY BENEFIT

Article 53. Invalidity benefit is granted.

Article 54. An insured person declared to be suffering from invalidity is entitled to a pension. Under section 68 of the Social Insurance Act, a person is declared to be suffering from invalidity if affected by a disability or in a state which can be regarded as permanent and rendering the person incapable, by means of work proportionate to his strength, ability and previous vocational training and occupation, of earning more than 50 per cent. of what is normally earned in the same area by a healthy worker of the same sex, having similar skills within the same occupational category and having had similar vocational training.

Under section 82 of the Act respecting the Government Servants' Social Security and Welfare Institution, an invalidity pension is payable to workers disabled either physically or mentally by a cause unconnected with their employment.

Article 56. In accordance with the Social Insurance Act, invalidity pensions are calculated in the manner already described for Article 28. If the number of contributions is no more than the prescribed minimum of 150 this figure is taken in determining the average base wage corresponding to the basic pension rate equivalent to 34 per cent. of this average. The base wage applied in calculating pensions paid by the Government Servants' Social Security and Welfare Institution is the average remuneration received in the five years immediately prior to the date of recognition of pension eligibility. The basic pension rate in respect of 15 years' employment (the minimum laid down) is equivalent to 40 per cent. of that average.

Article 57, paragraph 1. The Social Insurance Act guarantees a pension to any insured person who has paid not less than 150 weekly contributions. The Act respecting the Government Servants' Social Security and Welfare Institution grants a pension to any worker with not less than 15 years' contributions.

Paragraphs 2 to 4. There are no reduced invalidity pensions.

Article 58. The provisions of this Article are taken into account.

PART X. SURVIVORS' BENEFIT

Article 59. Widows' and orphans' pensions are granted.

Article 60, paragraph 1. Provision is made for the contingency described in this paragraph with regard to the widow or former common-law wife of the insured person or pensioner and any children under 16 years of age or, if there is none of the above, the parents or grandparents.

Article 62. Under the Social Insurance Act a widow's pension is equivalent to 60 per cent. of the pension that would have been payable to an insured employed person in respect of invalidity at the time of his death or to 60 per cent. of the invalidity or old-age pension which was paid to the deceased.

The pension for each orphan is equivalent to 20 per cent. of the pension paid to the deceased pensioner or which would have been payable to an employed person in the event of invalidity. A full orphan is entitled to 30 per cent. instead of 20 per cent. If there is no widow or orphan, each parent or grandparent is entitled to a pension equivalent to 20 per cent. of the amount paid to the deceased or of the pension that would have been payable for invalidity.

The sum of all widows' and orphans' pensions may not exceed the amount of the invalidity or old-age pension due to the deceased.

The beneficiary members of the family of a deceased insured employed person or pensioner are entitled to payment of one month's wages or pension amount, subject to a minimum of 500 pesos, for burial expenses.

Article 63, paragraph 1. The Social Insurance Act grants benefit to all protected persons whose breadwinner paid not less than 150 weeks' contributions. A widow's pension is payable irrespective of age or family circumstances.

Paragraph 2. There are no reduced pensions for survivors.

Article 64. A widow's pension is payable for life unless the widow re-marries or becomes another person's common-law wife, in which cases benefits cease. In the event of re-marriage a lump-sum payment of three years' benefit is payable. An orphan's pension is payable until 16 years of age and may be extended until 25 years of age in the cases stated in connection with Article 38 of the Convention.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65. The Social Insurance Act does not provide for family allowances for insured persons in employment; these are not therefore added to periodical payments. The benefit levels are not determined by the marital or family status of the insured person, by his technical skill level or by zone or occupation. Pension levels are not revised in accordance with fluctuations in the general earning level. Nevertheless, when the Act has been revised in the past, the existing minimum pension level has generally been raised. The level of new pension rates can rise in accordance with the increase in the maximum amount subject to insurance (this rose from 13 pesos in 1944 to 90 pesos in 1960).

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. There is no provision in national legislation establishing any difference in rights between non-national and national residents.

PART XIII. COMMON PROVISIONS

Article 69, clause (a). Under section 11 of the Social Insurance Act, if a pensioner takes up residence abroad his pension is suspended during such absence unless otherwise provided by international agreements signed by Mexico. If the pensioner provides evidence that he will remain permanently abroad the Social Insurance Institute may, at his request pay him a lump sum equivalent to 50 per cent. of the actuarial pension figure, all other rights thereby becoming void.

Clauses (b) and (c). Under section 86 of the Social Insurance Act, if a person is entitled to an invalidity, old-age, unemployment or survivors' pension, as well as

to a pension under the occupational risk insurance scheme, only the latter is payable, but if the invalidity, old-age, unemployment or survivors' pension is greater, then the difference is made up.

Section 66 of the Act respecting the Government Servants' Social Security and Welfare Institution provides that no pension may be drawn from the Institution together with another pension from either that Institution or from public agencies or bodies included within its system.

Clause (d). Section 68 of the Act respecting the Government Servants' Social Security and Welfare Institution provides that if the documents or statements on which the grant of a pension is based are discovered to be fraudulent, the Institution shall revise the award and, where appropriate, notify the Office of the Public Prosecutor.

Clause (e). Under section 316 of the Federal Labour Act an employer is not liable for compensation or medical care if incapacity for work is due to a brawl or attempted suicide.

The social insurance schemes do not treat as an employment injury or an occupational disease contingencies due to a criminal offence committed by the insured person, attempted suicide or a brawl in which the person concerned was involved. Under the Social Insurance Act, if such events result in the death of the insured person, the family members do not forfeit their rights.

Clause (f). National legislation states that any contingencies occurring when the worker is intoxicated or under the effect of narcotic drugs, or contingencies deliberately caused by the worker, shall not be treated as an employment injury or an occupational disease.

Clause (g). Under the Social Insurance Act and the Act respecting the Government Servants' Social Security and Welfare Institution, the grant of benefit in the event of an employment injury or an occupational disease is subject to the requirement that the insured person should undergo a medical examination and receive any treatment prescribed by social insurance institutes.

Clause (j). Under sections 41 and 89 of the Social Insurance Act a pension payable to a widow or common-law wife is withdrawn in the event of marriage or cohabitation. In this event a lump sum equivalent to three years' pension is payable. Section 92 of the Act respecting the Government Servants' Social Security and Welfare Institution contains a similar provision except that the lump sum is equivalent to six months' pension.

Article 70. Section 133 of the Social Insurance Act states that, if an employer or an insured person or his dependants do not accept a decision by the Social Insurance Institute, they may challenge it before the Technical Council of the Institute. If the findings of the Technical Council are not accepted, the dispute between an insured person or his dependants and the Institute is referred to the Federal Conciliation and Arbitration Board.

Article 71. The resources of the Social Insurance Institute are constituted by the contributions paid by employers and workers and by the State and by the revenue from the Institute's property and other income.

The resources of the Government Servants' Social Security and Welfare Institution are constituted by workers', pensioners' and public agencies' and bodies' contributions, the revenue from the Institution's investments, any fines imposed and other income. Workers pay a contribution of 2 per cent. of their basic remuneration in respect of non-occupational sickness and maternity insurance, and of 6 per cent. for entitlement to all other benefits provided for under the Act respecting the Institution, except for occupational risk insurance and vocational rehabilitation services.

Public agencies and bodies contribute 6 per cent. of the basic wage for non-occupational sickness and maternity, 0.75 per cent. for coverage of all occupational risks and 6 per cent. in respect of the other benefits laid down by law.

Article 72. The Government strictly enforces the legal standards under which social security provisions are administered by institutions created by the State.

The application of social security legislation is the responsibility of both judicial authorities (for example, the Supreme Court of Justice, and the federal and provincial conciliation and arbitration boards) and administrative authorities (for example, the Sanctions Office, the Social Welfare Directorate and the Social Insurance Department of the Labour and Social Welfare Secretariat).

NETHERLANDS

Sickness Funds Act of 15 October 1964 (*Staatsblad*, 1964, No. 392) (*L.S.* 1964—Neth. 2), as amended.

PART II. MEDICAL CARE

The Government's report described in detail the nature and extent of the medical care provided under the compulsory health insurance scheme in accordance with the new regulations.

PART IV. UNEMPLOYMENT BENEFIT

In reply to a request made by the Committee of Experts concerning cases of suspension of benefit (Article 69, clauses *(d)* and *(i)*), the Government supplied the following information.

Section 31, paragraph (1) *(b)*, of the Unemployment Act mentions in a general way "an employee who does anything which results in or may result in loss to the society to which his last employer is affiliated in respect of him". Consequently the acts to which the legislation refers are not limited to the forms of swindling which, under the Convention, can entail suspension of the benefit. For example, a worker who consents to dismissal without a period of notice, or to a period of notice shorter than the legal requirement, is not considered, after such dismissal, as being involuntarily unemployed during the period of legal notice. There is nothing to prevent the worker from consenting to dismissal without a period of notice or to a period of notice shorter than the legal requirement, but in that case he forfeits the rights which are secured to him by the Civil Code. The employer who, as a result, is not obliged to continue paying the worker's wages during the period of legal notice, is also freed from the payment of contributions to the society to which he is affiliated in respect of the worker, and is covered by the provisions of section 31, paragraph (1) *(b)*, of the Unemployment Act. When a worker is dismissed without being given the legal period of notice, he should protest. However, any consent given by a worker to reduction of the legal period of notice (or to non-payment of his wages) is not held against him as an act resulting in loss to the society to which he is affiliated. Thus, consent to a reduction of the legal period of notice is not held against him if, say, in view of the financial situation of the employer, he cannot reasonably be asked to claim continued payment of his wages by the employer.

Section 31, paragraph (1) *(f)*, of the Unemployment Act refers in a general way to workers who are unemployed "as a result of a strike or lockout", though suspension of benefit does not require the party concerned to have lost his job as a direct consequence of the strike or lockout. If, for example, the workers in a factory go on strike, the lorry drivers employed by the factory to transport its products are considered as being idle as a direct consequence of the workers' strike. If, on the other hand, the idle drivers are not in the employ of the factory but belong to a forwarding agency

entrusted by it with the transport of its products, their unemployment has occurred only as an indirect consequence of the strike by the factory workers. When the society wishes, in such a case, to grant benefits to the unemployed persons indirectly implicated in the strike, the General Unemployment Fund usually gives its consent.

There exist, however, cases where workers are indirectly implicated in a strike and where the society does not grant any benefits. For example, this would be the case with a factory employing 505 workers, of whom five, occupying key positions in the manufacturing process because they operated specific machinery, went on strike. If unemployment benefit were paid to the workers not participating in the strike, they could prolong the labour dispute by each providing the five strikers with about a florin a week from the benefit received by them. In general, no benefit is granted where such payment can reasonably be expected to influence the labour dispute.

However, any worker implicated directly or indirectly in a strike can have recourse to the Appeals Board and, in the second instance, to the Central Appeals Board against a decision of the society to which he is affiliated refusing him unemployment benefit.

NORWAY

At present the Health Insurance Act and the Unemployment Insurance Act do not satisfy the requirements of the Convention (Parts III and IV) as regards the amount of benefits, if these are calculated proportionately to the previous earnings of the standard beneficiary referred to in Article 65, paragraph 6 (a), of the Convention. But if the wages of the ordinary labourer mentioned in Article 66, paragraph 4 (a), are taken as the basis for the calculation—a possibility envisaged in Articles 16 and 22—then the national legislation complies with the Convention on these points.

The same holds true for the Act respecting insurance against employment accidents and occupational diseases, but only as regards the amount of the benefit granted in respect of temporary incapacity for work (Part VI). However, in the latter case, the amount of the benefit, whether it is calculated in accordance with Article 65 or Article 66, represents 48.4 per cent. of the total of the previous earnings of the standard beneficiary or of the wage of the ordinary adult male labourer, as the case may be.

SENEGAL

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

PART VII. FAMILY BENEFIT

Article 43 of the Convention. The legislation is shortly to be revised and a proposal will be made to the authorities for a reduction of the qualifying period from four to three months.

PART VIII. MATERNITY BENEFIT

Articles 48, 49 and 52. The total pre-natal and maternity allowances are not intended to meet the costs of medical care; such care is available in out-patient clinics to all pregnant women and not only to women employees or the wives of employees.

UNITED KINGDOM

National Insurance, etc., Act, 1964.
 Family Allowances Act, 1965.
 National Insurance Act, 1965.
 National Insurance Act, 1966.
 National Insurance, etc., Act (Northern Ireland), 1964.
 Family Allowance Act (Northern Ireland), 1966.
 National Insurance Act (Northern Ireland), 1966.
 National Insurance (No. 2) Act (Northern Ireland), 1966.

PART III. SICKNESS BENEFIT

Article 16 of the Convention. The flat rates of sickness benefits were increased as from 28 January 1965 under the National Insurance, etc., Act, 1964; and provision was made under the National Insurance Act, 1966, for earnings-related supplements to the flat rates of benefits. The earnings-related provisions were to operate from 5 October 1966.

PART IV. UNEMPLOYMENT BENEFIT

Article 22. Benefit rates were increased as from 28 January 1965.

PART V. OLD-AGE BENEFITS

Article 28. The flat rates plus the graduated rates are as previously reported. In addition, the 0.5 per cent. contribution payable both by employers and employees on employees' pay between £9 and £30 inclusive per week, chargeable under the National Insurance Act, 1966, counts also towards graduated pension benefits. This 0.5 per cent. contribution is payable both by contracted out and non-contracted out persons.

PART X. SURVIVORS' BENEFIT

Article 60. Under the National Insurance, etc., Act., 1964, the earnings rule for widow's benefits was abolished with effect from 21 December 1964. Provision has been made in the National Insurance Act, 1966, to extend the widow's allowance period from 13 to 26 weeks and this provision was to operate from 5 October 1966.

Article 62. The flat rates of widow's benefits and guardian's allowances were increased under the National Insurance, etc., Act, 1964, with effect from 30 March 1965. With effect from 5 October 1966, provision is made by the National Insurance Act, 1966, for the further addition of an earnings-related supplement (called a widow's supplementary allowance) to the increased rates of widow's benefits, the earnings in question being the earnings of the deceased husband between £9 and £30 inclusive. The supplement corresponds to the earnings-related benefit payable in addition to the flat-rate sickness and unemployment benefits.

103. Maternity Protection Convention (Revised), 1952

This Convention came into force on 7 September 1955

Countries	Ratification registered on	Countries	Ratification registered on
Brazil ¹	18. 6. 1965	U.S.S.R.	10. 8. 1956
Byelorussia	6. 11. 1956	Uruguay	18. 3. 1954
Cuba	7. 9. 1954	Yugoslavia	30. 4. 1955
Ecuador	5. 2. 1962		
Hungary	8. 6. 1956		
Spain ²	17. 8. 1965		
Ukraine.	14. 9. 1956		

¹ With the exception of the occupations and work specified in Article 7, paragraph 1 (b) and (c).

² With the exception of persons specified in Article 7, paragraph 1 (d).

BYELORUSSIA

In reply to requests made in previous years by the Committee of Experts with regard to Article 6 of the Convention, the Government states that maternity leave is granted on the basis of a certificate of incapacity for work, issued by a medical institution, such as is also issued in the case of temporary release from work as a consequence of illness. A woman cannot therefore be dismissed from work during her maternity leave since it is established practice for the management of an undertaking or institution to postpone the dismissal of a person absent owing to sickness until the person has recuperated. In addition, section 136 of the Penal Code of the Byelorussian S.S.R. prohibits dismissal from employment or refusal of engagement in the case of expectant or nursing mothers.

CUBA

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

Article 4, paragraph 1, of the Convention. As regards the payment of maternity benefit in the event of prolongation of pre-natal leave due to confinement taking place later than the forecast date, the Government was referring exclusively to the benefits in services and in kind provided for in the Social Security Act, No. 1100. National legislation is in harmony with the Convention in that it meets the requirements of this paragraph by complying with paragraphs 1 to 4 of Article 3, guaranteeing remuneration to a woman during her 12 weeks' maternity leave without shortening the compulsory six weeks' paid post-natal leave.

Paragraph 6. With regard to cash benefits equalling not less than two-thirds of the woman's previous earnings taken into account for the purpose of computing benefits, the ceiling of eight pesos per day laid down by Act No. 1100 is applicable to all workers, irrespective of whether they are wage earners or salaried employees. This ceiling is sufficient for the full and healthy maintenance of the woman and her child in accordance with a suitable standard of living, as required by paragraph 2 of Article 4, while in keeping with wage rates and the country's economic and social circumstances.

Resolution No. 68 of 3 February 1959 is virtually without effect, since the various situations mentioned in it which have been called in question have subsequently been dealt with elsewhere. That referred to in section IV of Legislative Decree No. 781

of 1934, respecting compensation in the event of the death of a mother as a result of childbirth, is covered by section 18 of the Social Security Act, No. 1100 of 27 March 1963; the matter dealt with in section VI of Legislative Decree No. 781, namely the right of women workers to nurse their children, is now governed by section 25 of the Social Security Act, No. 1100; that referred to in section VII, namely that pregnancy may not be a ground for dismissing a woman, is covered by Act No. 1166 of 23 September 1964 respecting the dispensation of justice in labour matters, by section 15 (c) of the Social Security Act No. 1100, and by principle No. 384 (Chapter V, section I) of the general principles for the organisation of labour protection and occupational health, approved by the Council of Ministers on 8 September 1964. These same texts also include the protective measures provided for in sections VIII and IX of the above-mentioned legislative decree. Finally, with respect to section X of the legislative decree, respecting rooms for nursing children, this aspect is now dealt with in the proper manner in section 25 of the Social Security Act, No. 1100.

HUNGARY

In reply to an observation made by the Committee of Experts concerning the application of the Convention to domestic workers, the Government states that it is investigating the situation in the other countries which have ratified the Convention and that it will decide what action to take in this connection.

As regards the Committee's request with respect to the rate of cash benefit (Article 4, paragraph 6), the Government states that women workers who have been covered by the insurance scheme for only 180 days are entitled, under Regulations No. 6 of 1955 of the National Council of Trade Unions, to half the maternity grant plus a layette allowance of 400 forints.

UKRAINE

Decision of 8 January 1965 of the Presidium of the All-Union Central Council of U.S.S.R. Trade Unions respecting the strengthening of supervision by works committees and local trade union committees of the application of labour legislation relating to the dismissal of wage earners and salaried employees (*Kzot ukrainoskoi R.S.P.*, 1966, p. 163).

Decision No. 127 of 18 February 1966 of the Council of Ministers of the U.S.S.R. respecting the issue of sick leave certificates and payment of allowances to women who adopt newborn infants, and Instruction No. 187 of 28 February 1966 of the Council of Ministers of the Ukrainian S.S.R. for the application of that decision (*Sbirnik portanov irozporjaden* of the Ukrainian S.S.R., 1966, No. 2, p. 26).

In reply to previous requests made by the Committee of Experts concerning the application of Article 6 of the Convention, the Government states that, by virtue of the decision of 8 January 1965, works committees and local trade union committees do not authorise the dismissal of pregnant women or women with a child under one year old except in case of the liquidation of an undertaking when a woman refuses to be transferred to another undertaking or office. The Government adds that, in practice, women are not dismissed while on maternity leave.

Also, by virtue of the decision of 18 February 1966 and of the instruction of 28 February 1966 for the application of that decision, women who adopt new-born infants directly from a maternity home are entitled to postnatal allowances and leave in the same way as other women workers.

URUGUAY

Decree of 8 July 1965.

In reply to a request made by the Committee of Experts, the Government states that the above-mentioned decree has extended the benefits prescribed by Act No. 12572 of 23 October 1958 to rural and domestic workers.

As regards the free choice of a medical practitioner and free choice between a public and a private establishment, the Government states that the maternity and child care centres, which are run by the Central Family Allowance Council, are equipped with all the necessary technical facilities and have always received the wholehearted support of the employers' and workers' organisations and the public authorities, who are, moreover, represented on the Executive Board of the Council.

In reply to an observation made by the Committee of Experts concerning the provision of free medical care (Article 4 of the Convention) also to women workers whose family income exceeds the ceiling imposed by Act No. 12572 of 1958, the Government states that women workers employed by the Central Public Administration whose earnings exceed the prescribed ceiling may apply to the public assistance services of the Ministry of Public Health, which provide medical care and arrange for hospitalisation in a maternity clinic.

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	16. 5. 1963	Libya	13. 6. 1961
Argentina	18. 1. 1960	Luxembourg	24. 7. 1964
Australia	7. 6. 1960	Malaysia:	
Austria	5. 3. 1958	States of Malaya	13. 10. 1958
Belgium	23. 1. 1961	Sabah, Sarawak	3. 3. 1964
Botswana	18. 10. 1966	Mali	28. 5. 1962
Brazil	18. 6. 1965	Malta	4. 1. 1965
Burundi	11. 3. 1963	Mexico	1. 6. 1959
Cameroon (Western Cameroon)	3. 9. 1962	Morocco	1. 12. 1966
Canada	14. 7. 1959	Netherlands	18. 2. 1959
Central African Republic	9. 6. 1964	Niger	23. 3. 1962
Chad	8. 6. 1961	Nigeria	17. 10. 1960
China	31. 3. 1959	Norway	14. 4. 1958
Colombia	7. 6. 1963	Pakistan	15. 2. 1960
Costa Rica	4. 5. 1959	Panama	16. 5. 1966
Cuba	2. 6. 1958	Peru	6. 12. 1960
Cyprus	23. 9. 1960	Philippines	17. 11. 1960
Dahomey	22. 5. 1961	Poland	30. 7. 1958
Denmark	17. 1. 1958	Portugal	23. 11. 1959
Dominican Republic	23. 6. 1958	Rwanda	18. 9. 1962
Ecuador	5. 2. 1962	El Salvador	18. 11. 1958
Finland	27. 5. 1960	Senegal	28. 7. 1961
Gabon	29. 5. 1961	Sierra Leone	13. 6. 1961
Federal Republic of Germany	22. 6. 1959	Singapore	25. 10. 1965
Ghana	15. 12. 1958	Somalia:	
Greece	30. 3. 1962	ex-British Somaliland	18. 11. 1960
Guatemala	9. 12. 1959	ex-Trust Territory	8. 12. 1961
Guinea	11. 7. 1961	Sweden	2. 6. 1958
Guyana	8. 6. 1966	Switzerland	18. 7. 1958
Haiti	4. 3. 1958	Syrian Arab Republic	23. 10. 1958
Honduras	4. 8. 1958	Tanzania:	
Iceland	29. 11. 1960	Tanganyika	30. 1. 1962
Iran	13. 4. 1959	Zanzibar	22. 6. 1964
Iraq	15. 6. 1959	Trinidad and Tobago	24. 5. 1963
Ireland	11. 6. 1958	Tunisia	12. 1. 1959
Israel	10. 4. 1958	Turkey	29. 3. 1961
Ivory Coast	5. 5. 1961	Uganda	4. 6. 1963
Jamaica	26. 12. 1962	United Arab Republic	23. 10. 1958
Jordan	31. 3. 1958	United Kingdom	30. 12. 1957
Kenya	13. 1. 1964	Venezuela	16. 11. 1964
Kuwait	21. 9. 1961	Zambia	22. 2. 1965
Liberia	25. 5. 1962		

CAMEROON

Western Cameroon

Labour Code Ordinance (*Laws of Nigeria*, 1958, Revised Edition, Ch. 91), remaining in force by virtue of article 53 of the West Cameroon Constitution, 1961.

The only forms of labour which may be exacted are those defined in sections 117, 119 and 120 of the Labour Code Ordinance. These do not fall within the scope of the Convention.

COLOMBIA (First Report)

Constitution.

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407, p. 299) (*L.S.* 1950—Col. 3 A), as amended by Decree No. 3743 of 20 December 1950 (*D.O.*, 11 Jan. 1951, No. 27504, p. 113).

Penal Code.

Penal Procedure Code.

Act of 21 May 1851 to abolish slavery.

The Constitution prohibits slavery and provides, as does the Labour Code, for freedom of choice of employment and occupation.

GABON

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

By virtue of Ordinance No. 42/PR of 30 September 1965, political prisoners are not required to perform prison labour; accordingly, persons convicted of certain offences arising out of the expression of opinion referred to by the Committee of Experts are exempt from any obligation to work.

Disciplinary offences under certain sections of the Merchant Navy Code are not automatically common law offences.

Section 130 of the Penal Code, which punishes collective resignation of public employees paralysing the carrying out of any service, is not intended to punish strikes, which remain legal under sections 209 and 210 of the Labour Code.

GREECE (First Report)

National legislation is in conformity with the provisions of the Convention.

The Council of State held in Decision No. 578 of 1966 that the legislation permitting civilian mobilisation with a view to protection of the general interest and public order was not contrary to the Convention. However, certain trade unions (the Electric Transport Company Staff Union, the Athens Gas Company Staff Association and Union, and the Pan-Hellenic Electricity and Public Utilities Federation) have claimed that the Convention has been violated by mobilisation of workers of public utility and transport enterprises.

GUINEA (First Report)

Labour Code, Act No. 1 of 30 June 1960 (*L.S.* 1960—Gui. 1).

Section 3 of the Labour Code, forbidding forced or compulsory labour, gives effect to the Convention.

HONDURAS

See under Convention No. 100.

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

Persons sentenced for offences under Decree No. 95 of 1946 respecting totalitarian and subversive activities and Decree No. 6 of 1958 respecting the expression of opinions are not required to work on public works schemes, but must work in penal establish-

ments on work of their own choosing. Under sections 8 and 34 of the decree of 1958, criticism of public officials is not punishable if made in furtherance of the public good, without there being any need for the criticism to allege commission of a criminal offence.

Although many provisions on labour matters in the Police Act (dating from 1909) appear to be contrary to the Convention, they have been abrogated by constitutional principles and the Labour Code and had become obsolete even beforehand.

LUXEMBOURG (First Report)

Forced labour does not exist in any of the forms listed in Article 1 of the Convention.

See also under Convention No. 29.

MALAYSIA

States of Malaya

In reply to observations made by the Committee of Experts, the Government states that it appreciates the need to review the legislation referred to. Certain suggested lines of action are being put to the various Ministries for consideration, in consultation with the Attorney-General.

NIGER

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

Section 90 of Decree No. 103 of 13 June 1963, which states that work is compulsory for all convicted prisoners, is subject to section 18 of the Penal Code, which exempts political offenders from liability to hard labour. Whether an offence is political is decided in each case by the competent court.

Offences under section 12 of Ordinance No. 135 of 21 July 1959 respecting freedom of the press are not necessarily political. Political parties would be dissolved under Ordinance No. 101 of 4 July 1959 not by reason of their political activities but only when they engage in subversion.

PAKISTAN

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

A person detained in the interest of the security of the State under section 3 of the Security of Pakistan Act, 1952, is not required to do hard labour. If such person attempts to avoid the execution of the detention order, he is liable to imprisonment for not more than three years.

Imprisonment for offences under sections 16 and 17 of the Criminal Law Amendment Act, respecting unlawful associations, section 10 of the Security of Pakistan Act, 1952, section 124A of the Penal Code, sections 127 and 130 of the Code of Criminal Procedures and sections 3, 4, 5 and 7 of the Pakistan Essential Services (Maintenance) Act, 1952, does not involve hard labour.

No prison labour is required of persons convicted under section 7 of the Political Parties Act or section 153B of the Penal Code.

PANAMA (First Report)

See under Convention No. 29.

PERU

In reply to direct requests made by the Committee of Experts, the Government states that forced labour is not imposed on persons sentenced to imprisonment under section 45 of the Press Act for insulting the Catholic religion.

Questions relating to Act No. 13488 of 1961, declaring the Peruvian communist party to be part of an international organisation, are outside the scope of the Convention and would involve matters of internal politics.

PORTUGAL

In reply to the request made by the Conference Committee in 1966, the Government supplied special reports indicating the position in Angola and Mozambique respectively with regard to wages, employment services and labour inspection.

Angola.

The report for Angola regarding wages reviews the effect on wage levels of workers' productivity, examining particularly the consequences of the task work system in agriculture, absenteeism, instability of labour, conscientiousness in work, human relations, climatic conditions, and socio-economic factors. It examines measures for increasing productivity, including monetary incentives, quoting systems of output bonuses and attendance bonuses in plantations, as well as examples of wage scales increasing with length of service and piece-rate remuneration. In respect of workers other than those covered by the Rural Labour Code, figures are supplied of wage rates in Luanda and average earnings in the various districts. The report on employment analyses the manpower position as regards "rural" workers (unskilled workers almost exclusively of African origin) and skilled labour. In regard to rural workers figures are provided showing the numbers working under written and oral contracts respectively (1950-64), monthly wages (1958-65), distribution of migrant workers by branch of activity (1960-64) and distribution by district.

A detailed analysis is provided of migratory movements within Angola and to foreign countries. The districts of Huambo, Bié and Huíla, with large populations and little openings for wage employment, are the main sources of migrant labour, and the important agricultural areas in the districts of Uíge, North Cuanza and South Cuanza are the main regions to which migrant workers go. In 1964, 102,851 workers were engaged under written contracts for employment in Angola; in the first half of 1965 there were 46,215 written contracts. In 1964, 71 per cent. of these contracts were for 12 months and 18 per cent. for 15 months. These workers are engaged under the provisions of the Rural Labour Code, which permits recruiting under licence and requires a written contract to be concluded with workers who are engaged outside the area of employment or have to leave home to take up the agreed work. The requirement of a written contract is intended to ensure to the worker certain conditions of work and welfare. However, the word "contract" is connected with a long series of violations of freedom of work (namely, compulsory recruiting operations for public works through administrative and traditional authorities under the provisions of the former Native Labour Code—now repealed) which have left in the workers' minds an instinctive dislike for written contracts. While written contracts provide protection to the worker, they equally represent a valuable advantage for employers, in

guaranteeing them the necessary labour for a fixed period. In any case the system is an obstacle to the rapid improvement of conditions of work. An employer who obtains his labour from a distant area through recruiting agents merely needs to observe the minimum statutory requirements. If the workers in a given area of recruiting no longer wish to come to work for him, he starts recruiting in another area, with the result that he is not induced by shortage of labour to improve conditions of employment and welfare. If employers were not able to rely on the requirement of written contracts, they might at certain periods lack workers, because the latter would have moved to better employers. While there are employers who provide good conditions beyond the minimum requirements, the majority adopt a quite out-of-date social attitude. The absence of efforts by employers to attract labour also explains why there is so little stabilisation of workers at the place of work.

In addition to migration for employment under written contracts, there are in certain areas well-established movements of workers going to offer themselves at the workplace for limited periods of two to four months (particularly, at the height of the coffee-picking season). They earn up to 750 escudos a month, plus food, and thus find sufficient incentive to return each year. The number of such workers (roughly 20,000) has increased considerably in the last three years. The highways and railways, by facilitating mobility of labour, are making a valuable contribution to improving local conditions of work. This is a desirable development which reflects the wishes of the great majority of workers.

A third movement of workers is from Angola to the Republic of South Africa (approximately 17,000 workers), South West Africa (12,500) and Zambia (5,500). Workers go spontaneously to offer their services at the recruitment centre at Oudanga (South West Africa) for engagement for mining and agricultural work. The movement of workers to the Republic of South Africa and Zambia is across the eastern frontier, where the workers go to the various recruiting centres.

Recruiting within Angola is governed by the Rural Labour Code, on the lines laid down in the Recruiting of Indigenous Workers Convention, 1936 (No. 50), and the Elimination of Recruiting Recommendation, 1936 (No. 46). From 1963 to 1965 there was a reduction in licences for direct recruiting by employers and a marked increase in professional recruiting. The former rarely gives rise to criticism, but it is unanimously felt that professional recruiting gives ground for complaint, on account of the profit made by certain recruiters. The Labour Institute is seeking, through fines and cancellation of licences, to improve the moral standard of this activity. While the gradual elimination of the less suitable recruiters may improve the situation, the considerable cost of professional recruiting is an obstacle to improvement in wages. Accordingly, it would seem desirable to eliminate recruiting progressively. To this end it appears important to develop the free public employment service provided for in the Rural Labour Code. Transit camps should be set up at important transport centres, available not only to workers in transit, but to work-seekers. The Labour Institute should try to ensure that the money saved by employers as compared with present recruiting costs is applied to the improvement of wages. In this way the spontaneous movement of workers to employment centres would gradually grow. It seems likely in any case that, on account of the increasing number of workers drawn to industrial employment or engaging in farming on their own account, the mining and agricultural undertakings which are the main employers of rural labour will (apart from mechanisation) have to make substantial improvements in working conditions to avoid manpower shortages.

The Government supplied a detailed report on the activities of the labour inspection services of Angola during 1965, containing information on the organisation and staffing of the inspectorate, the legislation for the enforcement of which the

inspectorate is responsible, the number of undertakings subject to inspection, the number of inspections made, contraventions noted and action taken thereon, and occupational accidents and diseases. At the end of 1965 the inspectorate consisted of nine posts of labour inspectors, one social security inspector, and 30 posts for supervisors (eight of which had still to be filled). In 1965 visits were made by labour inspectors to 411 undertakings employing 61,202 workers. In addition visits were made by supervisors to undertakings (mainly in commerce and services) employing some 60,000 workers.

The Government also forwarded the report for 1965 of the Department of Public Works and Communications of Angola.

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

The regulations of the independent Board of Roads continue to be under consideration.

The Diamond Company of Angola has replaced recruiting through professional agents by direct procurement, for which it has established special services. The number of workers involved remains substantially as before. Workers continue to leave the district of Lunda where the company operates (1,067 in 1964, 1,060 in 1965), and it may be considered that the supply of manpower exceeds demand. The Diamond Company continues to construct and improve transit centres for workers, as well as transport facilities. Wages continue to be substantially the same as in the previous year and are around 600 escudos a month, in addition to medical assistance, etc.

As regards the railways, the situation remains more or less identical with that of the previous year. An order respecting hours of work on the railways has been issued.

As for the development of the employment service, action in Luanda was increased and an office has been established in the Lobito-Benguela zone. The establishment of other offices, chiefly in the interior, is under study.

Mozambique.

As elsewhere in Africa, many workers in Mozambique prefer to engage in migrant labour rather than remain farmers exclusively. As a result of the publicity of employers and the information gathered from returning workers, the rural populations are fully aware of the best wages and conditions which are available. In these circumstances the representatives or agents of employers do not need to engage in active recruiting. They act more like agents of an employment service to whom the workers present themselves when seeking wage employment, and perform a useful function in helping workers to travel to the undertaking or place where they wish to work. Proof of the voluntary nature of the engagement is provided by the fact that the overwhelming majority of work-seekers offer their services directly at the undertaking. Of 435,000 rural workers at present in wage employment in Mozambique, only 44,000 were engaged through recruiters, the remainder seeking work directly from employers. Of the 44,000 recruited workers, only a minority are working under written contracts, the majority preferring to work on a casual basis. The goodwill of employers, particularly in agriculture, is shown by their granting to casual workers the same benefits as the Rural Labour Code prescribes for contract workers. The basic provisions of the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100), are observed in Mozambique. In these circumstances the creation of public employment services in the rural areas would seem costly, superfluous and possibly self-defeating. It would be costly because a large number of offices (with staff and means of transport) would have to be established, which, moreover, could never provide satisfactory coverage in view of the wide dis-

persal of the population. It would be superfluous because it would be an unwieldy mechanism which could not be as flexible and mobile as private agents, and because workers would continue to prefer offering their services directly at the workplace. It would be self-defeating because the workers, distrustful like all rural people, would see in the officials of the employment service government agents out to control their movements (which are completely free from restriction). Nor could the new service be entrusted to the existing administrative authorities, in view of their already heavy workload. The role of public officials should be confined to reconciling the unskilled labour requirements of employers in the modern sector with the social balance and economic advancement of the rural communities. A migratory labour system, if functioning effectively and flexibly, can eliminate two of the most important defects of the labour market in underdeveloped countries—lack of geographical mobility and hidden unemployment.

In urban areas the trade unions in 1964 placed 6,277 workers. The experimental public employment service set up by the Labour Institute in Lourenço Marques for rural workers and domestic servants in 1965 registered 221 work-seekers, of whom 25 were placed. The small number of placings was due to the very low qualifications of the work-seekers; efforts are being made to improve the quality of rural workers.

As regards wages, a comparative table of average monthly earnings in Mozambique and various neighbouring countries in 1962 was provided by the Government. In addition, figures were supplied showing the wages of unskilled agricultural and industrial workers in the various districts of Mozambique in 1950, 1955, 1957, 1960 (cash wages only) and 1966 (total remuneration, including value of benefits in kind).

The Mozambique labour inspectorate is at present composed of a chief inspector, five labour inspectors, and 11 supervisors. In addition, the inspectorate is also represented by the general administrative services (nine offices and 94 sub-offices). The reorganisation of the inspectorate, involving the creation of three new posts of inspectors and 36 new posts of supervisors, is under consideration. From January 1963 to June 1966 a total of 6,111 undertakings (employing 222,427 workers) was visited. In the first half of 1966 action was taken against undertakings in 878 cases for violation of labour legislation (103 under the Rural Labour Code and 775 under the legislation applicable to other workers).

SIERRA LEONE

Abolition of Forced Labour Convention, 1957 (Application to Merchant Seamen), Act, No. 18 of 1966 (*Gazette*, 21 July 1966, No. 58).

The above-mentioned Act was passed as a result of the Committee of Experts' comments relating to certain disciplinary provisions of the United Kingdom Merchant Shipping Act, 1894.

SOMALIA

Public Order Law, No. 21 of 26 August 1963 (*Bollettino Ufficiale*, 14 Sep. 1963, No. 9, Supplement No. 4).

In reply to a direct request made by the Committee of Experts, the Government states that since 1960 no labour has been required for reasons of civil necessity, as allowed under section 3 of the Labour Code. The right to strike has been suspended since April 1964 in accordance with section 241 of the Labour Code and sections 70 and 71 of the Public Order Law, due to a state of emergency resulting from border disputes.

106. Weekly Rest (Commerce and Offices) Convention, 1957

This Convention came into force on 4 March 1959

Countries	Ratification registered on
Afghanistan	16. 5. 1963
Brazil ¹	18. 6. 1965
Bulgaria	22. 7. 1960
Costa Rica	4. 5. 1959
Cuba	2. 6. 1958
Cyprus	20. 12. 1966
Denmark ²	17. 1. 1958
Dominican Republic	23. 6. 1958
Ghana	15. 12. 1958
Guatemala ³	9. 12. 1959
Haiti ³	4. 3. 1958
Honduras	20. 6. 1960
Iraq	5. 7. 1960
Israel ⁴	19. 6. 1961
Italy	12. 8. 1963
Kuwait	21. 9. 1961
Mexico ³	1. 6. 1959

Countries	Ratification registered on
Pakistan ⁵	15. 2. 1960
Paraguay	21. 3. 1966
Portugal	24. 10. 1960
Syrian Arab Republic ³	23. 10. 1958
Tunisia ³	28. 5. 1958
United Arab Republic	23. 10. 1958
Yugoslavia ⁵	13. 10. 1958

¹ The Convention also applies to the establishments specified in Article 3, paragraph 1, with the exception of those provided for in (b).

² The Convention also applies to the establishments specified in Article 3, paragraph 1 (a).

³ The Convention also applies to the establishments specified in Article 3, paragraph 1.

⁴ The Convention also applies to the establishments specified in Article 3, paragraph 1 (b), (c) and (d).

⁵ The Convention also applies to the establishments specified in Article 3, paragraph 1 (c).

BULGARIA

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

Article 3 of the Convention. Consideration is being given to making a declaration accepting the obligations of this Article.

Article 6. Under section 52 (1) of the Labour Code, weekly rest may be granted on Sunday or another day.

Article 8. Section 46 (a) of the Labour Code authorises the performance of additional work, in exceptional cases, for national defence purposes, within the meaning of Article 13 of the Convention.

Article 11. Special rest schemes are applied, under section 34 of the ordinance of 5 March 1958, in health establishments, telephone exchanges and radio stations.

COSTA RICA

In reply to a request made by the Committee of Experts, the Government states that section 152, paragraph 3, of the Labour Code does not apply to commerce and that therefore all commercial employees are entitled to the usual weekly rest day or to compensatory rest on another day of the week.

CUBA

In reply to a request made by the Committee of Experts, the Government states that the general legislation concerning weekly rest applies notwithstanding the absence of any express provision to this effect in Resolution No. 5974 of 14 December 1962 and that it also applies to persons employed in continuous work. Profit-sharing is now obsolete in Cuba.

GHANA

In reply to an observation made by the Committee of Experts, the Government states that it is proposed to issue a Labour Decree, under which regulations relating to weekly rest in commerce and offices will be made.

HONDURAS (First Report)

Constitution, 1965, approved by Decree No. 20 of 3 June 1965 (*La Gaceta*, 12 June 1965, No 8588). Labour Code, Decree No. 189 of 1 June 1959 (*ibid.*, 15-18 and 20-23 July 1959, Nos. 16827-16834) (*L.S.* 1959—Hon. 1).

Article 1 of the Convention. The provisions of the Convention are applied through legislation. Under section 56 of the Labour Code the weekly day of rest may be fixed by collective agreement.

Article 2. The provisions of the Code are binding on all undertakings, businesses, establishments and natural persons, except public servants and specified persons or undertakings governed by special provisions (section 2).

The Convention applies to trading establishments. By virtue of Legislative Decree No. 96 of 4 March 1949 the principle of the weekly rest period applies to establishments, institutions and administrative services, including offices of persons engaged in the liberal professions.

Article 3. The weekly rest period is granted in the telecommunications services and in offices of newspaper undertakings. In post offices, theatres and other places of public entertainment, the weekly rest period is granted on a rotation basis.

The Government reserves the right to accept the provisions of paragraph 2 of Article 3.

Article 4. In case of practical necessity the Government will take appropriate steps to make the distinction provided for.

Article 5. The Government reserves the right to exclude from the provisions of the Convention the establishments and persons referred to in clauses (a) and (b).

Article 6, paragraph 1. All persons to whom the Convention applies are entitled to an uninterrupted weekly rest period comprising not less than 24 hours in the course of each period of seven days (section 338 of the Labour Code).

Paragraph 2. Normally the weekly rest period is granted simultaneously to all the staff of each establishment, except those who work in shifts or by rotation.

Paragraph 3. The weekly rest period normally coincides with Sunday.

Paragraph 4. The traditions and customs of religious minorities are respected in the establishments concerned, in so far as they do not interfere with the general plan of operation.

Article 7. Commercial and industrial establishments are closed on Sundays and national holidays, except the following: those coming within one of the categories enumerated in section 338 of the Labour Code and including hotels, restaurants, public markets, bars, pharmacies, undertakers' establishments, bakeries and petrol pumps; places of entertainment and recreation; food-shops retailing vegetables, fruit and milk.

The above-mentioned establishments can remain open on the days and at the hours authorised by the laws in force or by the regulations which are specially applicable to them (section 344 of the Code).

Article 8. In pursuance of section 97 (4) of the Code a worker is obliged to give assistance, whenever it is needed, if an accident or imminent danger imperils the person or interests of the employer or any of his workmates, without prejudice to his right to compensatory rest.

Article 9. Wages are regulated by the labour legislation. Under section 328 of the Code, permanent workers who, by law or by agreement with their employers, work less than 44 hours a week shall be entitled to receive the full wage for a normal week of day work.

Article 10. The General Inspectorate of Labour supervises the enforcement of the workers' right to the weekly rest.

Article 11. The competent authorities entrusted with the application of the Convention are: the Ministry of Labour and Social Welfare, the General Inspectorate of Labour, the General Directorate of Labour, the Labour Attorney, the Supreme Court of Justice, the Labour Appeals Court, the labour courts or, in their absence, the civil courts.

ITALY

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

Article 2 of the Convention. The weekly rest of persons excluded from the scope of Act No. 370 of 1934 by virtue of section 1, paragraphs 10, 11 and 13, of the Act is guaranteed by special regulations and legislative provisions which can in principle be regarded as being essentially in line with the Convention.

Article 3. The Act, apart from the exceptions mentioned in section 1 thereof, applies to the establishments enumerated in this Article.

As regards the amendment of sections 1, 6, 16 and 17 of Act No. 370, it should be noted that a Bill for the general revision of the Act is being prepared.

See also under Convention No. 14.

KUWAIT

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

Article 2 of the Convention. The text of a contract attached to the Government's report shows that workers from India, Pakistan and Goa are in fact entitled to a weekly day of rest.

Article 177 of the Constitution confers full powers on the labour inspectorate to secure compliance with the terms of the Convention in respect of temporary workers.

The labour inspectorate ensures application of the Labour Law (public sector) to manual as well as non-manual workers.

Article 7. The labour inspectorate has full powers to enforce these provisions of the Convention which, moreover, are covered by sections 35 and 49 of the Labour Law (private sector).

Article 8, paragraph 3. The observations of the Committee of Experts will be taken into consideration in the formulation of the new Labour Law (public sector); in the meantime article 177 of the Constitution will permit practical application of the provisions of the Convention in the light of the Committee's observations.

Article 11. A list of exceptions will be sent as soon as the Inspection Division has prepared it.

PAKISTAN

In reply to a direct request made by the Committee of Experts, the Government states that a West Pakistan Shops and Establishments Act, which will meet the comments of the Committee, will shortly be promulgated, and that appropriate measures will be taken to provide compensatory rest for establishments governed by Articles 7 and 8 of the Convention.

SYRIAN ARAB REPUBLIC

In reply to requests made by the Committee of Experts, the Government communicated a declaration accepting the obligations of the Convention in respect of the establishments listed in Article 3.

Articles 7 and 8 of the Convention. A specific provision will be promulgated to grant weekly rest to workers engaged in preparatory and complementary work and in caretaker and cleaning duties. The committee responsible for drafting the new Labour Bill is to consider, with the Government's full support, the granting of compensatory rest to workers temporarily excluded from the weekly rest provisions.

TUNISIA

Labour Code, Act No. 27 of 30 April 1966 (*Journal officiel*, 3-6 and 10-13 May 1966).

In reply to previous requests made by the Committee of Experts, the Government states that the existing divergences between the national legislation and Articles 8 and 13 of the Convention have been removed by the new Labour Code.

UNITED ARAB REPUBLIC

In reply to requests made by the Committee of Experts, the Government states that workers excluded from the provisions regarding weekly rest contained in the Labour Code are granted a weekly rest on the basis of established practice.

YUGOSLAVIA

See under Convention No. 5.

The provisions of the Convention are given effect by the Act respecting employment relationships and the by-laws of the communities of workers established in pursuance of the provisions of the Act.

Articles 2 to 4 of the Convention. With regard to conditions of work, the Federal Constitution and the above-mentioned Act secure the same rights for all workers, without distinction.

Article 5. The provisions in force do not apply to members of an employer's family if their employment does not have the characteristics of work arising out of an employment relationship.

Article 6. The Act guarantees to workers the right to an uninterrupted weekly rest period of not less than 24 hours every week, after not more than six working days. The workers' communities may grant longer rest periods, taking into account the organisation and nature of the work. The weekly day of rest is fixed by the by-laws of the communities of workers. In practice it generally coincides with Sunday, which is the day recognised as a day of rest by tradition and custom. The traditions and customs of religious minorities are respected because the weekly day of rest is determined by the communities of the workers themselves.

Article 7. Special schemes can be provided for by the by-laws of the workers' communities for persons working in certain sectors where the organisation of work and production has a special character, such as navigation, road transport, agriculture, film production and the seasonal hotel industry. In these cases, however, compensatory uninterrupted rest periods of not less than 24 hours must be granted to the workers concerned, at intervals fixed by the by-laws of the communities of workers.

Article 8. The performance of work on the weekly day of rest is authorised by the Act only in exceptional cases (in cases of accident or risk of accident; in the case of processes which once started cannot be left unfinished; to prevent deterioration of raw materials, substances or equipment). If work is performed on the weekly day of rest, the workers' communities must grant the workers concerned a compensatory day of rest in the course of the following week.

Article 9. The application of the provisions concerning weekly rest cannot affect the income of the workers, as this is determined on the basis of their individual and collective contribution to production.

107. Indigenous and Tribal Populations Convention, 1957

This Convention came into force on 2 June 1959

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	18. 1. 1960	India	29. 9. 1958
Belgium	19. 11. 1958	Malawi	22. 3. 1965
Bolivia	12. 1. 1965	Mexico	1. 6. 1959
Brazil	18. 6. 1965	Pakistan	15. 2. 1960
China	11. 10. 1962	Peru	6. 12. 1960
Costa Rica	4. 5. 1959	Portugal	22. 11. 1960
Cuba	2. 6. 1958	El Salvador	18. 11. 1958
Dominican Republic	23. 6. 1958	Syrian Arab Republic	14. 1. 1959
Ghana	15. 12. 1958	Tunisia	18. 12. 1962
Haiti	4. 3. 1958	United Arab Republic	14. 1. 1959

CHINA

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

Article 4 of the Convention. The Government has launched a special programme against the harmful habits and customs of the highland population (semi-nudity, primitive housing, living among animals and other unhygienic practices in their daily life; various taboos, oracle practices, etc.), with a view to the improvement of their living conditions. In recent years a second programme, covering house-keeping, farming, education and nutrition, has been combined with the first.

Article 7. The highland population live in tribal societies, with traditional collective responsibilities. Since the proclamation of the Constitution, which guarantees all the people equal protection under the law regardless of racial origin, these people have been given the right to vote. The busy traffic between the highlanders and the people inhabiting the plains improves the economic and living conditions of the former; changes have been taking place and tribal customs and habits are gradually losing their restrictive power. It is the Government's policy not to interfere with the tribal system of the highland population, as long as their customs and habits remain in conformity with the national legislation and practice.

Article 8. Sanctions for offences committed by members of the highland population are usually a combination of religious customs and legal procedures, including solemn accusation in front of deities, exile, banishment from the tribal ceremonial, imprisonment, corporal punishment, etc. The accusation is generally made by the family of the injured party, and is treated in accordance with tradition; when a case cannot be resolved, it is referred to the chief of the tribe. However, offences are now subject to the provisions of the national legislation, and aside from minor cases, which the highland population may handle according to their traditional practice, the more serious cases are dealt with by due process of law.

Article 9. There is no exaction of compulsory personal services.

Article 10. There is no improper application of preventive detention in respect of the highland population. Full protection of their fundamental rights is ensured by the national legislation.

Article 13. Under regulations concerning the reserved land in the highland areas and in accordance with the traditional practice of the highland population, the cultivator enjoys the produce of the land he cultivates but ownership remains with the Government. However, these regulations were revised and on 5 January 1966 a new text was promulgated, providing for land registration with a view to studying the land that is being used by each family and the extent of its use, in connection with the granting of building rights.

Article 15. The provincial government or the highland district government must advise and help private enterprises (factories, mines, farms, etc.) to follow the principle that at least 50 per cent. of their employees are to be of highland origin, specialists and technical staffs being excluded. The regulations concerning the reserved land in the highland areas prescribe that the highland population are to be employed for the harvest and sale of their timber and its by-products.

Articles 16 to 18. Although as yet no systematic or detailed studies have been carried out by the Government concerning special training programmes aimed at meeting the needs of the highland population, it is known that such programmes, including technical training, are required for the improvement of farming methods and handicrafts, with a view to raising the living conditions of the highland population.

COSTA RICA

Act No. 3506 of 21 May 1965 to establish the National Apprenticeship Institute (*La Gaceta*, 23 May 1965, No. 115).

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

Article 5 of the Convention. Although there are no representatives of the population concerned on the committees or bodies responsible for application of the Convention, the Government has appointed representatives from various departments with a view to co-ordination of efforts aimed at the development of the indigenous communities.

Article 7. Customary law is still in force among the population concerned, particularly with regard to ownership of buildings, the family, and punishment for any offences committed by members of the tribe. In the Cabecar and Bribri tribes there are traditional groups known as labour boards or circles of friends. In these groups remuneration in respect of work performed is not in the form of cash but in the form of mutual obligation.

Articles 8 and 9. Customs and customary law might result in extenuating considerations likely to affect the severity of penalties. With regard to compulsory personal services, article 56 of the Political Constitution and section 8 of the Labour Code guarantee all inhabitants, without any discrimination or restriction whatsoever, full freedom in their choice of employment. Any person violating these provisions is liable to punishment under section 612 of the Labour Code.

Article 10. The joint efforts of the various departments (see under Article 5) will result in better treatment of the indigenous population, especially as regards cases of preventive imprisonment.

Article 16. The Protection Committee for the Aboriginal Population has promoted a system of scholarships for the most promising indigenous pupils. In addition the benefits of the national system of apprenticeship, workers' promotion and accelerated vocational training established by Act No. 3506 will be extended to the indigenous population.

Article 20. Mobile health units carry out monthly visits to all localities within the country. The population on the Pacific coast in particular have derived great benefit from this system.

Article 25. The Protection Committee for the Aboriginal Population has the specific intention of promoting the development of the indigenous population through integration plans based on fruitful interchange between various sectors of the community.

INDIA

PART I. GENERAL POLICY

An Advisory Committee on the Revision of Lists of Scheduled Castes and Scheduled Tribes submitted, in August 1965, a report in which the exclusion of 131 tribes from the existing list and the inclusion of 19 new tribes were recommended. This recommendation is now under consideration by the Government.

The Fourth Five-Year Plan (1966-71) provides for special programmes in the following spheres: economic development, education, housing sites and water supply. By the end of the Third Plan, about 415 tribal development blocks had been taken up in areas in which the tribal population accounts for two-thirds or more of the total population. In the course of the Fourth Plan, all areas with more than 50 per cent. of tribal population will come within the coverage of tribal development blocks. During the same period steps will be taken to enable the tribal research institutes to play a larger role in promoting tribal development.

PART II. LAND

Article 12 of the Convention. The Government supplied certain information requested by the Committee of Experts relating to the position of the population displaced during the first two Plans. It pointed out that various development projects (irrigation, industrial and mineral development) necessitated the displacement of the local tribal population and that the resettlement on the land of this population could be arranged only to a limited extent. Other forms of providing a means of living (e.g. cash, compensation or temporary employment) raised problems which received greater attention under the Third Plan.

In some states and Union territories the agricultural programme is intended to control, modify and replace the practice of shifting cultivation.

PART V. SOCIAL SECURITY AND HEALTH

Several state governments have started mobile dispensaries for the benefit of scheduled tribes living away from hospitals or dispensaries. The Government's report gave data about the numerous wells and tanks for drinking water which were constructed during the Third Plan.

PART VII. ADMINISTRATION

The Fourth Plan stresses the urgent need for developing the system of education so as to meet the requirements of economic and social development. The Plan recommends that special attention should be given to the introduction of science teaching, improvement in the teaching of mathematics and vocational courses.

PAKISTAN

In reply to a direct request made by the Committee of Experts, the Government states that, in accordance with paragraphs 1 and 2 of Fundamental Right No. 1 guaranteed by the National Constitution, a person cannot be deprived of his freedom unless he has been arrested or detained under the law and informed of the grounds for his arrest or detention at the time. These provisions ensure that preventive detention is not applied improperly. Furthermore, if an aggrieved person so wishes, he can appeal to the High Court for the enforcement of his fundamental rights under article 98 of the Constitution.

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	5. 11. 1963	Ireland	17. 6. 1961
Ghana	19. 2. 1960	Italy	12. 8. 1963
Greece	9. 10. 1963	Malta	4. 1. 1965
Guatemala	28. 11. 1960	Mexico	11. 9. 1961
Guyana	8. 6. 1966	Tanzania (Tanganyika)	26. 11. 1962
Honduras	20. 6. 1960	Tunisia	26. 10. 1959
Iran	13. 3. 1967	United Kingdom	18. 2. 1964

BARBADOS (First Report)

The Convention is applied by local practice.

Article 2 of the Convention. A seafarer's identity document is issued by the Port Manager to any Barbadian seaman who applies for it. Where it is not practicable to issue such a document, a passport indicating that the holder is a seafarer is issued instead. Barbadian seafarers' identity documents are not issued to foreign seafarers.

Article 4. The document issued to seafarers is similar to that issued by the United Kingdom Government and other Commonwealth governments and fully conforms with the provisions of this Article.

The Port Manager and the Commissioner of Police are the authorities responsible for the application of the provisions of the Convention.

BRAZIL

Constitution.

Decree No. 5798 of 11 June 1940 to establish regulations governing sea traffic.

Decree No. 50114 of 26 January 1961.

Decree No. 58825 of 14 July 1966 for the promulgation of the Seafarers' Identity Documents Convention, 1958 (No. 108).

Under article 71 of the Constitution the Convention automatically acquired the force of national law upon its promulgation. Any earlier statutory provision which is shown to be incompatible with the principles of the Convention is repealed or amended. The national legislation already embodied the rules necessary for the application of the Convention, and consequently it has not appeared to be necessary to take any further legislative action to ensure that it is given full effect.

Article 1 of the Convention. Merchant navy personnel are divided into five categories defined in sections 319 and 320 of the regulations governing sea traffic.

Article 2. Effect is given to this Article by sections 328 to 339 of the regulations.

Article 4. The identity document is based on a model which was attached to the Government's report.

The application of the above-mentioned provisions is entrusted to the harbour masters' offices.

GUYANA (First Report)

The Convention is implemented by administrative arrangements

Articles 1 and 2 of the Convention. All local seafarers are issued with a national identity document. However, as a result of Guyana's accession to independence in May 1966 this document requires revision. Pending this revision, passports indicating that the holder is a seafarer have been issued and have the same effect as seafarers' identity documents for the purposes of the Convention. Identity documents may be issued to foreign seafarers either serving on board a vessel registered in Guyana or registered at an employment office in Guyana who apply for such a document.

Article 3. The seafarer's identity document remains in his possession at all times.

Article 4. The seafarer's identity document which was issued until May 1966 was in conformity with this Article. The period of validity is five years.

Article 5. A seafarer in possession of a valid seafarer's identity document is readmitted to the national territory. After the date of expiry seafarers are admitted for a period of one year.

Article 6. Entry of seafarers is permitted for the purposes indicated in paragraphs 1 and 2. Such entry is permitted on production of satisfactory evidence and may be limited to 14 days.

Application of the Convention is entrusted to the Commissioner of Police, who has delegated his authority to the Chief Passport Officer.

HONDURAS (First Report)

Labour Code, Decree No. 189 of 1 June 1959 (*La Gaceta*, 15-18 and 20-23 July 1959, Nos. 16827-16834) (*L.S.* 1959—Hon. 1).

Passport Act of 25 January 1935.

Merchant Shipping Act of 2 March 1943, promulgated by Decree No. 55 of 3 March 1943 (*La Gaceta*, 20 and 21 Apr. 1943, Vol. LXVIII, No. 11985, pp. 1-6, and No. 11986, pp. 1-2).

Article 1 of the Convention. According to section 264 of the Labour Code, a seafarer is a person serving in any capacity on board ship, except the master, the pilot, the officers, the doctor, the sick-bay or hospital staff, persons working solely on the basis of a share in the profits, persons whose work is solely connected with the cargo, and dockworkers travelling from port to port. According to section 236 of the Labour Code every crew member of a Honduran merchant vessel of more than 30 tons gross tonnage shall be entitled to possess an identity booklet.

Article 2. In accordance with section 236 of the Labour Code and section 56 of the Merchant Shipping Act, every crew member shall obtain an identity booklet, as proof of his identity, nationality and occupation.

Sections 1 and 8 of the Passport Act lay down that a passport which mentions the occupation of seafarer must be issued to seafarers who leave the national territory. The seafarer's identity booklet is not considered valid for this purpose.

A seafarer's identity booklet may be issued to foreign seafarers.

Article 3. In conformity with section 57 of the Merchant Shipping Act and section 236 of the Labour Code, a seafarer must carry his identity booklet on his person.

Article 4. A specimen of a seafarer's identity booklet was appended to the Government's report. Section 58 of the Merchant Shipping Act and section 237 of the Labour Code prescribe the contents of the booklet.

According to the legislation, an appropriate mention in the booklet is not sufficient proof of nationality.

The identity booklet contains a clear indication of the date of expiry.

Article 5. This Article is applied by virtue of the ratification of the Convention.

Article 6. Section 28 of the Passport Act applies paragraphs 1 and 2 of this Article.

The labour and maritime authorities are entrusted with the enforcement of the above-mentioned legislation.

MALTA (First Report)

Passport Regulations, 1962, issued under the Passport Ordinance of 1928.

Passport (Amendment) Regulations, 1965.

Articles 1 and 2 of the Convention. Passports endorsed "proceeding to sea" are issued to all bona fide seamen on the advice of the shipping office.

Article 3. Passports issued to citizens remain in their possession at all times.

Article 4. The particulars specified in paragraph 3 are all included in the passport, as well as the period of validity, as laid down in paragraph 5.

Article 5. The legislation is in conformity with the requirements of this Article.

Article 6. Seafarers holding a valid identity document are permitted entry into Malta for the purposes referred to in this Article. Their stay is usually limited to three months.

Application of the above-mentioned legislation is entrusted to the Passport Officer attached to the Ministry of Commonwealth and Foreign Affairs.

UNITED KINGDOM (First Report)

British Seamen's Cards Order (*Statutory Instruments*, 1960, No. 967), as amended by the British Seamen's Cards (Amendment) Orders, 1962 and 1964.

Article 1 of the Convention. The term "British Seaman" is defined in section 2 of the British Seamen's Cards Order, 1960. Section 5 of the order lists the categories of seamen who are required to apply for the issue of a seaman's card, while section 4 indicates those persons who are exempt from this requirement. In certain rare cases a seaman's card has been issued to persons who were not normally regarded as seafarers.

Consultations relating to the categories of persons to be regarded as seafarers for the purposes of the Convention took place with the shipowners' and seafarers' associations and with the fishing vessel owners' and fishermen's associations. Agreement was reached that fishermen should not be regarded as seafarers for the purposes of the Convention.

Article 2. Paragraph 1 is applied by sections 4 and 5 of the order of 1960. The British seamen's identity cards issued in conformity with the British Seamen's Identity Cards Order, 1942, continue to be valid. They can be exchanged for a seaman's card.

Passports are not issued in lieu of seafarers' identity documents.

British seamen's cards are not issued to aliens, but Home Office travel documents are issued to resident alien seamen who are unable to obtain a national passport either because they are refugees or because the country of origin is not prepared to issue a passport.

Article 3. In accordance with section 8 of the order of 1960, the document must be kept by the person to whom it is issued.

Article 4. The format of the document is contained in the order of 1960. A specimen of a British seaman's card was appended to the Government's report.

Article 5. Readmission to the United Kingdom is open to all holders of a British seaman's card. The document has unlimited validity.

Article 6. Foreign seamen coming to join ships in the United Kingdom are required to leave with their ships. No specific time limit is imposed. When a seaman is being transferred from one ship to another in the United Kingdom, a verbal application from the owners or agents is sufficient. A seaman being repatriated either directly from his ship or following hospital treatment is normally subject to a time condition of seven days.

The competent authority for the issue of British seamen's cards is the Board of Trade. The main provisions of the above-mentioned orders are administered by the Superintendents of Mercantile Marine Offices.

110. Plantations Convention, 1958

This Convention came into force on 22 January 1960

Countries	Ratification registered on	Countries	Ratification registered on
Brazil ¹	1. 3. 1965	Liberia	22. 7. 1959
Cuba	30. 12. 1958	Mexico	20. 6. 1960
Guatemala	4. 8. 1961		
Ivory Coast	5. 5. 1961		

¹ Excluding Parts II and III.

BRAZIL (First Report)

Act No. 4214 of 2 March 1963 respecting the status of rural workers (*Diário Oficial (D.O.)*, 18 Mar. 1963, No. 52, p. 2857; errata: *D.O.*, 22 Mar. 1963, No. 56, p. 3033) (*L.S.* 1963—Bra. 1).
Decree No. 56826 of 14 July 1966 for the promulgation of the Plantations Convention, 1958 (No. 110) (*D.O.*, 20 July 1966).

In accordance with the Constitution, the Convention automatically acquired the force of national law upon its approval by the National Congress and its promulgation by the President of the Republic. It thus automatically annuls all provisions in opposition to it so that it is not necessary to take any further steps..

All workers employed in the conditions mentioned in Article 1 of the Convention are covered.

Sections 2 and 3 respectively of the above-mentioned Act define a rural worker and a rural employer.

To a large extent, the scope of the above-mentioned Act corresponds to that of the Convention. However, the Act in some cases contains provisions which are more favourable than those of the Convention, in particular with regard to hours of work (sections 25 and 27), annual holidays with pay (sections 43 and 47), compensation for termination of contract (sections 79 and 88), and notice (sections 90 and 94). These last two entitlements, as well as the right to stability of employment (sections 95 and 102), are not provided for in the Convention.

CUBA

Act No. 1166 of 23 September 1964 respecting the dispensation of justice in labour matters (*Gaceta Oficial*, 29 Sep. 1964, No.2).

Decision of 8 September 1964 of the Council of Ministers to adopt general principles for the organisation of labour protection and occupational health.

Resolution No. 133 of 25 October 1965 of the Minister of Labour to lay down provisions for the establishment and supervision of the functions of the labour protection and occupational health committees.

In reply to requests for information made by the Committee of Experts, the Government supplied the following information.

Article 1 of the Convention. The national legislation considers as plantations agricultural undertakings concerned with the production of the items listed in this Article, irrespective of the designation of such undertakings.

Articles 5 to 16. These Articles, which refer to labour recruitment by plantation employers, have no practical application in the form of employment contracts, since the system involved is contrary to the employment policy of the Cuban Revolution.

Articles 17 to 19. There is no practical application of these Articles since recruitment of migrant workers does not exist.

Article 20. There are no contracts relating to maximum period of service such as referred to in the Convention. Workers may at any time and for any cause terminate the employment relationship without need for notice.

Article 80. Resolution No. 133 of 25 October 1965 of the Minister of Labour provides that the labour protection and occupational health committee of the centre concerned must inform the regional office of the Ministry of Labour of all employment accidents occurring.

Article 84. Inspectors visit establishments upon request by those concerned or at their own discretion and, in specific cases, within the framework of general investigation programmes relating to particular branches of activity. The inspector may record his findings or make a written report on the results of his investigation. For statistical purposes the inspectors also use forms appropriate for compiling adequate information.

Article 88. The agrarian reform laws consolidated ownership of the land in the hands of those who work the land and stabilised the situation of agricultural employees by giving them permanent employment through the creation of farms and co-operatives. The system of agricultural tenancy no longer exists. The agricultural worker is entitled to housing without regard to the employment relationship. There can be no question of eviction of agricultural workers because the use of housing is not governed either by an employment relationship or by payment of rent.

IVORY COAST

Labour Code, Act No. 290 of 1 August 1964 (*Journal officiel (J.o.)*, 17 Aug. 1964, No. 44, Extraordinary, p. 1059) (*L.S.* 1964—I.C. 1).

Decree No. 481 of 8 December 1964 to lay down regulations in respect of industrial accidents and occupational diseases as from 1 January 1965 (*J.o.*, 1964, p. 1 684).

Decree No. 133 of 2 April 1965 to make provision for the administration of the provisions as to the settlement of collective disputes in the Labour Code (*J.o.*, 17 Apr. 1965, No. 19, Extraordinary, p. 430) (*L.S.* 1965—I.C. 3).

Decree No. 210 of 17 June 1965 to lay down conditions for the fulfilment by employers of their obligation to provide a medical or health service for their employees (*J.o.*, 1965, p. 731).

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

Under the Labour Code the following procedure is applied in case of collective labour disputes: notification of the dispute is made to the prefect, who instructs the inspector to intervene to help settle the dispute; if the inspector fails, a committee composed of representatives of both parties concerned and presided over by the Director of Labour attempts to reconcile the two sides; if attempts at conciliation fail, there are three possibilities:

- (a) recourse to the arbitration measures provided for in the agreement, if any;
- (b) arbitration by agreement between the parties;
- (c) institution of a mediation procedure by the party which first took up the case if the parties cannot agree on an arbitration procedure; failing mediation, compulsory arbitration on the order of the President of the Republic, who submits the case to an Arbitration Board.

In practice disputes rarely go beyond the conciliation stage.

Arbitrators, members of the Arbitration Board and, where necessary, mediators, are chosen from among persons known for their moral authority and competence. A list of such persons is proposed by the Labour Advisory Committee, which is composed of an equal number of delegates from the most representative employers' and workers' organisations.

111. Discrimination (Employment and Occupation) Convention, 1958

This Convention came into force on 15 June 1960

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	26. 11. 1965	Jordan	4. 7. 1963
Bulgaria	22. 7. 1960	Kuwait	1. 12. 1966
Byelorussia	4. 8. 1961	Liberia	22. 7. 1959
Canada	26. 11. 1964	Libya	13. 6. 1961
Central African Republic	9. 6. 1964	Malagasy Republic	11. 8. 1961
Chad	29. 3. 1966	Malawi	22. 3. 1965
China	13. 2. 1962	Mali	2. 3. 1964
Costa Rica	1. 3. 1962	Mauritania	8. 11. 1963
Cuba	26. 8. 1965	Mexico	11. 9. 1961
Czechoslovakia	21. 1. 1964	Morocco	27. 3. 1963
Dahomey	22. 5. 1961	Niger	23. 3. 1962
Denmark	22. 6. 1960	Norway	24. 9. 1959
Dominican Republic	13. 7. 1964	Pakistan	24. 1. 1961
Ecuador	10. 7. 1962	Panama	16. 5. 1966
Ethiopia	11. 6. 1966	Philippines	17. 11. 1960
Gabon	29. 5. 1961	Poland	30. 5. 1961
Federal Republic of Germany	15. 6. 1961	Portugal	19. 11. 1959
Ghana	4. 4. 1961	Sierra Leone	14. 10. 1966
Guatemala	11. 10. 1960	Somalia	8. 12. 1961
Guinea	1. 9. 1960	Sweden	20. 6. 1962
Honduras	20. 6. 1960	Switzerland	13. 7. 1961
Hungary	20. 6. 1961	Syrian Arab Republic	10. 5. 1960
Iceland	29. 7. 1963	Tunisia	14. 9. 1959
India	3. 6. 1960	Ukraine	4. 8. 1961
Iran	30. 6. 1964	U.S.S.R.	4. 5. 1961
Iraq	15. 6. 1959	United Arab Republic	10. 5. 1960
Israel	12. 1. 1959	Upper Volta	16. 4. 1962
Italy	12. 8. 1963	Viet-Nam	6. 1. 1964
Ivory Coast	5. 5. 1961	Yugoslavia	2. 2. 1961

BULGARIA

Order No. 53 of 13 December 1965 of the Central Committee of the Bulgarian Communist Party, of the Council of Ministers and of the Central Council of Trade Unions respecting the improvement of the standard of living of the people during 1966 and 1967 (*Izvestiya*, 1965, No. 99).

Regulations 0-5 of the Ministry of National Education respecting the admission of pupils to first-year courses at technical vocational schools, technical colleges, secondary polytechnic schools, and secondary schools (*ibid.*, 1966, No. 20).

Regulations of the Ministry of National Education respecting the admission of new students to higher educational schools for the school year 1966-67 (*ibid.*, 1966, No. 25).

Regulations of the Ministry of National Education respecting the admission of pupils to polytechnic secondary schools providing instruction in Russian and in Western languages (*ibid.*, 1966, No. 34).

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

The principle of the equality of citizens, irrespective of their nationality, origin, religious convictions or material circumstances, is proclaimed in article 71 of the Constitution and given effect by legislative measures and regulations. The Government's policy is also aimed at achieving equality of citizens independently of their political convictions.

In the field of employment there is no requirement of a political character which applicants have to fulfil: point 8 of the general principles relating to the new wage scales, which came into force on 1 October 1966, only lays down conditions regarding the degree of instruction and the length of experience required for appointment to a particular job.

The above-mentioned regulations covering the admission of citizens to the various secondary and higher education establishments lay down guarantees to ensure that the principle of the equality of citizens is observed regardless of their political opinions.

Conditions of admission only relate to age, success obtained in examinations, etc., and are in no way related to requirements of a political character.

Any person claiming to have been a victim, as regards employment or occupation, of a discriminatory measure as a result of his political opinions has various appeal procedures of an administrative nature open to him.

As regards employment, the person concerned can submit his claim to higher organisations.

As regards occupation, the following regulations lay down the procedure to be followed: section 17 of the regulations respecting the admission of students to secondary schools; section 27, paragraph III, and section 28 of regulations 0-5 of the Ministry of National Education; section 14 of the decree respecting complaints and proposals; and sections 2 (*b*), 18, 19, and 20 of the Act respecting prosecutors. These last-mentioned sections provide that a prosecutor seized with a complaint may oppose the establishment which applied a criterion taking into account the political convictions of the persons concerned; that body must, within seven days of receipt of the "protest" either cancel its decision, or amend it, or take a new decision in conformity with the law. In cases where the Ministry, the head of another central department, or the Chairman of the Executive Committee of a departmental people's council rejects the "protest", the Public Prosecutor of the People's Republic of Bulgaria may submit the case to the Council of Ministers or to the President of the National Assembly.

In forbidding the employment of women in a number of arduous activities harmful to health—listed limitatively in the regulations on the protection of women workers—the legislative authority felt bound to protect women wage earners and salaried employees, which is fully in conformity with the text and the spirit of Article 5 of the Convention.

In accordance with section 6 (*c*) of the Labour Code, the trade union committee shall have the right of "seeing that the standards for labour protection and payment of remuneration are observed, and reporting breaches to the labour inspectorates". From an interpretative decision of the Presidency of the National Assembly in 1964, it may be concluded that labour protection comprises the application of all legislative provisions aimed towards this end. Order No. 55 of 29 March 1958 of the Council of Ministers confirms this right of the trade union committees.

The policy of non-discrimination is promoted by the programmes of teaching establishments, which are established, as regards their content and objectives, by legislative measures and are aimed at producing educated citizens whose personal qualities must be harmoniously developed from every point of view.

Sections 15 to 17 of the Labour Code cover the procedure for "access to employment" of wage earners and salaried employees, including public officials.

The access of teaching staff to higher educational establishments is covered by the Act respecting higher education, which does not regard as a condition of admission to employment the conformity of the political opinions of the applicant with the official ideology. Section 19 (*a*) of that Act provides that members of the teaching profession may be dismissed in case of "activity directed against the people".

The Government attached to its report 17 extracts of rulings of the Supreme Court on offences under sections 91 to 96 of the Penal Code.

BYELORUSSIA

Decree of 1 April 1966 of the Presidium of the Supreme Soviet of the Byelorussian S.S.R. respecting the application of section 139 of the Penal Code.

The above-mentioned decree states anew the inadmissibility of discrimination between citizens on religious grounds. Offences against the laws relating to Church and State (section 139 of the Penal Code) include, in particular, refusal of access to employment or admission to an educational institution, dismissal from work or exclusion from school, and deprivation of legal and civil rights on the basis of religion.

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

Current legislation and practice do not recognise any case of refusal of admission to employment or access to education or vocational training, or any case of infringement of equality of rights in respect of remuneration or working conditions, based on political opinions or religious beliefs.

The procedures for admission to employment laid down by law exclude the possibility of managements of undertakings or institutions practising discrimination of any kind on grounds of political or religious convictions.

At the time of their engagement, workers only have to produce their passport and their workbook. These documents contain no indication of the political opinions or religious beliefs of citizens.

There cannot be discrimination as regards employment based on any of the reasons mentioned by the Committee.

An immense amount of work is done in the way of dissemination of information regarding the legislation in force by trade unions, the labour inspectorate, the labour protection committees appointed by the trade union committees in factories and works and by the local committees.

Important work is also done in this connection by the society known as "Knowledge", which has at its disposal more than 70,000 specialists in various occupations and sectors of activity and persons who are in the forefront of production. This society organises lectures and talks on a vast range of subjects. In 1965 it organised 33,000 lectures on various topics, including socialism and individual freedom, the unity of citizens' rights and obligations, Soviet laws for the protection of individual rights and the interests of society, Soviet law and mankind, etc.

In 1965 there were 29 people's universities for the study of legal sciences, with labour law and civil law faculties. They were attended by 4,500 students.

Among the methods for supervision of the application of the legislation emphasis should be placed on the important part played by the people's supervisory organs, which represent large masses of workers. Along with the tribunals, the public prosecutor's office, the labour disputes arbitration committees, the trade union bodies and the labour inspectorate, people's supervisory committees, groups and control-posts co-operate effectively in the application of the labour legislation, which guarantees equality of rights without any discrimination whatsoever.

CANADA (First Report)

Federal Legislation.

Canada Fair Employment Practices Act, assented to 14 May 1953 (1-2 Eliz. II, Ch. 19) (L.S. 1953—Can. 2).

Unemployment Insurance Act, assented to 11 July 1955 (3-4 Eliz. II, Ch. 50).

Female Employees Equal Pay Act, assented to 14 August 1956 (4-5 Eliz. II, Ch. 38) (L.S. 1956—Can. 1).

Fair Wages Policy of the Government of Canada, 1954, P.C. 1954-2029.

Canadian Bill of Rights, 1960 (Ch. 44).

Technical and Vocational Training Assistance Act, assented to 20 December 1960 (9 Eliz. II, Ch. 6) (*Statutes of Canada (S.C.)*, 1960-61, Vol. 1, p. 37).

Vocational Rehabilitation of Disabled Persons Act, assented to 1 June 1961 (9-10 Eliz. II, Ch. 26) (*S.C.*, 1960-61, Vol. 1, p. 163).

Training Allowance Act, 1966.

Civil Service Act, assented to 29 September 1961 (9-10 Eliz. II, Ch. 57) (*S.C.*, 1960-61, Vol. 1, p. 381).

Northwest Territories.

Fair Practices Ordinance, 1966.

Yukon Territory.

Fair Practices Ordinance, 1963.

Provincial Legislation.

Alberta.

Alberta Labour Act, assented to 31 March 1947 (*Revised Statutes of Alberta (R.S.A.)* (Ch. 167), as amended by 1957 (6 Eliz. II, Ch. 38) (Part VI: Equal Pay) and 1964 (Ch. 41).

Human Rights Act, 1966 (Ch. 39).

British Columbia.

Equal Pay Act (*Revised Statutes of British Columbia (R.S.B.C.)*, 1960) (Ch. 131).

Fair Employment Practices Act (*R.S.B.C.*, 1960) (Ch. 137), as amended by 1964 (Ch. 19).

Labour Relations Act (*R.S.B.C.*, 1960) (Ch. 205), as amended by 1961 (Ch. 31).

Manitoba.

Equal Pay Act, assented to 23 April 1956 (4-5 Eliz. II, Ch. 18).

Fair Employment Practices Act, 1954 (*Revised Statutes of Manitoba*, 1954, Ch. 81), as amended by the Act of 1956, assented to 15 March 1956 (4-5 Eliz. II, Ch. 20).

New Brunswick.

Fair Employment Practices Act, assented to 16 March 1956 (Ch. 9).

Female Employees Fair Remuneration Act (9-10 Eliz. II, Ch. 7) (*Acts of the Legislature of New Brunswick*, 1960-61, p. 55).

Nova Scotia.

Human Rights Act, assented to 21 March 1963 (12 Eliz. II, Ch. 5) (*Statutes of Nova Scotia*, 1963, p. 36).

Ontario.

Ontario Human Rights Code, 1961-62 (Ch. 93).

Labour Relations Act, 1960 (*Revised Statutes of Ontario*, 1960) (Ch. 202).

Prince Edward Island.

Equal Pay Act, 1959 (Ch. 11), as amended by 1962 (Ch. 14).

Civil Service Act, assented to 6 April 1962 (11 Eliz. II, Ch. 5) (*Acts of the General Assembly of Prince Edward Island*, 1962, p. 11).

Saskatchewan.

Equal Pay Act (*Revised Statutes of Saskatchewan (R.S.S.)*, 1965) (Ch. 294).

Fair Employment Practices Act (*R.S.S.*, 1965) (Ch. 293).

Saskatchewan Bill of Rights Act (*R.S.S.*, 1965) (Ch. 378).

Quebec.

Act respecting discrimination in employment, assented to 31 July 1964 (12-13 Eliz. II, Ch. 46) (*Quebec Official Gazette*, 7 Aug. 1964, Supplement, p. 4188) (*L.S.* 1964—Can. 3).

The concept of equal opportunity in training and employment is basic to the series of federal enactments listed above. These Acts have progressively increased the area in which discriminatory practices are prohibited by reason of federal policy.

In 1953 the Federal Department of Labour established a Fair Employment Practices Division of its Industrial Relations Branch, and in 1954 it established a Women's Bureau; these measures, together with the strengthening of certain other branches, have helped the Government to implement its non-discrimination legislation.

On 24 August 1966 Canada signed the United Nations International Convention on the elimination of all forms of racial discrimination.

Article 1 of the Convention. All relevant federal and provincial legislation defines the bases of discrimination in employment and occupation. There is general com-

pliance with the criteria mentioned, although there is rarely any specific reference to political opinion or social origin, as these are not significant factors in employment and occupation in Canada.

At the federal level the Canada Fair Employment Practices Act and the Female Employees Equal Pay Act directly affect about 600,000 employees under federal government jurisdiction. The federal public service, excluding the armed forces and Royal Mounted Police but including Crown corporations, has, in all regulations for recruitment, promotion, etc., provisions barring discrimination. The Manpower Division of the Department of Manpower and Immigration places about one-and-a-half million persons each year on a non-discrimination basis. Between 1961 and 1966 over one-and-a-quarter million persons were given vocational and technical guidance under the technical and vocational training agreements between federal and provincial governments, which contain non-discrimination clauses.

Legislation of the Yukon Territory and Northwest Territories includes Fair Practices Ordinances which forbid discrimination in employment and trade union membership on the grounds of race, creed, colour, nationality, ancestry or place of origin, and provide for equal pay for men and women doing the same work.

At the provincial level eight provinces with total populations of 19,350,000 (out of a total Canadian population of nearly 20 million) have fair employment practices legislation. Newfoundland has no legislation in this field, and Prince Edward Island provides legislative protection for the principle of equal pay only, but these provinces are now studying the development of fair employment practices legislation. Ontario and Nova Scotia have gone furthest in establishing a comprehensive codification of laws in the field of human rights and supplementing it with active educational programmes.

There are occasional indications that in some areas certain occupations are identified with specific groups on the basis of training, period of residence, ethnic origin, etc. This is not conscious discrimination, but rather a result of social stratification and historical developments in the labour market. Federal and provincial fair employment practices regulations are designed to encourage and develop the basic principles of equality of opportunity in training and employment, and to remedy any such marginal and periodic inequalities.

There are types of employment where, because of the inherent requirements of the job, a condition of sex, religion, national extraction, etc., is not considered to be discrimination. Some examples are: (a) the federal and provincial public services, where Canadian citizenship is usually a preference and sometimes a requirement; (b) teachers in religious and other special schools; (c) sheltered workshops for handicapped persons; (d) workers in remote company mining, lumbering and construction camps and in underground work in all mines and other dangerous workplaces; (e) positions such as interpreters, translators, teachers of special languages, etc.

Generally, there are no meaningful measurable statistics of training, employment and occupation of persons by reason of colour, political opinion or social origin. Given equality of training, experience and aptitude in any particular situation, the incidence of such discrimination is statistically very small, and either decreasing or non-existent.

Article 2. As evidenced by the legislation listed, it has been consistent national policy over the past decade to promote equality of opportunity, to eradicate discrimination in areas under federal jurisdiction and to encourage the provinces to do likewise.

In October 1963 the Prime Minister consulted the premier of each province on the subject of the proposed ratification of the Convention. Replies received from

all provincial governments confirmed that they were pursuing policies for the promotion of equality of opportunity and treatment in employment and occupation.

Since ratification the Government has endeavoured, in co-operation with the provincial governments, to improve and co-ordinate all Canadian legislation in the field of discrimination in employment and occupation, and educational campaigns have been conducted at all levels. While pockets of discriminatory practices do remain in various sectors of the economy, increasing public support for the federal and provincial campaigns is most encouraging.

Article 3, clause (a). Over the past 15 years the Department of Labour has consistently sought and received the co-operation of employers' and workers' organisations and other appropriate bodies in promoting observance of the principles of equality of opportunity and treatment. These groups are also represented on the National Employment Committee, the National Vocational Training Advisory Council and other advisory bodies at both federal and provincial levels.

Such organisations may also at any time submit briefs to the federal and provincial governments on matters of concern to them. Recent annual briefs (from the national labour organisations) have not included any section on discrimination.

Ad hoc committees, established by federal and provincial departments of labour and composed of persons from government agencies, employers' and workers' organisations and voluntary groups with a special interest in anti-discrimination programmes, continue to be particularly helpful in advising on the preparation of fair employment practices legislation, anti-discrimination changes in government contracts and various educational materials.

Government officials in charge of administering human rights legislation are in frequent contact with representatives of such organisations. They also attend international, national and regional meetings on discrimination in employment, and advise groups which wish to set up anti-discrimination committees.

There is close liaison with the National Human Rights Committee of the Labour Congress, and the various regional committees, which are active in the field of educational work.

Clauses (b) to (e). The educational programme of the federal Department of Labour in this sphere is being continued and expanded, by means of a variety of pamphlets, films, etc. A new series of radio programmes and television public service announcements is planned for wide distribution in 1967.

The Government, in all recruitment for federal public service, labour contracts under federal jurisdiction and vocational training and rehabilitation agreements, insists on non-discrimination on the bases listed in the Convention. Staff training programmes for all staff, particularly officials of the Manpower Service, continue, and are presently being reviewed for possible improvement.

At the provincial level educational programmes continue and develop (extracts from recent reports were appended to the Government's report and the provinces in their own employment practices are also pledged to non-discrimination. Ontario now has a Human Rights Commission, with wide powers, to administer the Ontario Human Rights Code, and with an active and growing educational programme. It maintains a library on human rights, distributes bibliographies and bulletins, and also assists in research studies. The Commission works mostly by conciliation, persuasion and agreement, but has power to appoint boards of inquiry into complaints. A first prosecution under the Code has been before the courts. Other provinces are developing their programmes gradually.

Clause (f). The few thorough studies which have been made on the incidence of discriminatory practices in employment and occupation give little conclusive proof of widespread discrimination. A 1961 census shows no quantitative employment dis-

crepancies because of sex. Results of several studies completed in the past five years on immigrants in various sectors of the labour force indicate that they have gained acceptance with little or no discrimination.

Article 4. The Canada Fair Employment Practices Act and some provincial legislation contain security clauses.

Article 5. This has never been a major problem. Jobs where special protection is not deemed to be discrimination (see information given in respect of Article 1) are statistically a very minute percentage of the work of the labour force.

CHINA

Order No. Shur Yih-2741 of 11 February 1964 of the Department of Social Affairs to lay down instructions for the Taiwan Employment Guidance Project.

In reply to a direct request made by the Committee of Experts, the Government states that replies have been received from the various public services and from employers' and workers' organisations to communications addressed to them in 1962 concerning the application of the Convention.

Sections 7 and 18 of the above-mentioned order lay down that any national or foreigner who is able and willing to work and is seeking employment can apply to various vocational guidance centres for assistance.

COSTA RICA

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

Article 1, paragraph 2, of the Convention. It is difficult to give a complete account of the controversies and disputes concerning the application of existing provisions or practices relating to distinctions or preferences based on qualifications required for certain occupations under section 2 of Act No. 2694.

Generally speaking, one of the most frequently applied criteria for access to employment is that of an age-limit for certain jobs. However, no complaints have been made on this subject to the labour authorities, and all problems have been overcome by the General Inspectorate of Labour in such a way as to prevent the age factor from prejudicing the position of persons possessing the necessary intellectual and technical qualifications.

None of the other elements listed in Article 1 of the Convention is used to disqualify anyone from access to a given job.

Article 3, clause (a). The Government has taken the necessary steps to ensure the implementation of this policy, and the participation of employers' and workers' organisations has not, therefore, been necessary.

Clause (b). Educational courses on national policy in this field are given by the Labour Law Department of the Faculty of Law and Economics and in public and private secondary schools.

The Ministry of Labour and Social Welfare proposes to publish a collection of international Labour Conventions which have been ratified by Costa Rica, including the present Convention, for distribution to employers' and workers' organisations, jurists and the general public.

Clause (e). In application of the Act of 3 January 1950, the Ministry of Education is endeavouring to incorporate the indigenous population into the educational process applied in the country's schools by paying special attention to the

instruction of these elements, but without discriminating against other school groups.

The Ministry of Education reports that the results so far obtained are in the main satisfactory and that this programme is being continued with a view to raising the cultural and social level of the indigenous population. For information on schools for the indigenous population, see under Convention No. 107.

Clause (f). The only legislative provision in force at the present time is Act No. 2694 of 22 November 1960 establishing rules for the removal of all discrimination in employment and occupation.

Article 4. Any person who considers that he has been the victim of discrimination as the result of a provision or resolution of the General Directorate of the Civil Service barring him from exercising a particular function, on the grounds that he does not possess the qualifications required under article 20 of the Statutes, may have recourse to the Civil Service Tribunal, which takes a decision in the matter.

Article 5. In addition to article 23 of the Civil Service Statutes, referred to in the previous report, the Labour Code also contains provisions relating to the work of women and minors.

DAHOMÉY

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

No tribunal has had before it any complaint concerning discrimination.

The Civil Service Statutes, which fix conditions regarding the sex of the occupants of certain posts, have been re-examined in the light of the Convention.

Religion, political opinions and other factors of this kind are not taken into account in connection with vocational guidance and training, or in connection with admission to employment or occupation.

Acts and regulations respecting employment and occupation are drafted after consultation with the Labour Advisory Committee or the Civil Service Advisory Board. Employers' and workers' organisations are represented on these bodies.

Civil servants are recruited by means of competitive examinations in which anyone fulfilling the requirements concerning age and level of education may participate. Notice of the competitions is given in the *Journal officiel* and by means of announcements over the radio.

The Manpower Service subjects applicants for employment to a practical examination to determine their ability, and such applicants are presented to employers according to their classification.

The Government has noted the observations of the Committee of Experts concerning Acts Nos. 7 and 32 of 20 February and 14 August 1961 respectively relating to public security.

DENMARK

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

Very dirty work, e.g. removal and disposal of town refuse, which is traditionally not carried out by women, and posts of attendant at swimming baths etc., which may be filled only by persons of the sex for which the establishment is intended, are examples of types of occupation which would conflict with the prevailing cultural conceptions of the population if carried out indiscriminately by men or women.

No complaints of discrimination have been received by the Parliamentary Commissioner for Administration, nor have any legal proceedings been taken on the subject.

GABON

In reply to requests made by the Committee of Experts, the Government states that, in considering qualifications for jobs, none of the factors mentioned in Article 1 is taken into account except sex and national extraction.

These latter criteria apply to the civil service, members of which are required to be of Gabonese nationality, and in which some posts are closed to women for physical reasons (territorial administrators, harbour masters, veterinary inspectors, waterway and forestry officials).

The principle of non-discrimination is based on section 89 of Act No. 83 of 4 January 1962, which stipulates that where working conditions, qualifications and output are equal, wages are to be the same without distinction as to origin, sex, age or status.

A "liberal policy" is adopted in regard to the use of foreign manpower, and a table was appended to the government's report showing job distribution and classification by sex and origin.

The measures guaranteeing application of the policy of non-discrimination in vocational guidance and training and in placement services are applied especially to examinations and competitions, which are open to all citizens, with possibly some conditions as to age and level of education. These measures are inherent in the principle of national unity as laid down in article 1 of the Constitution (paragraphs 4 and 8).

Persons who consider that they have been the victims of discrimination may appeal to the courts, to the labour tribunals or to the Administrative Chamber of the Supreme Court, as the case may be.

Act No. 24 of 12 May 1961 is still in force. The Government has used the powers conferred upon it by that Act with great moderation. Moreover, the purpose of the penalty of "national disgrace" is inflicted in order to redress not political opinions but activities which constitute a serious threat to public order, to the Republic's institutions or to the country's territorial integrity.

FEDERAL REPUBLIC OF GERMANY

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

If an employer makes the engagement of a worker subject to certain conditions not provided for in section 48 of the Act respecting placement and unemployment insurance, and which under the Convention are of a discriminatory nature, the employment office can either refuse to fill the place, or can fill it without taking into account the conditions laid down by the employer.

As regards vocational training and on-the-job training, the law provides the same opportunities for women as for men. Young women do not always make use of existing opportunities for learning a trade, and their parents are often afraid of having to bear heavy expenses involved in training them to be skilled workers because, in practice, young women still have great difficulty in getting accepted in a large number of occupations. Nevertheless, employers' and workers' organisations are making increasing efforts in the field of distribution of information, and the percentage of young women receiving training as a result of an apprenticeship contract has increased, since 1950, by more than 80. Detailed statistics were appended to the Government's report.

It is the responsibility of vocational guidance centres to give young women and their parents a clear picture of the diversity and importance of the various occu-

pations, and to help them to choose a type of training suited to their abilities by means of lectures. films. publications. etc.

Section 7, paragraph 6, of the federal ordinance of 1 August 1959 respecting lawyers does not prejudice the freedom of opinion provided for by the Convention, and which is guaranteed by section 5 of the basic Act, but stipulates that admission to the career of lawyer cannot be refused unless what is involved is an activity punishable under the relevant penal legislation.

GHANA

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

No complaints of discrimination in employment and occupation in the private sector have come from the workers' organisations.

With regard to procedures for appointments and complaints in the civil service, copies of the Civil Service Act, 1960, and the Civil Service (Interim) Regulations, 1960, were appended to the Government's report.

The National Advisory Committee on Labour, in the case of a complaint of discrimination brought to its knowledge, would either refer it to the Attorney-General or make recommendations to the Government for the enactment of appropriate legislation. However, at this stage there is no discrimination in employment and occupation to warrant the enactment of such legislation.

Since the change of government on 24 February 1966, the Preventive Detention Act, 1958, has been repealed and all detainees released.

HONDURAS (First Report)

See under Convention No. 106.

Article 1 of the Convention. The Constitution of 1965 guarantees in article 92 freedom of industry, trade and legal occupation. Article 123 states that every person has the right to work and to choose his occupation freely, to fair and satisfactory working conditions, and to protection against unemployment. Article 95 states that "any discrimination based on race, sex or social class, or any other violation of human dignity, is illegal and punishable".

The above-mentioned provisions are confirmed by other laws, namely the Labour Code, which is of general application. Section 12 of the Code prohibits any discrimination based on race, religion, political belief or economic situation in any social welfare, educational, cultural, recreational or commercial establishment operated for the use or benefit of the community in any undertaking or workplace, whether under private or state ownership. The social position of workers and their access to the above-mentioned establishments must not be dependent upon the amount of their wages or the importance of their functions. Under section 37 of the Labour Code, which specifies the conditions for the establishment of contracts of employment and their contents, all discrimination is excluded. Section 96 of the Code forbids an employer to dismiss a worker or prejudice him in any other manner on account of his trade union membership or participation in lawful trade union activities; to influence the political decisions or religious convictions of a worker; to draw up black lists or schedules that are liable to limit a worker's chance of finding work or affect his reputation; or to perform or permit any act directly or indirectly jeopardising or restricting a worker's legal rights or offending his sense of personal dignity.

Section 111, paragraph 1, of the Code, when listing the grounds for termination of a contract of employment, reconciles the social and private interest of the parties concerned by accepting any reason which is not contrary to the provisions of the law. Section 112 of the Code, in specifying what are valid grounds for termination of a contract by the employer, eliminates any possibility of discrimination and protects the workers against discrimination (clauses (c) and (j)).

The labour laws provide, in some circumstances, for exclusions, preferences, or distinctions—e.g. section 129 of the Code, which forbids the employment of young persons under the age of 16 years on night work, in circuses, canteens, clubs, cafés, etc.; or section 134 of the Code, which prohibits their employment on the distribution or sale of printed matter, advertisements, drawings, engravings, emblems or images which may be regarded as prejudicial to morality and decency.

The labour legislation and the laws respecting education contain no restrictive provisions as regards access to vocational training or to employment.

In short, there is no discrimination based on race, sex, colour, religion, social origin or national descent, either in law or in practice.

There are no serious labour disputes arising on grounds of race, colour, sex, religion, political opinion or social origin. Nearly the whole of the population is Catholic, but the religious minorities enjoy the same freedom of worship.

As regards social origin, all discrimination disappears as a result of economic and occupational necessity and of integration, through marriage, into new social groups.

A special case of limitation of access to public posts arises under article 87 of the Constitution in connection with the ministers of the various religions. This is not, however, a matter of controversy but is in accordance with the national tradition.

Articles 2 and 3. A general employment policy is being formulated which will take the objectives of the Convention into account.

Article 4. Cases which may arise of people engaging in activities against the security of the state are dealt with under criminal law. Persons who consider that their rights are being impaired may appeal under article 58 of the Constitution.

Article 5. The Labour Code, for example, provides for protective measures for women and minors as regards employment and occupation.

HUNGARY

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

Under section 127 of the Penal Code, persons who practise discrimination as defined by Article 1 (a) of the Convention can be prosecuted if such discrimination is practised in the circumstances described in the Convention in the presence of other persons and in such a way as to arouse hatred.

Section 138 of the Penal Code provides for the punishment, by from two to eight years' imprisonment, of any person causing grave physical or mental injury to a member of a national, ethnic, racial or religious group because of his membership of that group. It is, therefore, possible, on the basis of that section, to initiate effective action against any discrimination in employment or occupation. The Government knows of no case in which criminal proceedings have been necessary under these provisions.

Any person who is a victim of discrimination, other than as regards his wages, is protected by the provisions of the Labour Code. If, in spite of those provisions, a case of discrimination should occur, the injured person has the right to appeal to the competent authorities. No such case has arisen.

Cases of discrimination based on social origin can no longer arise as regards admission to higher educational establishments.

Section 6 of Decree No. 3/MM of 19 May 1963 provides for the admission as students to higher educational establishments, without distinction as to origin, of applicants who, by their aptitude, capabilities, knowledge and conduct meet the requirements for admission.

No other form of discrimination has been practised in connection with admission to universities. Any discrimination in that field is prohibited.

Former section 112 of the Labour Code has been repealed; the new provisions are in conformity with the Convention. Section 110 of the Code states that a worker who fails to meet his obligations—including cases where his attitude to his work is found to be unworthy—shall be deemed guilty of a breach of discipline and shall be subject to disciplinary proceedings. These may not be pursued in cases where the offence committed has had no consequences. A special court decides whether disciplinary proceedings shall be compulsory or not.

The policy adopted as regards the political opinions of those concerned in connection with equality of opportunity and treatment in respect of employment is in conformity with the Convention.

Decree No. 101/MT of 4 April 1950 relates to conditions for admission to the civil service, and Decision No. 25/NET of 1963 relates to the exercise of rights with regard to certain appointments. The Minister of Finance has not issued regulations on the basis of paragraph 6 (4) of Decree No. 101/MT.

As regards paragraph 2 of Article 1 of the Convention, the only distinction for which provision is made is as regards sex, and this is done with a view to health protection (in particular, women cannot be employed in work prejudicial to their health). All other provisions providing for distinctions have been abolished by Act No. XIX of 1946, which repeals any legislation violating individual freedom, equality of rights or the human dignity of wage earners.

ITALY

Act No. 264 of 29 April 1949 to make provisions for the placement of, and assistance to, involuntarily unemployed workers (*Gazzetta Ufficiale della Repubblica Italiana*, 1 June 1949, No. 125, Supplement, p. 1) (*L.S.* 1949—It. 2A).

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

The national origin of workers is not taken into account if they are Italian citizens.

If workers have retained the nationality of their forebears, they are subject to the provisions governing the employment of foreign workers. The regulations governing placement do not permit any measure which may restrict the free choice of undertakings in the case of placement effected by employment offices on the basis of requests by name.

In pursuance of Act No. 264 of 29 April 1949, placement by employment offices may be based on requests indicating the number of workers required in the case of non-specialised workers and on requests by name in the case of specialised or skilled workers (section 14).

In the case of a request by name, the employment office must issue a work permit in conformity with the provisions of the Act, and cannot refuse to comply with the said request. In the case of a request indicating the number of workers required, the task of the employment office consists primarily in establishing priorities in relation to manpower requirements in conformity with the provisions of section 15 of the Act.

The principle of non-discrimination expressly recognised in the national legislation is also applied by collective agreements, which permit no discrimination based

on race, sex, social conditions or political opinions, since their main purpose is to protect workers of all kinds.

This purpose is achieved by means of effective co-operation between trade union organisations and of respect for the principles laid down in the Constitution.

The exclusion of all discrimination based on sex as regards entry into the civil service also applies to promotion. Decision No. 33 of 1960 of the Constitutional Court states that, on the basis of the principle laid down in article 5 of the Constitution, a difference in sex, as such, cannot constitute grounds for discrimination under the law and, consequently, cannot result in different treatment under the law for persons belonging to different sexes. Such action would be contrary to the provisions of articles 3 and 51 of the Constitution.

Act No. 653 of 26 April 1934, respecting the protection of women and young workers, forbids the employment of women in underground work, in quarries, mines and galleries, or on night work in industrial undertakings and their subsidiary premises, as well as the employment of young women workers in dangerous, arduous or unhealthy work.

Consequently, persons who have been the victims of discrimination within the meaning of the Convention enjoy wide protection under the Constitution and other legislative enactments. Any injured person may appeal, in accordance with the established procedure, to the administrative or judicial authorities.

There is no discrimination as regards young people; they may choose their occupation by going to the guidance centres which exist in 50 provinces.

These centres, run by the National Institute for the Prevention of Accidents, are aimed exclusively at guiding young people towards activities for which they show marked physical and psychological aptitude. It is not obligatory to accept the vocational guidance and advice given at the centres; the young people remain free to take up the work of their choice, unless there are medical reasons to the contrary.

This service is not strictly concerned with personality, nor is it based on selection criteria which might result in discrimination.

The same is true of job classification; no form of discrimination is applied in the application of measures promulgated by the Ministry of Labour and the various private authorities concerned with the reclassification of workers.

The Ministry of Labour, like all other government departments, is in constant consultation with employers' and workers' organisations.

IVORY COAST

Act No. 488 of 21 December 1964 to issue general civil service rules (*Journal officiel*, 12 Jan. 1965, Extraordinary).

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

The figures shown in the statement of the number of persons in employment as at 31 December 1963 do not represent exact totals; they are taken from the statements received regularly by the Manpower Office, which cover only part of the real labour force; the figures will be brought closer to reality as improvements are made in the supervisory machinery.

The Government attaches great importance to vocational training with a view both to development in the strict sense of the term and to the filling of more posts by Africans.

It is planned to open a National Vocational Training Office which will work in close collaboration with the Manpower Office. The functions of the proposed office will be as follows: (a) to plan and promote vocational training in order to meet the

targets set by the Plan; (b) to establish, manage or assist institutions for vocational training, selection, guidance and programming, and to encourage and co-ordinate their activities.

A census gave a figure of 1,841 persons employed in government departments, whereas the real total is 30,450 persons; the latter figure includes approximately 8,000 women as against the census total of only 482 women.

Attention is drawn to the strong attachment of the people to the traditional concept of the family, whereby the essential task of a woman is considered to be running a home and bringing up her children.

As regards the opportunities open to women to work in jobs and in the professions, the Government supplied a list of the various training institutions.

The Government encourages the spread of education and there are women members of the National Assembly, the Economic and Social Council and the executives of trade unions.

A revision of the regulations governing postal and telecommunications staff is under consideration. The percentage of women will no longer be limited; there are plans for women to be given priority of assignment to certain services.

As regards the prison service, women may hold posts as wardens only over women prisoners. The number of women prisoners is very low, and consequently there are no plans to alter the limit on the percentage of women who may be employed in this branch of administration.

As regards geological and mining posts, the percentage of posts which may be held by women is in keeping with the nature of such posts (laboratory work); it is considered that women do not have the necessary qualifications for access to other posts.

The conditions in respect of sex attached to admission to certain sections of the civil service have been imposed in the light of the qualifications required and the special nature of the posts concerned; there are no plans to alter them at the moment.

The purpose of the authorities in introducing Act No. 164 of 1962 was to do away with all indelible markings which might be prejudicial to the dignity and freedom of the individual and might give rise to discrimination.

No form of discrimination on the basis of tribal origin could possibly exist in the Ivory Coast.

JORDAN (First Report)

Constitution (*Al-jarida al-rasmiya* (*Aj. ar.*), 8 Jan. 1952).

Labour Code, Law No. 21 of 14 May 1960 (*Aj. ar.*, 21 May 1960, No. 1491, p. 511) (*L.S.* 1960—Jor. 1), as amended by Law No. 2 of 2 January 1965 (*Aj. ar.*, 18 Jan. 1965, No. 1818, p. 52) (*L.S.* 1965—Jor. 1).

The Constitution guarantees all nationals equal opportunity as regards access to employment, without any distinction based on race, colour, sex, religion, political opinion, national extraction or social origin. The Labour Code, as amended, is in conformity with the principles of the Constitution. Labour legislation is at present being prepared granting Arabs and foreign workers equal opportunity and treatment in employment on a basis of reciprocity.

MALAGASY REPUBLIC

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

In so far as equal remuneration is concerned, the reasons why some employers pay expatriate workers more than Madagascan workers with the same qualifications

are purely subjective: they prefer the former because they are of the same origin as themselves, and since they are less numerous they are better paid.

The measures aiming at equal remuneration do not affect the statutory minimum wage levels, since the economy is based on a free bargaining system.

Act No. 3 of 15 February 1960 provides, in section 8, that in the application of the general civil service regulations there shall be no distinction between the sexes except in respect of physical requirements and conditions attaching to particular posts which are laid down in the regulations of the sector concerned. Certain occupations are reserved strictly for men; others admit only a limited number of women; the jobs entrusted to the latter are commensurate with their physical capacity.

The provisions of the above-mentioned Act establishing civil service regulations do not permit the exclusion or dismissal of persons suspected of activities which are prejudicial to the security of the State. Recruitment is by competitive examination and there can be no exclusion or dismissal except on the advice of a disciplinary board representing both parties; the person concerned may appeal to the High Court.

MAURITANIA (First Report)

Decree No. 51 of 25 February 1965 respecting employment priorities and limitations (*Journal officiel*, 7 Mar. 1965).

See also under Convention No. 96.

The legislation provides for no discrimination in employment and occupation. The shortage of manpower has contributed to the fact that all workers enjoy the same treatment. The various ethnic groups and a considerable number of foreigners (30 per cent.) are represented in all sectors of activity and at all levels.

Section 40, Book V, of the Labour Code provides that the regulations laying down employment policy must ensure for everybody equality of opportunity and treatment as regards access to employment and to vocational training, as well as in respect of conditions of work. They are to prohibit all discrimination, distinction, exclusion or preference based on race, colour, sex, religion, political opinion or social origin.

Distinctions, exclusions or preferences shall not be regarded as discriminatory if they are based on Mauritanian nationality, on qualifications or diplomas required for admission to employment or training, or on the need to protect certain categories of handicapped workers.

Measures to protect and limit the work of women and children are similarly not regarded as discriminatory.

The possibility of giving priority to persons of Mauritanian nationality is a temporary measure aimed at putting an end to the discrimination which, in fact, at present operates against Mauritians in their own country. In order that the country may make up for the fact that it is economically behind its neighbours, it is necessary to put into effect a vast programme of vocational training and to promote the access of nationals to employment.

Discrimination as a result of bilingualism is avoided by the fact that the selection of applicants for employment and for vocational training is carried out in both French and Arabic, and that French is taught in the vocational training centres to trainees who have an inadequate knowledge of that language.

There is no measure governing the employment or occupational activity of persons who are under legitimate suspicion of engaging in an activity prejudicial to the safety of the State.

In order to overcome the discrimination against Mauritanian nationals resulting from the delay in industrialisation, it is essential for preference to be given to them for

a time in matters of access to vocational training and employment. But the abolition of all discrimination is a major objective of the national policy.

MOROCCO

In reply to a direct request made in 1966 by the Committee of Experts, the Government supplied the following information.

Ratification of the Convention was followed by publication of its text in the *Bulletin officiel* so as to ensure its wide circulation.

Since the country's legislation and practice are in accordance with the principles of the Convention, it was not deemed necessary to draw the attention of public and private bodies in any particular way to the requirements of the Convention. Nevertheless, the Government is contemplating measures for the wider circulation of the Convention.

In addition, the Ministry of Labour and Social Affairs, whose task it is to inform the public by radio broadcasts of the principal provisions of the social legislation in force, has underlined the role played by the I.L.O. in the preparation of national legislation and in its adaptation to international standards. It is intended to devote a series of broadcasts to international labour standards relating to human rights, and in particular to the present Convention.

No survey or study has been made to determine how far discrimination may be practised in the private sector, and no legal procedure for the notification of any such discrimination has been envisaged.

The Ministry of Labour and Social Affairs is to study the possibility of making such surveys or studies to determine whether certain situations exist in the private sector and whether they may be due to discrimination of any kind.

Some categories of women workers receive a lower minimum wage than that paid to others and to male workers in general.

However, the Government is not opposed to the principle of equality of the sexes in regard to wages; it desires to meet the requirements of the Convention but without compromising the conditions necessary for the safeguarding of the national economy. It intends to examine ways of putting an end to the present situation that will not risk provoking unemployment among women workers in the sectors concerned, including, above all, the export industries.

Since no discrimination is practised in connection with vocational guidance, vocational training and placement services, it has not been necessary to take any steps to promote equality of opportunity and treatment in those fields.

If an employer offering employment fixed conditions or showed preferences which might be considered as discriminatory, the employment service would refuse to take up such an offer since it would be against the law. Such an employer would, moreover, find it impossible to recruit directly in view of section 1 of the order of 3 July 1959 of the Ministry of Labour and Social Affairs whereby any employer in the industrial or commercial field or practising a liberal profession, or any notary, trade union, company, co-operative, civil association, etc., engaging a wage earner must do so through a placement office. Any person contravening these regulations is liable to imprisonment for from one month to two years or to a fine of from 600 to 12,000 dirhams; the penalties may be cumulative.

In the public sector any official who considers that he has been a victim of discrimination may appeal to the appropriate administrative tribunal.

It is impossible to give a precise answer in regard to the private sector: numerous facilities are at the disposal of the workers and they vary from case to case. Any decision by an employer in regard to an engagement, dismissal, wages, etc., which is

obviously based on discrimination, can be brought before a labour tribunal. The problem would be different if the employer's real reasons were not evident, and it is to be supposed that in such cases the action of the workers' delegates or of the trade union, or the intervention of the labour inspector, would not remain without effect.

There is no case in which an employee in the public or private sector can be dismissed or transferred from a particular post because he is suspected of being engaged in activities prejudicial to the security of the State.

NORWAY

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

Should notifications of vacancies as mentioned by the Committee occur, the Labour Directorate would take up the matter with the Norwegian Employer's Confederation or with the individual who had published the notification.

There is no difference in treatment as far as Norwegian citizens are concerned. Legislation, public and private services and all privileges and duties are the same for all Norwegian citizens irrespective of their occupation and descent. However, employment development is not equal in all parts of the country because of geographical conditions and of the economic structure.

The national minority (the Laplanders), because of their occupations—breeding reindeer, hunting and fishing—and their way of life, are strongly attached to nature. But since it is hardly possible to create a sufficient basis for economic development by breeding reindeer, many Laplanders have had to transfer to other activities. Their language background and their attachment to nature make their adjustment to the industrial milieu difficult. This is being remedied by the nine-year school system, which gives a good introduction to the Norwegian language and thus helps them to follow the instruction given in higher educational establishments. An increasing number of Laplanders are attending such establishments and thereafter engaging in economic activity without difficulties. It seems that they have some trouble in settling in occupations which involve year-round employment, but this is a common occurrence in all labour groups transferring from primary industry to secondary and tertiary industries.

The difficulties encountered as regards participation in the general economic life by those who were educated before or just after the Second World War and had very little schooling are now being met through adult education measures.

An additional vocational training instructor, himself a Laplander, takes care of districts where minority groups are concentrated.

The handicraft school for Laplanders has become more like an ordinary basic vocational training centre. In the rest of the country placement in employment and adjustment to economic activity are mostly achieved as a result of the instruction given in regular higher educational institutions.

A fair number of Laplanders and of persons of Lappish descent are employed in all branches of the educational system, in public and private administrations and, to an increasing extent, in industry and in servicing occupations.

Employment services have made special efforts to recruit from this group for employment in shipping, with some good results.

PAKISTAN

In reply to a direct request made in 1966 by the Committee of Experts, the Government supplied the following information.

Provision for equality of opportunity in employment and occupation is incorporated in the Constitution. The Government has promoted this policy for a long time and private employers have also adopted it. Under the Constitution the right to seek redress in a court of law is guaranteed to any person who feels he has been a victim of discrimination in employment. The Government grants scholarships to persons coming from economically backward areas to enable them to compete on equal terms with others for entry into government and private employment.

A woman who is otherwise eligible for the public services can be appointed to any post except in services where the nature of the job is arduous or the environment is not congenial.

The following measures are taken to put people from backward classes or backward areas on the same level as the socially and economically advanced classes: the Government sets for them a higher age limit for entry into the public services (there is no such problem in private industry); where fees are collected by government recruiting agencies, applicants from backward classes are given a 75 per cent. rebate on the fees; and certain percentages of vacancies are reserved for people from backward classes in addition to the vacancies which are filled on the basis of merit and for which they can also compete.

PHILIPPINES

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

Act No. 3872 was passed for the protection and promotion of agricultural land-holding by cultural minorities. This Act authorises the issue of patents to minorities for land (whether disposable or not) held by them since 4 July 1955, and, in order to protect the interests of minorities in case of mortgage or sale of land, transfers authority to approve conveyances from the Office of the Provincial Governor to the Chairman of the Council for National Integration. In addition, Act No. 3985 was passed to mitigate exploitation of the minorities and protect their holdings within the forest zone, by means of a procedure for the inspection of proposed pasture lands.

For the promotion of opportunities for education and training of cultural minorities, under Act No. 1888 as amended by Act No. 3852, the Council for National Integration now grants, to at least 1,000 students, scholarships which are distributed proportionally by province. In addition about ten students are studying abroad on scholarships and are partially supported by the Council for National Integration.

To promote effective equality of opportunity and treatment for members of cultural minorities, through the achievement of complete integration, it was decided that it was essential that the Council for National Integration should be allowed to continue its work for a further period of ten years as from 1964.

Section 23 of the Civil Service Act exempts members of cultural minorities from the provisions of the Act, for the purpose of employment and other benefits, until 1969.

There is no distinction, exclusion or preference in respect of particular jobs. However, the Bureau of Women and Minors has promulgated a regulation exempting women from being required to lift weights of more than 30 lbs. A general practice is that pregnant women are not assigned to heavy work.

Discrimination may be said to exist against women in the textile industry: employers prefer to employ women during night shifts, on the ground that their greater patience enables them better to meet the particular requirements of the work. A more important form of discrimination, however, continues to be the preference of employers for single women, a fact attributable largely to the maternity provisions

contained in Act No. 679. Although the Department of Labor, in conjunction with the social security system, has attempted to remedy this situation, no appropriate Bill has as yet been approved by Congress.

SOMALIA

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

Chapter XV of the first Five-Year Plan (1963-67) provides for the achievement of specific objectives in the field of vocational training, labour and employment.

A comprehensive vocational training project has been prepared with the assistance of an I.L.O. expert.

The right to take legal proceedings as granted by articles 38 and 39 of the Constitution is embodied in Legislative Decree No. 3 of 12 June 1962.

Discrimination in administrative procedure or in practical relationships between persons or groups of persons does not exist, and therefore no specific measures designed to eliminate discrimination have ever been found necessary.

SWITZERLAND

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

Article 4 of the federal Constitution guarantees equality of treatment of all citizens (in practice, of all individuals) before the law; this guarantee applies to relations between the authorities and citizens. The article does not apply to relations between private individuals. The State is required to respect the principle of free bargaining which governs private law; it can neither prescribe nor prevent the insertion of this or that provision in a collective agreement; and it cannot control the contents of agreements, since there is no legislative provision conferring such powers upon it.

A reservation must be made with regard to collective agreements whose wider application is requested.

Under section 2, paragraph 4, of the federal Act of 28 September 1956, permitting extension of the scope of collective labour agreements, such an extension is authorised only on condition that the agreement does not violate the principle of equality before the law; a discriminatory clause would therefore prevent any decision to extend the scope of an agreement.

The federal Government has invited the workers' and employers' organisations to collaborate in the application of the Convention and they have in turn drawn the attention of their members to its importance.

Decisions taken by the State under the Act respecting home work do not contain discriminatory provisions.

Equality of treatment is expressly provided for in the Act respecting the status of civil servants. Section 38, paragraph 2, provides that "in equal conditions, treatment shall be the same with respect to the functions of all branches of the administration and of the Confederation's transport and communications services". This provision has always been interpreted in its widest sense as excluding any kind of discrimination.

Recent improvements in remuneration, post classification and old-age insurance take account of the provision quoted above. Women enjoy the same opportunities and rights as men. In view of the foregoing, and although the provisions adopted do not contain any specific reference to equality of rights, they nevertheless conform to the spirit of the Convention.

Collaboration between the Confederation (as employer) and employees' associations has increased in recent years. The associations concerned have been consulted

in regard to the proposals for the improvement of the status of civil servants and the solutions adopted by the Federal Chambers and the Federal Council are based on mutual understanding.

The Government's previous report indicated that the problem raised by section 55, paragraph 2, of the Act respecting the status of civil servants would be discussed in the event of revision of the Act. No revision has been carried out in the meantime. An amendment relating to hours of work is being considered and in view of the nature of this question it has not been possible simultaneously to envisage other amendments. Section 55 will probably be the subject of discussion when a wider revision of the Act is undertaken.

It has not been possible to undertake a survey of the cantonal and communal staff regulations containing provisions similar to those of section 55 of the Act respecting the status of civil servants. Freedom of discussion is nevertheless sufficiently guaranteed and the staff associations are sufficiently strong for the rights of civil servants to be respected and their claims heard. Where provisions similar to those of section 55, paragraph 2, of the Act in question do exist, they now have little practical value and will gradually be eliminated.

There is no federal legislation reserving posts in the public services for men. The federal Act respecting the status of civil servants does not provide for any discrimination on the basis of sex. The preference given in certain cases to a man or a woman appears to depend upon the demands of the post in question, particularly from the physical point of view.

In so far as the federal Government is aware, there are no discriminatory provisions based on sex at the cantonal level, but a survey would be necessary to determine whether any such provisions are in force in certain cantons.

The Act respecting the status of civil servants does not stipulate the possession of civil rights; section 2 of the Act provides that any person of good reputation and Swiss nationality is eligible.

It is possible that certain discriminatory conditions with regard to vacant posts may have been notified to the employment service but, there being no documentation or statistics on the subject, it is impossible to give a precise answer on this point.

The employment service is open to all workers and employers; it applies the policy of non-discrimination required by the Convention and it is not necessary to take or to envisage any other measures in this respect. No complaints have been lodged with the Advisory Committee on this matter.

SYRIAN ARAB REPUBLIC

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

Article 1 of the Convention. There is nothing in legislation or custom to permit discrimination against any person or group of persons. Vocational training and employment are provided on the basis of personal aptitude without distinction on grounds of race, colour, sex, religion, etc. All members of minority (i.e. non-Arab) races enjoy the same rights as the majority. The same applies to religious minorities. The statutory provisions are applicable to the civil service as well as to the private sector. As no discrimination exists in practice, there is no point in having special laws on the subject.

Access to employment is based on qualifications and personal capacities, and on no other consideration. No court proceedings have been brought on the ground of discrimination.

Article 2. Persons exercising a profession have to obtain the required diplomas; no discrimination within the meaning of the Convention exists in this respect.

Vocational training is based on individual capacity and aptitude (both physical and mental).

Employment agencies are free of charge.

Article 3, clause (a). Since there is no discrimination there is no need to take special action to facilitate the application of the Convention.

There are no statistics concerning the posts occupied by racial or religious minorities in employers' and workers' organisations; since no discrimination exists either in legislation or in practice it would offend national feelings to compile such statistics.

Clause (b). There is no provision in the national legislation which would allow discrimination of the type specified in the Convention; all Syrian nationals are placed on an equal footing. Civic instruction and education are designed to make each individual conscious of his patriotic and social obligations and duties as a citizen. The country provides equal opportunities for all without distinction on the basis of sex or colour; the choice of a type of education is based on the aptitude and potentialities of the individual and on his own decision. The passage from primary to secondary school is effected through competitive examinations. Admission to technical colleges is based on the intelligence quotient of the pupil, his potentialities and the marks obtained in the entrance examination. The laws on education do not permit any form of discrimination within the meaning of Article 1 of the Convention.

Clause (c). No statutory or other provision exists which is inconsistent with the policy of non-discrimination.

Clause (d). The methods of recruiting civil servants, the procedure for their advancement and their conditions of employment have already been described. Dismissal takes place in the event of serious misconduct on the part of an official, who in such a case has to appear before a disciplinary board which gives the final ruling as to the seriousness of the misdemeanour and the advisability of dismissal.

Clause (e). There is no vocational guidance service. There are, on the other hand, vocational training centres which are under the supervision of the Ministry of Industry. Workers are selected for training by means of a written examination in order to ensure that they are suitable.

Clause (f). The principles governing access to vocational training and employment, like conditions of employment, are based on non-discrimination. There has consequently been no need to make any change in the policy followed up to now.

No reports or studies exist to prove that racial or religious minorities have access to the various types of education and vocational training. Such statistics or studies would be at variance with the psychological climate of the country and would be likely to arouse ill-feeling and thus run counter to the spirit of the Convention.

Neither are there any studies or reports on the access of women to the different types of education and vocational training.

Article 4. As regards persons engaged in activities prejudicial to the security of the State, there have been no cases of dismissal of officials or employees in the public or private sector without the statutory provisions having been applied. As stated previously, any employee or official arrested for activities prejudicial to the State, if found to be innocent, is reinstated and receives his arrears of remuneration in full. In the private sector the arrears are only payable if it is proved that the employer has provoked the arrest of the employee, under the terms of section 67 of the Labour Code.

The text of Decision No. 63 of the Court of Appeal dated 28 June 1960 was appended to the Government's report.

TUNISIA

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

Section 3 of the decree of 30 April 1956 stipulating that women shall not be paid less than 85 per cent. of the minimum daily wage in agriculture for male workers over 18 years of age is still in force. This provision constitutes some progress towards equal remuneration and aims at eliminating discrimination based on sex. Before 1956 a woman was generally paid less than 50 per cent. of a man's wage. The legislation leaves the employment market complete freedom in the matter of equal remuneration for men and women; it stipulates only that women's wages must not be less than 85 per cent. of the remuneration paid to men. According to tradition, the man is the uncontested head of the family and it has therefore not been possible to envisage the promotion of equal remuneration for both sexes on a compulsory basis. The Constitution and the activities of the Government aim at emancipation and equality of women and at the introduction of a policy of equal remuneration without any discrimination in regard to sex. However, the Government cannot contemplate the adoption of coercive measures until all attempts at persuasion have failed. In commerce, industry and in the liberal professions, special provisions have been introduced concerning the remuneration of women, according to which women must be paid at least 85 per cent. of the remuneration paid to adult males; where no such clause exists, the principle of equal remuneration for work of equal value is admitted.

The Government has constantly before it the question of the equality of men and women in all fields.

As an illustration of the fact that the national policy aims at the emancipation of women so that they may be given equal opportunities and treatment with men, the Government appended to its report a number of publications, some in Arabic, and in particular the texts of two speeches made by the President of the Republic on "Woman, an Element in Social Progress" and "Woman and the Evolution of Society".

UKRAINE

Decree of 26 March 1966 of the Presidium of the Supreme Soviet of the Ukrainian S.S.R. respecting the insertion of additional wording in section 138 of the Penal Code.

Decree of 31 March 1966 of the Supreme Soviet of the Ukrainian S.S.R. respecting the application of section 138 of the Penal Code.

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

Article 1, paragraph 2, of the Convention. Sections 138 and 139 of the Penal Code are applicable to any offence involving religion in respect of admission to employment. The Presidium of the Supreme Soviet has passed a decree (dated 26 March 1966) which includes among the offences involving criminal liability under the terms of section 138 of the Penal Code "refusal of admission to employment or to an educational establishment, denial of the benefits and privileges ordained by law, and any substantive limitation of the rights of citizens on account of their attitude towards religion".

The bodies responsible for the examination of labour disputes deal with matters arising in connection with the ban on discrimination in respect of employment and the enforcement of the labour legislation. The state institutions and the social organisations of the trade unions consider the adoption of anti-discrimination measures to be superfluous. The regime ensures respect for the standards concerning the individuality of the human being, equality of rights without distinction on the basis of race,

colour, opinions, religion, etc. The Constitution guarantees equality of rights in all spheres.

With a view to preventing any form of discrimination on the basis of religion, the decree of 26 March 1966, supplemented by section 138 of the Penal Code, provides for an extension of liability in the event of repeated violation of the legislation respecting the separation of the Church from the State and respecting the separation of the School from the Church.

The legislation prohibits any form of discrimination in respect of occupation, including discrimination on religious or political grounds. Managements may not inquire about the political or religious opinions of an applicant for a post; refusal to accept an applicant for a post must only be on the ground that he lacks the aptitude for the job. The Public Prosecutor's Office and the trade unions ensure observance of this law and may if necessary take steps to deter offenders.

The Government's report cited a decision of the Executive Committee for the district of Kamennobrodsk with respect to certain requirements for admission to employment which it found to be unlawful.

The Labour Code and the standard regulations governing the conditions of employment of wage earners and salaried employees in the employ of the State or of co-operative or public institutions stipulate that applicants for jobs shall produce a work book, or in the absence of such a book a certificate from the competent government department or agricultural council. A medical examination is required for persons seeking employment in an undertaking handling food. A probationary period may have to be served.

The public prosecutor for the Lugansk region protested against a decision requiring the production of other documents.

The dismissal of an employee on the initiative of the employer is lawful only if it has been approved by the staff union of the undertaking. The permitted grounds for dismissal are listed in section 47 of the Labour Code; dismissal and refusal of admission to employment are allowed only on grounds of inaptitude for the job.

Certain criteria involving distinctions applied by public bodies are not deemed to be discriminatory; these are distinctions of a religious nature made by religious organisations in respect of admission to employment or distinctions based on sex made by trainers in certain sports (strenuous athletics, wrestling, boxing, etc.). Nor are privileges based on sex or age considered to be discriminatory.

If a management dismisses a worker or refuses him employment on grounds of race, nationality, religious convictions, etc., he must be reinstated. No such breaches of the law have been recorded.

No special action has been taken to guarantee equality of opportunity and treatment in the public services: these matters are governed by articles 98 and 103 of the Constitution.

UNITED ARAB REPUBLIC

National Charter, 1962.

Constitution, 1964.

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

Presidential Decree No. 3546 of 20 December 1962 to promulgate regulations for workers employed by companies administered by public bodies (*Aj. ar.*, 29 Dec. 1962).

Presidential Decree No. 800 of 29 April 1963 to provide for the conditions of service of persons employed by public bodies (*Aj. ar.*, 9 May 1963).

Presidential Decree No. 46 of 1964 to promulgate Civil Service Regulations.

Ministerial Order No. 185 of 9 December 1964 to prescribe certain jobs in which the employer is obliged to engage workers in accordance with the date of their registration at the manpower offices and to lay down the procedures to be followed in this regard (*Aj. ar.*, 28 Dec. 1964).

Directory of Procedures on Manpower Activities, 1964.

Under the National Charter, the Constitution, the Labour Code and the regulations issued thereunder, there is complete equality as regards vocational training, employment and occupation. In accordance with Article 1, paragraph 1 (b), of the Convention, no kind of distinction, exclusion or preference has been established. The policy of non-discrimination is expressed in provisions of the National Charter and the Constitution which grant, in general terms, equal rights to all citizens; in accordance with these provisions the laws and regulations respecting employment and occupation apply to all concerned without distinction, exclusion or preference.

No infringements of the anti-discrimination legislation have been reported to the Government by the employers' and workers' organisations.

Comprehensive programmes of public education are being undertaken by the Arab Socialist Union, the Workers' Education Organisation, the U.A.R. Federation of Labour, and other institutions. No specific investigations have been undertaken, since there is no reason to suspect the existence of any kind of discrimination. Possible methods for securing observance of the principle of non-discrimination include the submission of petitions, by persons or groups concerned, to the President of the Republic, as well as raising the question in the National Assembly. In the case of discrimination allegedly resulting from an administrative decision (including that envisaged under Article 4 of the Convention) proceedings may be instituted before the Council of State, with a view, *inter alia*, to the repeal of the decision in question.

All statutory provisions as well as administrative practices are fully in conformity with the policy of non-discrimination. Legislative provisions—the National Charter, the Constitution, the Civil Service Regulations, the regulations governing the conditions of service of persons employed by public bodies and the regulations for workers employed by companies administered by public bodies—establish a non-discrimination policy as regards employment in the public sector, and in practice no discrimination in respect of employment under the direct control of the national authorities has been observed or alleged.

Under the Labour Code and Directory of Procedures on Manpower Activities assistance given to unemployed persons by the employment service includes vocational guidance.

The Government pursues a non-discrimination policy in respect of the activities of placement offices by means of the following measures:

- (i) the determination of priorities in respect of employment (the Directory, Chapter IV, rule 6 (3));
- (ii) the establishment of a central manpower office in each governorship to ensure, through co-ordination at the regional level, adequate opportunity for all unemployed persons within a particular region;
- (iii) the promulgation of Ministerial Order No. 185 of 9 December 1964;
- (iv) the provision of employment opportunities, by decision of the Prime Minister, for all unemployed persons who have attained certain levels of education. Thus suitable jobs were offered during 1964 and 1965 to all university graduates and holders of higher education diplomas by virtue of Decision No. 4304 of 1965, and to all secondary technical school-leavers by virtue of Decision No. 4305 of 1965.

Access to vocational training institutions is granted solely on the basis of a competitive examination.

U.S.S.R.

On 18 March 1966 the Supreme Soviet of the R.S.F.S.R. adopted a decree "respecting the application of section 142 of the Penal Code of the R.S.F.S.R.". This decree stipulates that violation of the legislation respecting the separation of the

Church from the State and of the School from the Church—which entails penal proceedings under section 142 of the Penal Code—is to be understood as including, in particular, refusal of access to employment or admission to an educational establishment, dismissal from work or exclusion from an educational establishment, and deprivation of legal rights and privileges, on the basis of religion. Similar texts have been promulgated in other republics of the Union.

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

Article 118 of the U.S.S.R. Constitution guarantees to all citizens the right to employment without any distinction based on political opinions, and to remuneration commensurate with the work performed, irrespective of their race, nationality or Party membership.

Nevertheless, there are certain categories of occupations and functions which demand a knowledge of politics, economics, international relations and other social sciences.

The specialists employed in public bodies have no privileges, nor are they subject to any restrictions as regards their political or civil rights.

No particular requirements are imposed as regards access to employment except in respect of the professional qualifications of certain specialised categories, such as attorneys, judges, physicians, veterinarians, etc.

In addition to the legislation for the protection of workers against unjustifiable refusal of admission to employment (mentioned in previous reports), a resolution of the Soviet Supervisory Committee attached to the U.S.S.R. Council of People's Commissars, concerning the examination of workers' complaints, prohibits refusal of admission to employment and dismissal from employment for reasons such as social origin or a previous offence, etc., unless such a procedure is covered by special provisions (as indicated above).

The standard internal labour regulations covering workers and employers in state establishments and institutions, as well as in co-operatives and public bodies, which, in pursuance of the agreement concluded on 12 January 1957 with the Central Council of Trade Unions, were approved by the State Labour and Wages Committee of the Council of Ministers of the U.S.S.R., contain provisions governing admission to employment (sections 3 to 5).

An enormous amount of information work on matters dealt with in the Convention is carried out by the society known as "Knowledge", whose members comprise one-and-a-half million representatives of the Soviet intelligentsia, scientists, teachers, production pioneers, etc. This society gives lectures and talks to the working masses to acquaint them with the legislation in force and with their rights and obligations as citizens. About a million lectures and talks of this kind were given in 1965.

In addition, there is a network of about 2,000 people's universities for the study of legal sciences, which have special labour law faculties.

112. Minimum Age (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Albania	11. 8. 1964	Mauritania	8. 11. 1963
Belgium	8. 5. 1963	Mexico	9. 8. 1961
Bulgaria	2. 3. 1961	Netherlands	15. 2. 1965
China	13. 2. 1962	Norway	22. 1. 1963
Costa Rica	29. 12. 1964	Peru	4. 4. 1962
Denmark	27. 2. 1962	Poland	20. 6. 1966
Federal Republic of Germany	11. 2. 1963	Spain	7. 8. 1961
Guatemala	2. 8. 1961	Tunisia	14. 1. 1963
Guinea	7. 11. 1960	Ukraine	4. 8. 1961
Israel	19. 6. 1961	U.S.S.R.	4. 5. 1961
Liberia	16. 5. 1960	Yugoslavia	2. 2. 1961

COSTA RICA (First Report)

Labour Code, Act No. 2 of 27 August 1943 (*La Gaceta*, 29 Aug. 1943, Year LXV, No. 192, p. 1169) (L.S. 1943—C.R. 1), as amended by Act No. 3344 of 5 August 1964.

Article 1 of the Convention. The term "fishing vessel" includes all fishing boats and ships as defined in the Convention.

Article 2. Section 120 of the Labour Code, as amended, lays down that only persons over 15 years of age may be engaged on board fishing vessels. Paragraphs 2 and 3 are implemented by section 91 of the Code.

Article 3. Section 87 of the Code lays down that women and young persons under 18 years of age must not be engaged for employment on work which is unhealthy or dangerous or too heavy for them. The list of these types of work will be established by the regulations made under the Code. Pending the drafting of the regulations, section 199 of the Labour Code contains definitions of the terms mentioned above.

Article 4. Section 120 of the Code, as amended, gives effect to this Article.

The above-mentioned legislation is enforced by the labour inspectors.

UKRAINE

Order of 12 April 1959 of the U.S.S.R. Minister of the Fishing Industry.
Decree No. 39 of 28 February 1963 of the State Economic Council.

By virtue of the above-mentioned order and of the regulations brought into force by the decree of 28 February 1963, no person under 18 years of age may be employed on board fishing vessels.

YUGOSLAVIA

See under Convention No. 7.

113. Medical Examination (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on
Belgium.	8. 5. 1963
Brazil.	1. 3. 1965
Bulgaria	2. 3. 1961
China	13. 2. 1962
Costa Rica	29. 12. 1964
Guatemala	2. 8. 1961

Countries	Ratification registered on
Guinea	7. 11. 1960
Liberia	16. 5. 1960
Peru	4. 4. 1962
Spain	7. 8. 1961
Tunisia	14. 1. 1963
Yugoslavia	26. 5. 1961

BELGIUM

Royal Order of 14 May 1965 to amend the Royal Order of 12 December 1957 establishing regulations concerning maritime inspection (*Moniteur belge*, 24 July 1965) (Schedule XVIII).

Under section 7 of Schedule XVIII to the above-mentioned regulations the validity of medical certificates issued to seamen and fishermen, which is normally 24 months, is reduced to 12 months in the case of young persons under 21 years of age.

COSTA RICA (First Report)

See under Convention No. 112.

Article 1 of the Convention. Ratified Conventions become part of the national legislation and therefore the provisions of this Article are now incorporated therein.

Articles 2 and 4. Section 120 of the Labour Code, as amended, implements these Articles.

Article 3. So far, the fishing-boat owners' and fishermen's organisations have not been consulted in order to determine the nature of the medical examination and the indications to be included in the certificate. These consultations will take place as soon as possible.

Article 5. In case of discrepancies of opinion concerning the medical certificate, a formal decision has to be taken by the Board of Physicians and Surgeons, in accordance with the relevant Act.

The labour inspectors are entrusted with the enforcement of the relevant legislation.

114. Fishermen's Articles of Agreement Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	8. 5. 1963	Italy	10. 4. 1962
China	13. 2. 1962	Liberia	16. 5. 1960
Costa Rica	29. 12. 1964	Mauritania	8. 11. 1963
Cyprus	20. 12. 1966	Peru	4. 4. 1962
Federal Republic of Germany	1. 7. 1964	Spain	7. 8. 1961
Guatemala	2. 8. 1961	Tunisia	14. 1. 1963
Guinea	7. 11. 1960	Yugoslavia	22. 12. 1961

COSTA RICA (First Report)

See under Convention No. 112.

Article 3 of the Convention. Under sections 120 and 23 of the Labour Code, articles of agreement must be prepared in three copies, so that there is one for each of the parties and one for the Employment Office of the Ministry of Labour. Studies are in progress concerning the supervision of employment contracts by the Employment Office. In accordance with section 21 of the Code, an employment contract may not contain any provision which is contrary to national legislation.

Article 4. Section 420 of the Code contains provisions concerning jurisdiction.

Article 5. The Ministry of Labour is studying the adoption of provisions to implement this Article.

Article 6. Sections 120, 24 and 28 of the Code implement this Article.

Article 8. A regional labour office, where fishermen can obtain information concerning their agreement, exists in practically all ports.

Articles 9 to 11. These Articles are applied by sections 81, 83, 85, 86, 122 and 123 of the Code.

The labour inspectors are entrusted with the enforcement of the provisions of the Labour Code.

FEDERAL REPUBLIC OF GERMANY (First Report)

Act of 25 February 1964 respecting the Fishermen's Articles of Agreement Convention (*Bundesgesetzblatt (BGBl.)*, Part II, 1964, p. 179).

Seamen's Act of 26 July 1957 (*BGBl.*, Part II, 7 Aug. 1957, No. 21, p. 713) (*L.S. 1957—Ger. F.R. 4*).

Article 1 of the Convention. This Article is applied by sections 1 and 140 of the Seamen's Act read in conjunction with the Act respecting the law of the flag. There is no provision in the national legislation for the exceptions mentioned in paragraphs 2 and 3 of this Article.

Article 2. This Article is applied by sections 3 to 7 of the Seamen's Act.

Article 3. When a member of a crew registers at the local mercantile marine office, he has the possibility of taking note of the articles of agreement. Further, under the Seamen's Act, articles of agreement must be presented in writing to the members of the crew. Paragraph 2 of this Article is applied by sections 13 to 17 of

the Seamen's Act. Effect is given to the provision concerning the written form of articles of agreement in sections 14 and 15 read in conjunction with section 24, paragraph 2, of the Seamen's Act, which states that articles of agreement must be submitted in writing to the mercantile marine office. The mercantile marine office is bound, at the time of registration, to specify the terms on which the crew member undertakes to serve on board and must see that no provision contrary to the law appears in the articles of agreement. Sections 23 to 79 of the Seamen's Act contain provisions relating to the conclusion, duration and termination of articles of agreement.

Article 4. Effect is given to this provision by the fact that the contents of articles of agreement are officially established at the time of registration at the mercantile marine office. In this way it is possible to ensure that the articles of agreement contain no provision contrary to national legislation. The provisions in force allow of no exception to this rule on the part of either party.

Article 5. Every vessel is provided with a crew list which contains, for each member of the crew, information concerning the contents of the articles of agreement, in particular the dates of signing on and signing off and the nature of the duties on board (section 14 of the Seamen's Act). Similar information is entered in the sea service book of each sailor by the mercantile marine office. At the time when the articles of agreement are terminated, the master, or any other officer duly authorised by him, must certify in the sea service book the nature and duration of service on board; his signature is attested by the mercantile marine office (section 16, paragraph 2, and section 19 of the Seamen's Act). This information relates to the entire period of service, articles of agreement normally being drawn up for an indeterminate period and not for a single voyage.

Article 6. Paragraph 1 is applied by section 23 of the Seamen's Act and paragraph 2 by the provisions of Division III of the Seamen's Act, in conjunction with collective agreements, as provided for by section 140 of the Seamen's Act. Paragraph 3 is applied by sections 24, 25, 27, 30, 39, 62, 63 and 78 of the Act. The application of paragraph 3 (g) is also ensured by the regulations respecting ships' rations published by the coastal Länder.

Articles 7 and 8. These Articles are applied respectively by sections 14 and 144 of the Seamen's Act.

Article 9. This Article finds its application through the general legal principles in force and in particular through the principle whereby any agreement may be denounced at any time by consent of both parties. As regards clause (c) of this Article, section 66 of the Seamen's Act gives the shipowner the right of extraordinary termination of the engagement within a reasonable period.

Article 10. This Article is applied by sections 64 to 66, 69, 72 to 74, and 78 of the Seamen's Act.

Article 11. This Article is applied by sections 67 to 70, 72 to 74, and 78 of the Seamen's Act.

Article 12. The application of the Convention is ensured by the General Collective Agreement, and by that relating to articles of agreement for deep-sea fishing, in addition to the above-mentioned legislation.

The mercantile marine offices situated in the Federal Republic of Germany and abroad are responsible for applying the legislative provisions on this subject. Offences against the decisions of the mercantile marine office are punishable by a maximum fine of 1,000 marks. The mercantile marine offices are responsible for ensuring, when a member of a crew is discharged, that the shipowner has fulfilled his obligations to him.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	2. 7. 1965	Norway	17. 6. 1961
Brazil	5. 9. 1966	Poland	23. 12. 1964
Czechoslovakia	21. 1. 1964	Spain	17. 7. 1962
Ghana	7. 11. 1961	Sweden	12. 4. 1961
Guinea	12. 12. 1966	Switzerland	29. 5. 1963
Guyana	8. 6. 1966	Syrian Arab Republic	15. 1. 1964
Iraq	26. 10. 1962	United Arab Republic	18. 3. 1964
Netherlands	29. 11. 1966	United Kingdom	9. 3. 1962

BARBADOS (First Report)

There is no legislation or other provisions to give effect to the Convention, but it is proposed to take certain legislative measures for this purpose.

CZECHOSLOVAKIA (First Report)

Notification of 21 March 1963 of the Ministries of Health and the Chemical Industry respecting the protection of health against ionising radiations and the handling of sources of such radiations (*Sbirka Zákonů (S.Z.)*, 25 Apr. 1963, Text 34).

Notification of 26 January 1966 respecting health conditions in X-ray installations in health establishments (*S.Z.*, 30 Mar. 1966).

Instructions No. 42 of 1959 respecting health conditions in the use of radioactive luminous paint. National Standards Nos. 34-1720 and 34-1730.

Article 1 of the Convention. Texts relating to ionising radiations are published in agreement with the Central Council of Czechoslovak Trade Unions.

Article 2. The notification of 21 March 1963 relates to all activities in which workers and other citizens are exposed to ionising radiations, with the exception of the use of apparatus containing sealed emitters effectively protected against all contact and whose radiation dose, at a distance of 10 cm. from the surface of the apparatus, does not exceed 0.1 m rems per hour.

Article 3. By the terms of the notification in question, it is the duty of those concerned, in the light of the knowledge available at the time, to take all appropriate measures within their competence to protect the health of persons exposed to the harmful effects of ionising radiations. The present legislative provisions are in accordance with the terms of the Convention.

Article 4. The provisions of this Article are met by the prescription of definite obligations for establishments, institutes and workers.

Articles 5 and 6. The notification of 21 March 1963 mentions the measures to be adopted to ensure that workers are exposed to no more than a minimum of ionising radiations and that the amount of radiation or the concentration of radioactive substances in the work environment shall in no case exceed the levels fixed by the notification.

Article 7. Persons between 16 and 18 years of age are prohibited from handling sources of radiation except in the course of vocational training and in the special conditions laid down by the Chief Medical Officer.

Article 8. The appropriate levels have been fixed for persons working or living near workplaces in which sources of radiation are located, as well as for workers handling such sources of radiation.

Articles 9 and 11. The notification of 21 March 1963 provides that there shall be supervision for the purpose of measuring doses of radiation in workplaces, exposure of workers to radiation, etc. Specially trained agents are made responsible for such supervision.

Article 12. Employers are required to ensure that employees undergo a medical examination before starting work involving exposure to ionising radiations, such medical examination to be repeated every three to 12 months.

Article 13. This Article is applied by paragraph 12 of the notification of 21 March 1963.

Article 14. The Labour Code provides that a worker may be transferred to another occupation for health reasons.

Article 15. Supervision of the application of measures necessary for the protection of workers against the health hazards of ionising radiations is the responsibility of the Health Service acting in co-operation with the competent organs of the Administration, the inspection service and the trade unions. The supervisory bodies have the right of access to all premises in which sources of radiation are located; they are empowered to examine all the regulation documents and to demand the institution of any necessary inquiries. The statistics prove the undeniable efficacy of the measures for the protection of workers against ionising radiations.

POLAND (First Report)

Order of 23 May 1957 of the Council of Ministers respecting the safety and health measures to be adopted in occupations in which workers are exposed to ionising radiations (*Dziennik Ustaw* (D.U.), 1957, No. 34, Text 148).

Order of 26 September 1958 of the Council of Ministers to issue a list of occupations prohibited for young persons (D.U., 25 Oct. 1958, No. 64, Text 312).

Act of 30 March 1965 respecting occupational safety and health (D.U., 6 Apr. 1965, No. 13, Text 91) (L.S. 1965—Pol. 1).

Article 1 of the Convention. The requirements of the Convention are fully met by the above-mentioned legislative provisions, which were prepared with the co-operation and on the proposal of the Central Council of Trade Unions.

Article 2. The order of 23 May 1957 covers all activities in which workers are exposed to ionising radiations. No provision is made for any exemptions.

Article 3. Under the Act of 30 March 1965, it shall be the duty of every establishment to ensure that its workers enjoy safe and healthy working conditions precluding any danger to their lives or health. The safety measures for the protection of workers against ionising radiations are in complete conformity with the requirements of the Convention.

Articles 4 and 5. The measures in question are laid down by the order of 23 May 1957.

Articles 6 to 8. Maximum admissible doses of ionising radiations are determined by the order of 23 May 1957. In pursuance of the Act of 30 March 1965 these doses are at the present time being revised.

It is prohibited to employ workers under 18 years of age in occupations in which they would be exposed to ionising radiations (order of 26 September 1958).

Article 9. The order of 23 May 1957 provides for the notification of the existence of dangerous conditions due to ionising radiations. All workers exposed to the action of such radiations are appropriately instructed in occupational safety; annual verification of their knowledge thereof is compulsory.

Article 10. The order of 23 May 1957 fixes the categories of undertakings using open sources of ionising radiations (isotopes) and makes it possible to determine where and to what degree exposure to the risk of ionising radiations exists.

Article 11. In each undertaking where there is exposure to ionising radiations, a worker is designated by the head of the undertaking to supervise the application of the occupational safety and health measures. The head of the undertaking carries full responsibility for the safety and health conditions in the undertaking.

Articles 12 to 14. Workers exposed to ionising radiations undergo a medical examination before starting work and at intervals of three months while engaged on the work. Any worker who is found to have received more than the maximum admissible dose of radiations, whose organism has assimilated radioactive substances, or who shows any pathological signs whatsoever, is required to present himself immediately to the medical officer.

In case of any pathological change liable to be aggravated by ionising radiations, the worker is given the necessary treatment. If the pathological change is repeated, the worker must be transferred to another task where there is no exposure to ionising radiations, and, if the work in question is less well-paid, he is entitled, for a period of six months, to the wages he was receiving at the moment of his transfer.

The state medical and labour inspectorates exercise permanent surveillance over working conditions. These bodies are empowered to order measures for the elimination of any instance of non-compliance with the regulations. In this particular field, the Central Laboratory for Radiological Safety is also a competent authority.

SYRIAN ARAB REPUBLIC (First Report)

Law No. 59 of 1 March 1960 respecting the use of ionising radiations and protection against its hazards (I.L.O. *Official Bulletin*, Vol. XLVII, No. 3, July 1964, pp. 190-195).

Legislative Decree No. 221 of 26 October 1963 to ratify Convention No. 115.

Order No. 75T of 20 August 1966 respecting the creation of an Executive Office for Protection against the Hazards of Exposure to Ionising Radiations.

Article 1 of the Convention. The Convention is applied through legislation.

Article 2. Section 1 of Law No. 59 prohibits all persons from using ionising radiations without authorisation. The radiation levels beyond which the Law becomes applicable have not yet been announced.

Article 3. The Government has already communicated to the I.L.O. a statement fixing the categories of workers to which the Convention applies.

Article 4. The order of 20 August 1966 provides for the creation of an Executive Office for Protection against the Hazards of Exposure to Ionising Radiations.

Article 5. Law No. 59 provides for the measures to be taken to protect workers against exposure to radiations.

Articles 6. The basic levels of the maximum permissible doses and amounts have not been modified.

Articles 7 and 8. The levels have not been fixed.

Articles 9 to 11. Section 16 of Law No. 59 limits the right to use radioactive substances to persons who have been trained in such work.

Articles 12 and 13. No provision has been made for the application of these Articles.

Article 15. This Article is applied by the order of 20 August 1966.

UNITED ARAB REPUBLIC (First Report)

Law No. 59 of 1 March 1960 respecting the use of ionising radiations and protection against its hazards (I.L.O. *Official Bulletin*, Vol. XLVII, July 1964, No. 3, pp. 190-195) and Order No. 630 of 11 December 1962 promulgating regulations to make provision for the enforcement of the Law. Order No. 217 of 28 March 1962 to establish an Executive Office for Protection against the Hazards of Exposure to Ionising Radiations.

Article 1 of the Convention. Effect has been given to the Convention through legislation as well as in practice. Consultation with employers and workers is ensured within the framework of various bodies responsible for the application of the Convention.

Article 2. The provisions of Order No. 630 do not apply to the use of weak ionising radiations below specified doses.

Article 3. Efforts are being made to develop measures for the protection of workers against ionising radiations. Apart from publication of the relevant laws and regulations, essential data are made available to the workers concerned through the circulation of various documents by the Executive Office for Protection against the Hazards of Exposure to Ionising Radiations.

Article 4. Under Law No. 59, ionising radiations may not be used for any purpose whatsoever except by those authorised to do so.

Articles 5 and 6. Every effort is made to restrict the exposure of workers to ionising radiations to the lowest practicable level. No modifications have been made in the levels of the maximum permissible doses and amounts.

Article 7. Appropriate levels have been fixed for workers over 18 years of age, as well as for those aged between 16 and 18 years, who may engage in radiation work only in exceptional cases after approval has been given by the Technical Committee on Ionising Radiation Questions. In practice such approval has never been given.

Article 8. Persons engaged in work at radiation installations but who are not radiation workers may not be exposed to doses of over 1.5 rems per year.

Article 9. Adequate warnings are fixed in all places where ionising radiations are used. Provision has been made for the training of any person employed in the field of ionising radiations in health risks which are likely to occur.

Article 10. Notification is prescribed by Law No. 59.

Article 11. Appropriate monitoring of workers is required to be carried out; thus film badges and pocket dosimeters must be used by each person employed in work involving exposure to ionising radiations. The results of such monitoring shall be periodically communicated to the Executive Office for Protection against the Hazards of Exposure to Ionising Radiations. All places which are likely to be affected by ionising radiations must be examined.

Article 12. Every worker engaged in radiation work is required to undergo preliminary and periodical medical examinations.

Article 13. A medical examination must be carried out in any case where a worker might be exposed to doses exceeding the prescribed maximum. If the inspec-

tion service finds that the requirements for protection against ionising radiations are not fulfilled, the holder of a licence shall be bound to comply with such requirements within 60 days. Failure to do so shall entail withdrawal of the licence.

Article 14. No person shall be employed, or shall continue to be employed, in work which involves exposure to ionising radiations if the findings of the medical examination indicate that he should not be so employed.

Article 15. The Executive Office for Protection against the Hazards of Exposure to Ionising Radiations was established by Order No. 217 of 1962. This office, which is entrusted with the application of the relevant laws and regulations, is required to submit annual reports on its activities.

117. Social Policy (Basic Aims and Standards) Convention, 1962

This Convention came into force on 23 April 1964

Countries	Ratification registered on	Countries	Ratification registered on
Central African Republic	9. 6. 1964	Jamaica	4. 1. 1966
China	10. 12. 1964	Jordan	7. 3. 1963
Costa Rica	27. 1. 1966	Kuwait	23. 4. 1963
Ghana	18. 6. 1964	Malagasy Republic	1. 6. 1964
Guinea	12. 12. 1966	Niger	23. 11. 1964
Israel	15. 1. 1964	Syrian Arab Republic	11. 12. 1964
Italy	27. 12. 1966	Zambia	2. 12. 1964

JORDAN (First Report)

The aims laid down in the Constitution include making economic development the basis for social welfare and improving the standards and the living conditions of the working classes. Law No. 14 of 1965 respecting the basic aims of the Ministry of Social Affairs and Labour mentions the following objectives: "ensuring in general social security and sufficient production; co-ordinating social services for all nationals of all ages; organising the utilisation of the productive resources of the State, i.e. human resources."

ZAMBIA

Constitution (Schedule 2 : Zambia Independence Order, 1964).

Workmen's Compensation Act, No. 2 of 1955.

Employment Act, No. 57 of 20 September 1965 (*Government Gazette (G.G.)*, 1 Oct. 1965, Supplement, p. 449).

National Provident Fund Act, No. 1 of 1966 (*G.G.*, 21 Jan. 1966, Supplement, p. 1).

Education Act, No. 28 of 1966.

Article 3 of the Convention. Following the attainment of independence a Transitional Development Plan (January 1965-June 1966) provided for a wide range of projects in which considerable emphasis was placed on development in rural areas. In the new Four Year Plan, which began in July 1966, continued emphasis will be placed on agriculture and on education in rural areas. The objectives of the Government are to increase production from the country's natural resources, to raise the standard of living of the whole population and to make every effort to enable all Zambians to play a leading role in all production processes and in the principal fields of economic activity.

The Town and Country Planning Ordinance applies to all parts of the country except Barotse Province, the Reserves and the trust land. So far as other regions with large concentrations of population are concerned, the need for planning has been seen for some time, but staff shortages, the large amount of work connected with urban planning, the paucity of information and the lack of up-to-date maps have caused unavoidable delays.

There is congestion in the high-density housing estates in the urban areas. The Government is tackling the lack of housing by greatly increasing the amount of money available for loans to local authorities to build houses and by obliging these authorities to concentrate on cheap housing. In addition, serviced plots are being provided on which people can build their own houses.

Articles 11 and 12. Part VII of the Employment Act of 1965 contains provisions which give effect to these Articles of the Convention.

Article 13. Thrift among lower-paid workers and subsistence farmers can only be achieved by increased prosperity and the progressive development of education. However, surplus funds are invested in cattle, and the efforts of the Ministry of Agriculture in introducing improved methods of animal husbandry are of great importance.

Article 14. In reply to an observation made by the Committee of Experts, the Government states that article 25 of the Constitution provides protection against discrimination on grounds of race, tribe, place of origin, political opinion, colour or creed. Moreover, much of the labour legislation, including the Employment Act and the Workmen's Compensation Ordinance, 1965, is also entirely non-racial in scope. However, certain wage determination orders are still in force which lay down a lower statutory minimum wage for women than for men based on the different and generally less arduous nature of the work performed by women. This fact also reflects the scarcity of employment opportunities for uneducated women, particularly in the rural areas, but the Government is firmly committed to a policy of non-discrimination in conditions of employment, and the establishment of a national minimum wage is under active consideration.

Article 15. The Government's report gave details of the efforts made to provide a full primary course of education for all pupils and of the progress achieved. However, in reply to a direct request made by the Committee of Experts, the Government states that there are at present insufficient school places for compulsory education to be introduced and in the meantime it is not possible to prescribe a school-leaving age. Nevertheless, it is the intention of the Government that this should be determined as soon as possible. The Four-Year Development Plan now in operation is intended to provide guidance as to the appropriate school-leaving age.

118. Equality of Treatment (Social Security) Convention, 1962

This Convention came into force on 25 April 1964

Countries	Ratification registered on
Central African Republic ¹	8. 10. 1964
China ²	4. 1. 1965
Guatemala ³	4. 11. 1963
India ⁴	19. 8. 1964
Ireland ⁵	26. 11. 1964
Israel ⁶	9. 6. 1965
Jordan ⁷	7. 3. 1963
Malagasy Republic ⁸	22. 6. 1964
Netherlands ⁹	3. 7. 1964
Norway ¹⁰	28. 8. 1963
Sweden ¹¹	26. 4. 1963
Syrian Arab Republic ¹²	18. 11. 1963
Tunisia ¹³	20. 9. 1965

¹ Has accepted the following branches of social security:
(c), (e), (g), (i).

² Has accepted the following branches of social security:
(a), (c), (d), (e), (f) and (g).

³ Has accepted the following branch of social security: (c).

⁴ Has accepted the following branches of social security:
(a), (b) and (c).

⁵ Has accepted the following branches of social security:
(a), (b), (h) and (i).

⁶ Has accepted the following branches of social security:
(c), (e), (f), (g) and (i).

⁷ Has accepted the following branches of social security:
(c), (d), (f) and (g).

⁸ Has accepted the following branches of social security:
(b), (c), (d) and (g).

⁹ Has accepted the following branches of social security:
(a) to (i).

¹⁰ Has accepted the following branches of social security:
(f) and (i).

¹¹ Has accepted the following branches of social security:
(a), (b), (c), (g) and (h).

¹² Has accepted the following branches of social security:
(d), (e), (f) and (g).

¹³ Has accepted the following branches of social security:
(a), (b), (c), (g) and (i).

INDIA (First Report)

Employees' State Insurance Act, No. XXXIV of 19 April 1948 (*The Gazette of India (G.I.)*, 19 Apr. 1948, Extraordinary, Part IV, p. 161) (*L.S.* 1948—Ind. 3).

Coal Mines Labour Welfare Fund Act of 18 April 1947 (*G.I.*, 19 Apr. 1947, No. 16, Part IV, pp. 58-64) (*L.S.* 1947—Ind. 2).

Mica Mines Labour Welfare Fund Act, 1946 (*I.L.O. Asian Labour Laws*: Ind. 15).

Iron Ore Mines Labour Welfare Cess Act, 1961 (*G.I.*, 20 Dec. 1961, Part II, Section 1, No. 62, Extraordinary, p. 669).

Maternity Benefit Act, No. 53 of 12 December 1961 (*G.I.*, 13 Dec. 1961, Part II, Section 1, No. 57, Extraordinary, p. 643) (*L.S.* 1961—Ind. 2).

Maternity Benefit (Mines) Rules, 1963 (*G.I.*, 12 Oct. 1963, Part II, Section 3 (i), pp. 1933-1946).

Plantations Labour Act, No. 69 of 2 November 1951 (*G.I.*, 3 Nov. 1951, No. 50, Part II, Section 1, Extraordinary, p. 457) (*L.S.* 1951—Ind. 5), as amended by the Act of 13 September 1960 (*G.I.*, 14 Sep. 1960, Part II, Section 1, No. 29, Extraordinary, p. 483) (*L.S.* 1960—Ind. 2).

Articles 1 to 3 of the Convention. Under the above-mentioned legislation non-nationals enjoy equality of treatment with nationals both as regards coverage and the right to benefits.

Article 4. No residential conditions are laid down by law for entitlement to medical care and sickness and maternity benefits. The need for special arrangements between India and other member countries to prevent the cumulation of benefits has not been felt.

Article 7. The need has not arisen for participating in schemes for the maintenance of acquired rights and rights in course of acquisition.

Articles 8 and 9. Since India has not ratified the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), there has been no occasion to enter into any agreements in accordance with Article 8.

Article 10. The legislation does not lay down any conditions of reciprocity. No exceptions have been made in accordance with paragraph 3 of this Article.

Article 11. The need for affording mutual administrative assistance has not arisen, and no agreements have been concluded with other countries.

Article 12. The laws and regulations having been in force prior to ratification, the need for such agreements has not arisen.

The Employees' State Insurance Act is administered by a statutory corporation. A standing committee acts as an executive body. The administration of medical care under the scheme is the responsibility of the state governments. The Coal Mines Labour Welfare Fund Act, the Mica Mines Labour Welfare Fund Act and the Iron Ore Mines Labour Welfare Cess Act are administered by the central Government, which has constituted advisory bodies to which employers' and workers' representations are made. Except in the case of mines, administration of the central Maternity Benefit Act and of the states' maternity legislation is the responsibility of the state governments. In six states and in Delhi the central Act has replaced the old state maternity legislation. In the mining sector the central Government remains responsible for the administration of the Maternity Benefit Act. The administration of the Plantations Labour Act is the responsibility of the state inspectorates.

IRELAND (First Report)

Health Acts, Nos. 28 of 1947 and 26 of 1953.

Health and Mental Treatment Act, 1957, as amended.

Mental Treatment Acts, Nos. 19 of 1945 and 7 of 1961.

Social Welfare Act, No. 11 of 14 June 1952 (*L.S.* 1952—Ire. 1), as amended.

Social Welfare (Miscellaneous Provisions) Acts, 1960 to 1965 (Nos. 28 of 1960, 22 of 1961, 17 of 1962, 26 of 1963, 28 of 1964 and 20 of 1965).

Unemployment Insurance (Amendment) Act of 16 November 1933 (*L.S.* 1933—I.F.S. 3), and subsequent amendments.

Children's Allowances Act, No. 2 of 23 February 1944 (*L.S.* 1944—Ire. 1), as amended.

Social Welfare (Children's Allowances) Acts, Nos. 12 of 1952 and 9 of 1957.

Articles 1 to 3 of the Convention. In regard to medical care, sickness benefit, unemployment benefit and family benefit, non-nationals enjoy equality of treatment with nationals so far as coverage and the right to benefit are concerned. Equality of treatment in respect of medical care is granted to non-nationals "lawfully present in the country".

Article 4. No period of residence is required for receipt of sickness benefit or unemployment benefit. As regards medical care there is no residence condition in respect of eligibility for access to institutional and specialist medical services.

Six months' continuous residence in the country is required to qualify for unemployment assistance. No special provision has been laid down in respect of transitional schemes.

Article 6. It is a condition for the grant of family benefit that the child is normally resident in the country, and the Government has not indicated the existence of any agreement for extension of coverage in accordance with this Article with any other member State which has accepted the obligations of the present Convention.

Article 9. No derogations in accordance with this Article have been made.

Article 10. Refugees and stateless persons are entitled to medical care, sickness benefit, unemployment benefit and family benefit on the same terms as nationals, and no exception has been made in accordance with paragraph 3 of this Article.

Articles 11 and 12. No special measures have yet been taken.

The Minister for Social Welfare is responsible for the administration of the sickness, unemployment and family benefit schemes. These schemes are administered as state services by public servants. The provision of health services is entrusted to local authorities; these authorities are under the general supervision of the Minister of Health.

JORDAN (First Report)

Development plans of the Ministry of Social Affairs and Labour aim at ensuring implementation of the principle of equality of treatment for nationals and foreign nationals in respect of social security. In addition, the Ministry is preparing a special law respecting the employment of foreigners and guaranteeing them equal treatment under the labour legislation and social security regulations, provided that reciprocal arrangements are made in respect of Jordanian nationals.

MALAGASY REPUBLIC (First Report)

Ordinance No. 78 of 29 September 1962 to establish a National Family Allowances and Industrial Injuries Fund (*Journal officiel*, 2 Oct. 1962, No. 248, Extraordinary, p. 2257; errata: *J.o.*, 8 Dec. 1962).

Decree No. 124 of 22 February 1963 to institute a Family Allowances and Employment Accidents Code (*J.o.*, 15 Mar. 1963, No. 278, p. 674).

Article 3 of the Convention. No discrimination is made between nationals and non-nationals within the territory of the Republic as regards the branches of social security for which the obligations of the Convention have been accepted, and use has not been made of the exceptions provided for in paragraph 3.

Article 4. The grant of benefit in respect of employment accidents is subject to residence in the national territory, or in France and its overseas departments and territories, or in the member States of the Common Afro-Malagasy Organisation. Under section 221, paragraph (2), of the Family Allowances and Employment Accidents Code the benefit due to foreign nationals who are victims of employment accidents, or to their survivors, consists of a total of three annuities, paid in a lump sum, by way of redemption. The only exceptions to this rule are French nationals and nationals of the member countries of the Common Afro-Malagasy Organisation in accordance with the Franco-Malagasy agreement respecting domicile of 9 June 1960. Although the Code is of previous date to the ratification of the Convention, the latter, as a result of ratification, takes precedence; consequently the Convention is applied and no problem can arise in this regard, particularly as the social security system is administered by a public body. No dispute has so far arisen.

Article 5. This provision is only applicable to pensions payable in case of employment accidents.

Articles 7 and 8. The Franco-Malagasy Agreement on Social Security contains provisions in this respect, but it has not yet been ratified.

Article 11. Apart from the above-mentioned bilateral agreement, there is no agreement on this subject, though free administrative assistance is always granted.

NETHERLANDS (First Report)

Act of 5 June 1913 respecting health insurance (*Staatsblad (Sb.)*, 1913, No. 204).

Accident Insurance Act of 28 June 1921 (*Sb.*, 1921, No. 819) (*L.S.* 1921—Neth. 1).

Accident Insurance of Agricultural Workers Act of 20 May 1922 (*Sb.*, 1922, No. 365) (*L.S.* 1922—Neth. 2).

Children's Allowances (Employed Persons) Act of 23 December 1939 (*Sb.*, 1939, No. 806) (*L.S.* 1939—Neth. 7), as amended by the Act of 1962. (*Sb.*, 1962, No. 257) (*L.S.* 1962—Neth. 2 B).

Act of 14 June 1951 to make emergency arrangements for family allowances for self-employed persons of small means (*Sb.*, 1951, No. 212), as amended by the Children's Allowances (Self-Employed Persons of Small Means) Act of 26 April 1962 (*Sb.*, 1962, No. 257) (*L.S.* 1962—Neth. 2 C).

Unemployment Act of 19 February 1953 (*Sb.*, 1953, No. 325) (*L.S.* 1953—Neth. 1).

General Old-Age Act of 31 May 1956 (*Sb.*, 1956, No. 281) (*L.S.* 1956—Neth. 2).

Royal Decree of 18 December 1956 (*Sb.*, 1956, No. 627).

Royal Decree of 20 December 1956 (*Sb.*, 1956, No. 628).

General Widows and Orphans Act of 9 April 1959 (*Sb.*, 1959, No. 139) (*L.S.* 1959—Neth. 3).

Royal Decree of 31 August 1959 (*Sb.*, 1959, No. 330).

Royal Decree of 26 January 1961 (*Sb.*, 1961, No. 29).

Act of 26 April 1962 to institute a general children's allowances insurance scheme (*Sb.*, 1962, No. 160) (*L.S.* 1962—Neth. 2A).

Act of 19 December 1962 to make interim regulations for invalidity pensioners (*Sb.*, 1962, No. 534).

Royal Decree of 17 January 1963 to make regulations under the General Old-Age Act, the General Widows and Orphans Act and the General Children's Allowances Act (*Sb.*, 1963, No. 24).

Royal Decree of 17 January 1963 (*Sb.*, 1963, No. 25).

Sickness Funds Act of 15 October 1964 (*Sb.*, 1964, No. 392) (*L.S.* 1964—Neth. 2).

Act of 10 December 1964 to make rules for the payment by the public authorities of benefit to unemployed workers (*Sb.*, 1964, No. 485).

No discrimination in respect of liability and right to benefits is made between nationals and non-nationals as regards medical care and benefits in kind in case of maternity, cash benefits in case of sickness and maternity, cash benefits in case of invalidity, benefits in case of industrial accidents and occupational diseases and unemployment benefits.

In principle, no discrimination in respect of liability and right to benefits is made between nationals and non-nationals as regards old-age, survivors' and family benefits, except in the case of a very minor category of seafarers; legislation designed to suppress this discrimination is in preparation. The benefits which are granted to non-nationals subject to residence conditions are non-contributory benefits in case of unemployment, provided for by the Unemployment Act, and transitory pensions in case of old age and death, provided for by the General Old-Age Act and the General Widows and Orphans Act.

Invalidity, old-age and survivors' pensions, as well as annuities for industrial accidents and occupational diseases, are also paid abroad if the beneficiary is resident there. Payment of invalidity pensions abroad, however, is limited to nationals of member States participating in a system for the safeguarding of rights.

Family allowances are also granted in respect of children who reside abroad.

119. Guarding of Machinery Convention, 1963

This Convention came into force on 21 April 1965

Countries	Ratification registered on	Countries	Ratification registered on
Central African Republic	9. 6. 1964	Kuwait	23. 11. 1964
China ¹	22. 2. 1966	Malagasy Republic	1. 6. 1964
Congo (Brazzaville)	23. 11. 1964	Niger	23. 11. 1964
Cyprus	29. 3. 1965	Sierra Leone	21. 4. 1964
Dominican Republic	9. 3. 1965	Sweden	29. 12. 1964
Ghana	18. 3. 1965	Syrian Arab Republic	10. 6. 1965
Guatemala	26. 2. 1964		
Guinea	12. 12. 1966		
Jordan	4. 5. 1964		

¹ With temporary exemption of three years, as provided for by Article 5.

KUWAIT (First Report)

See under Convention No. 81.

Article 1 of the Convention. This Article is applied by sections 40 and 41 of the Labour Law.

Articles 2 to 5. No machinery is manufactured in the country. Dangerous parts of machinery are prohibited for sale or hire if they are without appropriate guards. No temporary exemption has been made.

Articles 6 to 10. The requirements of these Articles are covered by sections 40 to 43 of the Labour Law, no exceptions being made.

Article 15. The application of the Convention is supervised by the Inspection Division.

Article 17. The provisions of the Convention apply to all branches of economic activity.

MALAGASY REPUBLIC (First Report)

Order No. 889 of 20 May 1960 prescribing general occupational health and safety regulations (*Journal officiel*, 4 June 1960, No. 102).

Article 1 of the Convention. The above-mentioned order does not make any distinction according to the power by which machinery is operated; no decision has been taken in this respect.

Articles 2, 5, 9, 17. The provisions of these Articles are not applicable.

Article 10. Information notices are distributed in undertakings by the National Family Allowances and Industrial Injuries Fund.

Article 15. Penalties for the infringement of the provisions of the order are provided for in section 134 of the Labour Code. The Labour Inspectorate exercises wide supervisory powers.

Article 16. Orders respecting health and safety are adopted after consultation with the Technical Advisory Board, which comprises representatives of employers' and workers' organisations.

SIERRA LEONE (First Report)

Machinery (Safe Working and Inspection) Act and rules made thereunder (*Laws of Sierra Leone*, 1960 edition, Ch. 28).

Article 1 of the Convention. The term "machinery" is defined by section 2 of the Act in accordance with the Convention. No decision has been taken with regard to machinery operated by manual power.

Articles 2 to 5. The requirements of these Articles are not covered by the existing legislation; they will be taken into account by a new Act.

Articles 6 to 8. These provisions are covered by section 7 of the above-mentioned Act and by rules 5 and 9 of the above-mentioned rules.

Article 9. No exemption has been made.

Articles 10 and 11. The provisions of these Articles are applied by rules 3, 7 and 75 (b) of the above-mentioned rules.

Article 12. At present there is no social security or social insurance legislation.

Articles 13 and 14. The term "owner" as used in the legislation does not differentiate between employers and self-employed workers; this term includes prescribed agents of the owner.

Article 15. All necessary measures, including provision for penalties, are taken to ensure the effective enforcement of the legislation; inspection services exist for the supervision of its application.

Article 16. The necessary consultations will be undertaken before the introduction of the Factories Act.

Article 17. The provisions of the Convention apply to all branches of economic activity.

The Mines Division of the Ministry of Mines, Lands and Labour is entrusted with the application of the Convention.

SWEDEN (First Report)

Workers' Protection Act of 3 January 1949 (*Svensk Författningssamling (S.F.)*, 12 Jan. 1949, No 1) (*L.S.* 1949—Swc. 1).

Workers' Protection Proclamation, No. 208 of 6 May 1949 (*S.F.*, 19 May 1949, p. 397) (*L.S.* 1949—Swe. 4), as amended by the order of 21 September 1956 (*S.F.*, 1956, p. 1023) (*L.S.* 1956—Swe. 3).

Instructions No. 29 of January 1952 of the Royal Workers' Protection Board respecting general protective measures to be taken by persons supplying and installing machinery, appliances and tools.

Article 1 of the Convention. The provisions of the Convention are covered by the above-mentioned laws and regulations, which are also applicable to machinery operated by manual power.

Article 2. If a contractor places on the market machinery which does not offer adequate security against accidents, the National Board of Industrial Safety can prohibit him from delivering the machinery. If the machinery has been delivered before the prohibition is issued, the competent labour inspector may ban the use of the machinery.

Article 5. No exemption has been made.

Article 6. Prohibition of the use of machinery as required under this Article is provided for in the above-mentioned laws and regulations as well as in instructions issued by safety committees, organisations and enterprises. Orders to implement the necessary safety measures may be issued by the labour inspector concerned.

Article 9. No exemption has been made.

Article 10. These provisions are complied with by the above-mentioned legislation.

Article 13. Section 45 of the Worker's Protection Act applies to the purchase or loan of machinery irrespective of whether there is an employed person at the workplace or not. All other relevant provisions of this Act apply to workplaces where there are employed persons or two or more self-employed persons.

Article 15. The National Board of Industrial Safety is responsible for supervising the observance of the provisions of the Convention as regards the sale or other transfer of machinery. In this connection there is frequently consultation between the Nordic Council countries. The labour inspection authorities are responsible for supervision of workplaces.

Article 16. Employers' and workers' organisations are consulted in connection with the preparation of laws and regulations which are of direct concern to them. Representatives of these organisations are members of the National Board of Industrial Safety and thus fully share the responsibility for the most important decisions of the Board.

Article 17. No declaration has been made under this Article.

Communication of Copies of Reports to the Representative Organisations
(Article 23, Paragraph 2, of the Constitution)

The Governments of the following countries have indicated the employers' and workers' organisations to which copies of their reports have been communicated: *Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Kinshasa), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Honduras, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Liberia, Luxembourg, Malagasy Republic, Malawi, Malaysia, Mali, Malta, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Pakistan, Paraguay, Philippines, Portugal, Senegal, Sierra Leone, Singapore, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, United States, Uruguay, Venezuela, Zambia.*

The Governments of the following countries have stated that copies of their reports will be communicated to the representative employers' and workers' organisations, indicating their names: *Iceland, Norway, Peru.*

The Governments of the following countries have stated that copies of their reports have been communicated to the Central Council of Trade Unions: *Bulgaria, Czechoslovakia, Hungary, Poland, Rumania.*

The Governments of the following countries have stated that copies of their reports have been communicated to the Central Council of Trade Unions and to the directors of various undertakings: *Byelorussia, Ukraine, U.S.S.R.*

The Government of *Spain* has stated that copies of its reports have been communicated to the National Organisation of Spanish Trade Unions.

The Government of *Yugoslavia* has stated that copies of its reports have been communicated to the Central Council of the Federation of Yugoslav Trade Unions and to the Federal Economic Chamber.

The Government of *Cuba* has stated that copies of its reports have been communicated to the Cuban Workers' Union and to the managements of industrial undertakings.

List of Reports Containing Information Which Has Not Been Summarised

A — reports containing data on the practical effect given to Conventions, or other information on their implementation.

B — reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.
Afghanistan	4, 14, 41	45, 95
Algeria	6, 24, 63, 73, 88	29, 77, 78, 87, 89, 94, 96, 101
Australia	8, 9	7, 11, 15, 21, 27
Austria	4, 5, 98, 99	11, 21, 27, 87
Barbados	11, 26, 84, 87, 98	5, 7, 8, 50, 86, 97
Belgium	5, 8, 9, 26, 33, 43, 62, 87	7, 11, 15, 21, 27, 58, 68, 98, 112
Bolivia	14, 26	—
Brazil	26, 98, 99, 100	5, 7, 14, 58
Bulgaria	11, 26, 43, 49, 87	7, 8, 9, 14, 15, 21, 27, 58, 59, 60, 62, 98, 100, 112
Burma	6	11, 14, 15, 17, 21, 26, 27, 41, 52, 87
Byelorussia	100	11, 15, 58, 59, 60, 87
Cameroon	87, 98	11
Eastern Cameroon	—	5, 14, 26, 33
Western Cameroon	50	15, 64
Canada	—	7, 8, 15, 27, 32, 58, 68
Ceylon	15, 99	5, 7, 8, 11, 58
Chad	6	5, 11, 26, 41, 85, 87, 98
Chile	2, 5, 11, 14, 20, 26, 32	7, 8, 9, 15, 27, 34, 35, 36, 38
China	22, 98	7, 11, 15, 27, 112
Colombia	14, 18, 20, 26	4, 7, 11, 15, 16, 21, 22
Congo (Kinshasa)	84	11, 27, 62
Costa Rica	87, 98, 99	11, 100
Cuba	8, 9, 20, 26, 99	1, 7, 11, 14, 15, 21, 27, 30, 58, 87, 97, 98, 107
Cyprus	84	15, 97
Czechoslovakia	11, 27	21, 100
Dahomey	—	4, 5, 11, 14, 26, 33, 41, 84, 87
Denmark	5, 9	7, 11, 15, 21, 58, 87, 98, 106, 112
Ecuador	26	45
Ethiopia	98	—
Finland	7, 8, 9, 15, 20, 27	11, 21, 87, 98
France	26, 27, 62, 99, 100	5, 8, 9, 11, 14, 15, 33, 43, 49, 58, 68, 87, 98
Gabon	26, 29, 87, 99	5, 11, 14, 33
Federal Republic of Germany	9, 22, 26	7, 8, 11, 15, 27, 87, 98, 99, 112
Ghana	26, 108	15
Greece	5	11, 27, 29
Guyana	7, 11, 26, 84, 97, 98	5, 15, 86
Honduras	29, 87, 98	45
Hungary	87	7, 14, 15, 21, 26, 27, 62, 98, 100
India	11, 26	15, 21, 27, 32
Iraq	98	26
Ireland	8, 20, 26, 27, 108	5, 7, 11, 14, 15, 21, 43, 49, 68, 98
Israel	20, 87	1, 5, 14, 30, 97, 112
Italy	3, 8, 9, 26, 35, 36, 37, 38, 39, 40, 59, 60, 68	7, 11, 15, 27, 58, 87, 108
Ivory Coast	14, 26, 98, 100	11, 87, 99
Jamaica	8, 15, 26, 58, 87	11, 50, 64, 86
Japan	5, 7, 8, 9, 58	21, 27, 50
Kenya	5, 15, 26, 50, 58	64, 86
Lesotho	84	102
Luxembourg	1, 26, 87	5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 59, 60
Malagasy Republic	33, 87, 100	5, 11, 14, 26

Country	A Conventions Nos.	B Conventions Nos.
Malawi	26, 98, 99	11
Malaysia	98	50, 64
States of Malaya	—	11
Sabah	—	86, 97
Sarawak	—	7, 86
Mali	95	—
Malta	26, 35, 36	5, 7, 8, 15, 98
Mauritania	15, 26, 87	11, 14, 84
Morocco	14, 15	11, 27, 98
Netherlands	5, 8, 9, 26, 27, 33, 58, 62, 99	11, 15, 21, 87
New Zealand	1, 9, 11, 26, 30, 32, 47, 99	14, 15, 21, 49, 50, 59, 64
Nicaragua	9, 26, 29	1, 7, 8, 14, 15, 21, 27, 30
Niger	87, 98	11, 26
Nigeria	26, 87	8, 11, 15, 32, 50, 58, 59, 64, 97, 98
Norway	5, 8, 9, 26, 27, 32, 59	7, 11, 14, 15, 21, 43, 49, 50, 58, 68, 97, 98, 112
Pakistan	14, 22, 27, 29	11, 15, 21, 32
Paraguay	87	—
Peru	9, 20, 26, 67, 88	11, 14, 27, 32, 58
Philippines	88, 89, 90	87, 98
Poland	5, 9, 100	7, 8, 15, 27, 68
Rumania	11, 98	7, 9, 14, 15, 27
Senegal	4, 5, 10, 14, 26, 33	11, 87, 98
Sierra Leone	7, 15, 26, 50, 58, 64, 86, 99	5, 87, 98
Singapore	11, 98	7, 15, 50, 64, 86
Somalia	84	—
Ex-British Somaliland	—	50, 64
Spain	1, 9, 26, 33, 112	30
Sudan	26	—
Sweden	9, 20, 21, 27	7, 8, 11, 15, 58, 98
Switzerland	8, 26, 62	11, 15, 27, 58
Syrian Arab Republic	11, 26, 98, 100	14
Tanzania	—	11
Tanganyika	26, 98	64, 86, 108
Zanzibar	—	26
Togo	26	5, 11, 14, 33, 84, 87
Trinidad and Tobago	50	15
Tunisia	—	108
Uganda	50	—
Ukraine	45	11, 15, 58, 59, 60, 100
U.S.S.R.	103	11, 15, 52, 58, 59, 60, 100, 112
United Arab Republic	11, 26	53
United Kingdom	26, 32, 68, 99	7, 8, 11, 15, 97
United States	—	58
Uruguay	8, 9, 13, 26, 32, 42, 63, 95, 98, 99	11, 12, 14, 17, 19, 20, 21, 22, 23, 43, 45, 87, 101
Venezuela	1, 7, 11, 22, 26, 27	6, 13, 41
Western Samoa	—	14, 64
Yugoslavia	—	16, 27
Zambia	26	—

APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES

(Articles 22 and 35 of the Constitution)

2. Unemployment Convention, 1919

This Convention came into force on 14 July 1921

Denmark. Ratification: 13 October 1921.
Not applicable:
Faroe Islands: 2 December 1957.
Greenland: 31 October 1921 and 31 May 1954.

France. Ratification: 25 August 1925.
No declaration.

Netherlands. Ratification: 6 February 1932.
Applicable with modification: Netherlands
Antilles and Surinam: 13 July 1951.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification:
20 February 1924.

Not applicable: South West Africa: 15 June
1949.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:
Gibraltar: 7 March 1963.
Mauritius: 9 September 1963.
Seychelles: 10 March 1965.

Applicable with modifications:

Bahamas: 3 April 1963.
Swaziland: 5 September 1966.

Decision reserved:

Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent:
18 February 1963.

Falkland Islands: 8 May 1963.

Grenada: 27 June 1963.

Antigua, St. Christopher-Nevis-Anguilla:
20 August 1963.

British Honduras, Dominica: 15 October
1963.

Aden: 12 June 1964.

Brunei: 3 August 1964.

Southern Rhodesia: 24 November 1964.

St. Helena: 8 February 1965.

British Virgin Islands: 22 August 1966.

¹ Up to 16 October 1950 Guernsey, Jersey and the Isle of Man were considered as an integral part of the national metropolitan territory of the United Kingdom. Since this date, at the request of the Government, these islands are to be considered as non-metropolitan territories. Conventions ratified after this request are to be applicable only under the procedure set out in article 35 of the Constitution.

UNITED KINGDOM

Seychelles.

Employment Exchanges Ordinance, No. 3 of 1948.

Article 1 of the Convention. The ordinance provides for the establishment of employment exchanges. There is no legislation governing unemployment. The majority of the labour force is employed in agriculture, where there is a constant demand.

Article 2. This Article has been applied under the ordinance.

Article 3. There is no system of insurance against unemployment.

5. Minimum Age (Industry) Convention, 1919¹

This Convention came into force on 13 June 1921

Denmark. Ratification: 4 January 1923.
Applicable without modification: Faroe Islands: 4 January 1923.

Applicable with modification: Greenland: 31 May 1954.

France. Ratification: 29 April 1939.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 14 January 1948.
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 January 1948.

Netherlands. Ratification: 21 July 1928.

No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification²:
Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:

Antigua, Bahamas, British Honduras, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Mauritius, Montserrat, St. Lucia, Seychelles, Solomon Islands: 4 June 1962.

Fiji: 26 June 1962.

St. Vincent: 23 August 1962.

British Virgin Islands, St. Helena: 5 October 1962.

Swaziland: 18 February 1963.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Applicable with modifications:

Bermuda: 3 August 1964.

Brunei: 26 April 1965.

Decision reserved:

Southern Rhodesia: 20 November 1963.

Aden: 24 February 1964.

Dominica: 17 September 1964.

¹ This Convention was revised by Convention No. 59 of 1937.

² See footnote 1 to Convention No. 2.

UNITED KINGDOM

Fiji.

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

A proposal to repeal section 63 (3) of the Employment Ordinance, which authorises the employment of children in industrial undertakings as apprentices, was due to be placed before the Labour Advisory Board at the end of August 1966.

Hong Kong.

In reply to a direct request made by the Committee of Experts, the Government states that it will give consideration to the problem of amending section 2 (2) (a) of Ordinance No. 34 of 1955 to make it applicable to technical schools.

Seychelles.

Ordinance No. 29 of 1964 (*Seychelles Gazette*, Supplement, 9 Nov. 1964).

In reply to an observation made by the Committee of Experts, the Government states that, in pursuance of the above-mentioned ordinance, young persons may not be employed under the age of 14 years.

Solomon Islands.

Labour (Amendment) Ordinance, No. 20 of 1964 (*Laws of the British Solomon Islands Protectorate*, 1964).

In reply to a direct request made by the Committee of Experts, the Government states that the above-mentioned ordinance has completed the definition of "industrial undertakings" in order to give full effect to Article 1 of the Convention.

6. Night Work of Young Persons (Industry) Convention, 1919¹

This Convention came into force on 13 June 1921

Denmark. Ratification: 4 January 1923.

Applicable without modification:

Faroe Islands: 4 January 1923.

Greenland: 31 May 1954.

France. Ratification: 25 August 1925.

Applicable without modification:

Overseas Departments: Guadeloupe, Martinique, Réunion: 3 February 1934; French Guiana: 29 April 1940.

Overseas Territories: Comoro Islands, French

Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 29 April 1940.

Netherlands. Ratification²: 17 March 1924.
No declaration.

United Kingdom. Ratification²: 14 July 1921.
No declaration.

¹ This Convention was revised by Convention No. 90 of 1948.

² Ratification denounced.

FRANCE

French Somaliland.

Order No. 108 of 28 January 1966 governing the occupation of dockworker in the port of Djibouti (*Journal officiel de la Côte française des Somalis*, 1 Feb. 1966, Extraordinary).

Section 2 of this order excludes from employment as dockworkers persons under the age of 18 years. To cope with all eventualities the Government proposes to adopt a text prohibiting the performance of night work by young persons in all branches of industry.

7. Minimum Age (Sea) Convention, 1920¹

This Convention came into force on 27 September 1921

Australia. Ratification: 28 June 1935.
Applicable without modification: New Guinea, Papua: 8 July 1959.
Not applicable: Nauru, Norfolk Island: 28 June 1935 and 8 July 1959.

Denmark. Ratification: 12 May 1924.
Applicable without modification: Faroe Islands: 12 May 1924.
Applicable with modification: Greenland: 31 May 1954.

Netherlands. Ratification²: 26 March 1925.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification³: Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:

Antigua, Bahamas, British Honduras, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Mauritius, Montserrat,

St. Lucia, Seychelles, Solomon Islands: 4 June 1962.

St. Vincent: 23 August 1962.

British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.

Brunei: 26 April 1965.

Applicable with modifications:

Fiji: 3 March 1964.

Bermuda: 3 August 1964.

Decision reserved:

Aden: 24 February 1964.

Dominica: 17 September 1964.

Not applicable:

Swaziland: 4 June 1962.

Southern Rhodesia: 15 October 1963.

¹ This Convention was revised by Convention No. 58 of 1936.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 1965.

Solomon Islands.

See under Convention No. 5.

Ordinance No. 20 of 1964 amends section 82 (1) of Regulations No. 3 of 1960 relating to labour, and brings it into conformity with Article 1 of the Convention.

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Australia. Ratification: 28 June 1935.

Applicable without modification: New Guinea, Papua: 6 November 1937.

Not applicable: Nauru, Norfolk Island: 28 June 1935.

Denmark. Ratification: 15 February 1938.

Applicable without modification: Faroe Islands: 15 February 1938.

Not applicable: Greenland: 31 May 1954.

France. Ratification: 21 March 1929.

No declaration.

Netherlands. Ratification: 15 December 1937.

Applicable without modification: Netherlands Antilles: 5 August 1957.

No declaration: Surinam.

United Kingdom. Ratification: 12 March 1926.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 12 March 1926.

Applicable without modification:

Dominica, Falkland Islands, Gibraltar, Montserrat, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 4 June 1962.

Fiji: 26 June 1962.

Mauritius: 23 August 1962.

British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Hong Kong: 20 August 1963.

British Honduras: 12 June 1964.

Brunei: 26 April 1965.

Decision reserved:

Antigua, Bahamas: 4 June 1962.

Gilbert and Ellice Islands: 15 October 1963.

Aden: 24 February 1964.

Bermuda: 3 March 1964.

Not applicable:

Swaziland: 4 June 1962.

Southern Rhodesia: 15 October 1963.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

St. Helena.

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, is applied by virtue of section 25 of the Interpretation and General Law Ordinance (formerly section 24 of the ordinance of 1895).

Solomon Islands.

In reply to a direct request made in 1965 by the Committee of Experts, the Government states that the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, remains in force, but with respect only to ships of 15 tons or more. Draft rules have been prepared to apply the provisions of the Labour Ordinance to seamen and to regulate their working conditions. It was contemplated that the rules, which include provision for two months' wages following shipwreck, would come into force before the end of 1966.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Australia. Ratification: 3 August 1925.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 3 August 1925.

Denmark. Ratification: 23 August 1938.
Applicable without modification: Faroe Islands: 23 August 1938.
Not applicable: Greenland: 31 May 1954.

France. Ratification: 25 January 1928.
No declaration.

Netherlands. Ratification: 9 January 1948.
Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
No declaration.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Australia. Ratification: 24 December 1957.
Applicable without modification: New Guinea,
Norfolk Island, Papua: 8 July 1959.

Not applicable: Nauru: 8 July 1959.

France. Ratification: 7 June 1951.

Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe,
Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 28 November 1956.

Applicable without modification: Netherlands
Antilles: 11 April 1957.

No declaration: Surinam.

New Zealand. Ratification: 8 July 1947.

No declaration.

United Kingdom. Ratification: 11 July 1963.

Applicable without modification:

Isle of Man: 15 October 1963.

Guernsey: 20 November 1963.

British Honduras, Falkland Islands:
18 December 1963.

Gilbert and Ellice Islands, St. Helena, Sey-
chelles: 24 February 1964.

Grenada: 13 April 1964.

Bermuda: 21 May 1964.

Dominica, Jersey: 12 June 1964.

St. Vincent: 29 December 1964.

British Virgin Islands: 10 March 1964.

Bahamas: 1 March 1967.

Applicable with modifications:

Brunei: 26 April 1965.

Antigua: 27 April 1966.

Decision reserved:

Aden, Hong Kong, Mauritius, St. Christopher-
Nevis-Anguilla, Solomon Islands, Southern
Rhodesia, Swaziland: 18 December 1963.

St. Lucia: 24 February 1964.

Fiji, Montserrat: 12 June 1964.

Not applicable: Gibraltar: 18 December 1963.

UNITED KINGDOM

Seychelles (First Report).

Employment of Servants Ordinance, as amended.

Employment of Servants (Outlying Islands) Ordinance, as amended.

Article 1 of the Convention. No child who attends school is employed in any agricultural undertaking except in the circumstances permitted by Article 3. Under the above-mentioned legislation no person shall employ a young person under the age of fourteen years.

Article 2. The above-mentioned ordinances also provide that a young person who has completed the age of 12 years may be employed on light work of an agricultural nature or of such other character as may be approved by the Labour Officer.

Article 3. Primary education, although not compulsory, is available to all children. There are schools only on four of the main islands; there is none on the other islands of the group.

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Australia. Ratification: 24 December 1957.
Applicable without modification: New Guinea,
Norfolk Island, Papua: 8 July 1959.
Not applicable: Nauru: 8 July 1959.

Denmark. Ratification: 20 June 1930.
Applicable without modification:
Greenland: 31 May 1954.
Faroe Islands: 28 September 1960.

France. Ratification: 23 March 1929.
Applicable without modification:
Overseas Departments: Guadeloupe, Marti-
nique, Réunion: 9 December 1933.
Overseas Territories: Comoro Islands, French
Polynesia, French Somaliland, New Caledonia,
St. Pierre and Miquelon: 8 July 1958.
No declaration: French Guiana.

Netherlands. Ratification: 20 August 1926.
Applicable without modification:
Netherlands Antilles: 15 December 1955.
Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.
Applicable without modification: Cook Islands
and Niue: 26 October 1951.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 6 August 1923.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 6 August 1923.
Applicable without modification:
Antigua, Bahamas, Bermuda, British Hondu-
ras, Dominica, Falkland Islands, Gibraltar,
Gilbert and Ellice Islands, Hong Kong, Mauri-
tius, Montserrat, St. Lucia, St. Vincent, Sey-
chelles, Solomon Islands: 4 June 1962.

Fiji: 26 June 1962.
British Virgin Islands, St. Helena: 5 October
1962.

Swaziland: 18 February 1963.
St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.
Brunei: 26 April 1965.

Decision reserved:

Southern Rhodesia: 20 November 1963.
Aden: 24 February 1964.

¹ See footnote 1 to Convention No. 2,

UNITED KINGDOM

Bermuda.

See under Convention No. 98.

Grenada.

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

There are no laws or regulations granting the right of association or combination to persons engaged in agriculture who are not under contract with an employer. In practice, however, these persons do join trade unions and, because of the shortage of workers for short-time employment, they are in a more favourable bargaining position and thereby secure better wages and other working conditions.

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

France. Ratification: 19 February 1926.

Applicable without modification:

Overseas Departments: Guadeloupe, Martinique, Réunion: 9 February 1934; French Guiana: 24 January 1939.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia,

St. Pierre and Miquelon: 24 January 1939.

Netherlands. Ratification: 15 December 1939.

Applicable without modification: Surinam: 5 August 1957.

No declaration: Netherlands Antilles.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Denmark. Ratification: 30 August 1935.

Applicable without modification:

Faroe Islands: 30 August 1935.

Greenland: 31 May 1954.

France. Ratification: 3 September 1926.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 14 February 1947.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 February 1947.

Netherlands. Ratification: 14 July 1965.

Applicable without modification: Netherlands Antilles, Surinam: 14 July 1965.

New Zealand. Ratification: 29 March 1938.

Applicable without modification: Cook Islands and Niue: 4 December 1946.

No declaration: Tokelau Islands.

*United Kingdom.*¹

Applicable without modification: Antigua, Bahamas, British Virgin Islands, Dominica, Falkland Islands, Grenada, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

Decision reserved: Aden, Bermuda, British Honduras, Brunei, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Seychelles: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Unratified Convention. These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

NETHERLANDS

Netherlands Antilles (First Report).

Hours of Work Regulations, 1952 (*Publicatieblad*, 1958, No. 24).

Normal hours of work are required to be posted up at the workplace.

Supervision of the application of the regulations is carried out by the Labour Inspectorate.

15. Minimum Age (Trimmers and Stokers) Convention, 1921

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 28 June 1935.

Denmark. Ratification: 12 May 1924.
Applicable without modification:
Faroe Islands: 12 May 1924.
Greenland: 31 May 1954.

France. Ratification: 16 January 1928.
No declaration.

Netherlands. Ratification: 17 June 1931.
Decision reserved: Surinam: 5 August 1957.
No declaration: Netherlands Antilles.

New Zealand. Ratification: 26 November 1959.

Not applicable: Cook Islands and Niue, Tokelau Islands: 26 November 1959.

United Kingdom. Ratification 8 March 1926.

Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification ²:

Aden, Bermuda, Dominica, Gibraltar, Grenada, Hong Kong, Mauritius, St. Helena, St. Lucia, St. Vincent, Seychelles: 27 March 1950.

Brunei ²: 1 June 1960.

British Honduras ²: 1 August 1961.

Montserrat ²: 5 July 1962.

Applicable with modification ²: Fiji, Solomon Islands: 27 March 1950.

Decision reserved ²: Antigua, Bahamas, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable ²: Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

UNITED KINGDOM

Gilbert and Ellice Islands.

See under Convention No. 7.

Hong Kong.

Merchant Shipping (Recruiting of Seamen) Ordinance, No. 7 of 27 June 1966.

This ordinance established a Seamen's Recruiting Office.

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Australia. Ratification: 1 April 1935.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 1 April 1935.

France. Ratification: 4 April 1928.
No declaration.

Netherlands. Ratification: 15 December 1937.
Applicable without modification: Netherlands Antilles: 5 August 1957.
No declaration: Surinam.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 14 June 1929.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 14 June 1929.

Applicable without modification:
Bahamas: 15 January 1963.
Bermuda: 4 February 1963.
Gibraltar: 7 March 1963.
Falkland Islands: 8 May 1963.

Antigua, Grenada: 20 August 1963.
Dominica: 15 October 1963.
British Honduras: 12 June 1964.

Applicable with modifications:
Hong Kong, St. Christopher-Nevis-Anguilla: 12 June 1964.
Seychelles: 16 October 1964.

Decision reserved:
Solomon Islands: 15 January 1963.
Montserrat, St. Lucia: 4 February 1963.
Gilbert and Ellice Islands, Mauritius, St. Vincent: 18 February 1963.
Aden, Brunei: 3 August 1964.
St. Helena: 8 February 1965.
British Virgin Islands: 22 August 1966.
Fiji: 5 September 1966.

Not applicable:
Swaziland: 18 February 1963.
Southern Rhodesia: 7 March 1963.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

St. Christopher-Nevis-Anguilla (First Report).

The Convention is applied in the same way and by the same legislation as in the United Kingdom, with the exception of Articles 9, 10 and 13, which are excluded from application.

Seychelles (First Report).

Local Trading Vessels Ordinance, 1951, as amended in 1952.
Unseaworthy Vessels (Prevention) Regulations.

Articles 1 and 2 of the Convention. Section 2 of the above-mentioned ordinance prescribes that its provisions shall apply to vessels of 30 tons net register or over, registered in the colony and engaged in trade or commercial fishing within the colony or between the colony and ports on the East African Coast and ports in Mauritius, Réunion and Madagascar.

Articles 3 to 14. Section 3 of the ordinance relates to conditions of agreement. The United Kingdom Merchant Shipping Acts are used as a guide for the engagement of crews.

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Australia. Ratification: 9 March 1931.
Not applicable: Nauru, New Guinea, Norfolk Island, Papua: 21 November 1931.

France. Ratification: 18 September 1930.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

No declaration: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 10 November 1936.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification: 28 December 1932.

Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 14 June 1929.
Applicable *ipso jure* without modification¹.

Guernsey, Jersey, Isle of Man: 14 June 1929.

Applicable without modification:

British Honduras, Dominica, Falkland Islands, Gibraltar, Hong Kong, Mauritius, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 4 June 1962.

Fiji: 26 June 1962.

British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.
Grenada: 27 June 1963.

Gilbert and Ellice Islands: 15 October 1963.
Montserrat: 12 June 1964.

Bahamas: 28 August 1964.

Decision reserved:

Antigua: 4 June 1962.

Bermuda: 3 April 1963.

Southern Rhodesia: 14 January 1964.

Aden: 24 February 1964.

Brunei: 3 August 1964.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bahamas.

Trade Union and Industrial Conciliation Act, No. 30 of 1958.

Articles 1 and 2 of the Convention. National legislation provides machinery for the regulation of remuneration and conditions of employment and for the establishment of wages councils and the representation thereon of employers and workers.

Article 3. Wages are relatively high, and no minimum wage order has yet been made. The practice has been to encourage collective bargaining.

Gilbert and Ellice Islands.

See under Convention No. 7.

Part IV of the Employment Ordinance authorises the Resident Commissioner to fix minimum wages after consultation with representatives of workers and employers.

Mauritius.

The Mauritius Trade Union Congress has made representations that wages councils have been instituted for trades in spite of the existence of trade unions for such trades (e.g. for printing workers) and that workers' representatives on wages boards are appointed by the Government of its own accord and not by the workers themselves or among a panel chosen by the workers.

The Government states that these representations do not indicate any breach of the Convention, since the Regulation of Wages and Conditions of Employment Ordinance, 1961, has been complied with in all cases, and that the request for establishment of a wages council for the printing industry came originally from the Printing Workers' Union.

Solomon Islands.

See under Convention No. 5.

Article 2 and Article 3, paragraph 2 (1), of the Convention. The Labour Ordinance has been amended to provide for consultation of employers and workers before a minimum wage order is made.

Article 3, paragraph 2 (2). Advisory boards providing for equal and representative association of employers and workers in the operation of wage-fixing machinery have not yet been established, pending development of representative trade unions.

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

This Convention came into force on 9 March 1932

Australia. Ratification: 9 March 1931.
Applicable without modification:
New Guinea, Norfolk Island, Papua: 12 September 1931.
Nauru: 15 October 1931.

Denmark. Ratification¹: 18 January 1933.
Applicable without modification: Faroe Islands: 18 January 1933.

Not applicable: Greenland: 18 January 1933.

France. Ratification: 29 July 1935.
No declaration.

Netherlands. Ratification: 4 January 1933.
Applicable without modification: Surinam: 5 August 1957.

No declaration: Netherlands Antilles.

Republic of South Africa. Ratification¹: 21 February 1933.

No declaration.

*United Kingdom*².

Decision reserved: Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Conditional ratification.

² Unratified Convention. See footnote 1 to Convention No. 14.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.
Applicable without modification: Nauru, New Guinea, Norfolk Island, Papua: 2 January 1932.

Denmark. Ratification: 11 February 1932.
Applicable without modification¹: Faroe Islands, Greenland: 11 February 1932.

France. Ratification: 24 June 1937.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 24 June 1937.¹

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 26 July 1954.

Netherlands. Ratification: 31 March 1933.
Applicable without modification: Netherlands Antilles¹, Surinam¹: 31 March 1933.

New Zealand. Ratification: 29 March 1938.
Applicable without modification:
Tokelau Islands: 7 June 1956.

Cook Islands and Niue: 4 December 1946.

United Kingdom. Ratification: 3 June 1931.

Applicable *ipso jure* without modification²:
Guernsey, Jersey, Isle of Man: 3 June 1931.

Applicable without modification:

Aden¹: 3 June 1931.

Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 3 June 1931.

Southern Rhodesia: 20 March 1933.

¹ In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

² See footnote 1 to Convention No. 2.

FRANCE

French Polynesia.

Article 2, paragraph 2 (c), of the Convention. In reply to a direct request made by the Committee of Experts, the Government states that section 87 (2) of Order No. 1074/APA of 25 August 1951, which permits penal labour to be hired out to private individuals, companies or associations, has never been applied.

32. Protection against Accidents (Dockers) Convention (Revised), 1932 ¹

This Convention came into force on 30 October 1934

France. Ratification: 27 May 1955.
No declaration.

Netherlands. Ratification: 25 August 1964.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 10 January 1935.
Applicable *ipso jure* without modification ²:
Guernsey, Jersey, Isle of Man: 10 January 1935.
Applicable without modification: Mauritius:
9 September 1963.
Applicable with modifications: Falkland
Islands: 29 December 1964.
Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.

Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent:
18 February 1963.

Gibraltar: 7 March 1963.

Grenada: 27 June 1963.

Antigua: 20 August 1963.

British Honduras, Dominica: 15 October 1963.

St. Christopher-Nevis-Anguilla: 12 June 1964.

Aden, Brunei: 3 August 1964.

Seychelles: 16 October 1964.

British Virgin Islands: 28 February 1966.

St. Helena: 5 September 1966.

Not applicable:
Swaziland: 18 February 1963.
Southern Rhodesia: 7 March 1963.

¹ This Convention revises Convention No. 28. of 1929.
² See footnote 1 to Convention No. 2.

UNITED KINGDOM

Falkland Islands (First Report).

Shipworkers Protection Ordinance, 1937, and Regulations, 1949.

Article 3 of the Convention. Two exceptions are made in respect of (a) cargo stages or cargo gangways and (b) sailing vessels not exceeding 250 tons net registered tonnage and steam vessels not exceeding 150 tons gross registered tonnage.

Article 5. No advantage has been taken of paragraph 7 of this Article.

Article 9. The tests mentioned in paragraph 2 (1) and (3) are carried out by the Superintendent of Works.

Article 16. All ships registered locally since the declaration of application of the Convention have been built in member countries.

Article 17. The persons responsible are clearly defined in the regulations. The ordinance lays down the penalties.

There have been no court decisions.

The Government is in daily contact with the Falkland Islands Federation of Labour, which is satisfied with the operation of the local regulations.

Mauritius.

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

Regulations 10 to 12 of the Dock Regulations will be examined, with a view to amending them so as to give full effect to Articles 3 and 5 of the Convention.

When the Dock Regulations are amended an appropriate provision will be inserted so as to ensure that summaries of the regulations are posted up in prominent positions at docks or similar places which are in frequent use for these processes (Article 17 of the Convention).

Article 12 is partly covered by the Shipping and Harbour Regulations, 1939, the Inflammable Liquids and Substances Regulations, 1953, the Explosives Ordinance, 1959, and the Explosives Regulations, 1960. Consideration will be given to amending the Dock Regulations so as to give full effect to this Article.

33. Minimum Age (Non-Industrial Employment) Convention, 1932¹*This Convention came into force on 6 June 1935**France.* Ratification: 29 April 1939.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

No declaration: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 12 July 1935.

Applicable without modification: Netherlands Antilles: 5 August 1957.

No declaration: Surinam.

¹ This Convention was revised by Convention No. 60 of 1937.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

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

*This Convention came into force on 18 July 1937**France.* Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable without modification: Gibraltar: 21 May 1964.

Applicable with modifications: Falkland Islands: 21 May 1964.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April 1964.

British Honduras, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.

Aden, Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964. Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

Social Insurance (Guernsey) Law, 1964.

Jersey.

Insular Insurance (Amendment No. 10) (Jersey) Law, 1963.

Insular Insurance (Amendment No. 11) (Jersey) Law, 1965.

Insular Insurance (Amendment No. 12) (Jersey) Law, 1965.

Insular Insurance (Transitional Provisions) (Amendment No. 3) (Jersey) Order, 1965 (*Statutory Rules and Orders (S.R. and O.)*, 1965, No. 4674).Insular Insurance (Transitional Provisions No. 2) (Amendment No. 3) (Jersey) Order, 1965 (*S.R. and O.*, 1965, No. 4675).Insular Insurance (Widows' Benefit and Retirement Pensions) (Amendment No. 4) (Jersey) Order, 1965 (*S.R. and O.*, 1965, No. 4676).Insular Insurance (Overlapping Benefits) (Amendment No. 3) (Jersey) Order, 1965 (*S.R. and O.*, 1965, No. 4678).Insular Insurance (General Benefit) (Amendment No. 5) (Jersey) Order, 1965 (*S.R. and O.*, 1965, No. 4679).Insular Insurance (Contributions) (Jersey) Order, 1965 (*S.R. and O.*, 1965, No. 4683).Insular Insurance (Contributions) (Amendment) (Jersey) Order, 1965 (*S.R. and O.*, 1965, No. 4688).Insular Insurance (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and Guernsey) (Jersey) Act, 1966 (*S.R. and O.*, 1966, No. 4799)

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.
United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
Applicable with modifications:
Falkland Islands: 21 May 1964.
Decision reserved:
Bahamas, Bermuda, Hong Kong: 13 April 1964.
British Honduras, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.
Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.
Dominica: 3 August 1964.
St. Lucia: 16 October 1964.
Gilbert and Ellice Islands: 11 November 1964.
Southern Rhodesia: 24 November 1964.
Brunei: 11 December 1964.
Seychelles: 10 March 1965.
British Virgin Islands: 28 February 1966.
Not applicable:
Gibraltar: 21 May 1964.
Aden: 12 June 1964.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 35.

Jersey.

See under Convention No. 35.

37. Invalidity Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
No declaration.
United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
Decision reserved:
Bahamas, Bermuda, Hong Kong: 13 April 1964.
British Honduras, Falkland Islands, Fiji, Gibraltar, Grenada, Mauritius, Swaziland: 21 May 1964.
Aden, Antigua, Montserrat, St. Helena, St.

Vincent, Solomon Islands: 12 June 1964.
St. Christopher-Nevis-Anguilla: 7 July 1964.
Dominica: 3 August 1964.
St. Lucia: 16 October 1964.
Gilbert and Ellice Islands: 11 November 1964.
Southern Rhodesia: 24 November 1964.
Brunei: 11 December 1964.
Seychelles: 10 March 1965.
British Virgin Islands: 28 February 1966.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 35.

Jersey.

See under Convention No. 35.

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.
 No declaration.
United Kingdom. Ratification: 18 July 1936.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 18 July 1936.
 Decision reserved:
 Bahamas, Bermuda, Hong Kong: 13 April 1964.
 British Honduras, Falkland Islands, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.
 Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.
 Dominica: 3 August 1964.
 St. Lucia: 16 October 1964.
 Gilbert and Ellice Islands: 11 November 1964.
 Southern Rhodesia: 24 November 1964.
 Brunei: 11 December 1964.
 Seychelles: 10 March 1965.
 British Virgin Islands: 28 February 1966.
 Not applicable:
 Gibraltar: 21 May 1964.
 Aden: 12 June 1964.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 35.

Jersey.

See under Convention No. 35.

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

This Convention came into force on 8 November 1946

United Kingdom. Ratification: 18 July 1936.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 18 July 1936.
 Applicable with modifications: Gibraltar: 21 May 1964.
 Decision reserved:
 Bahamas, Bermuda, Hong Kong: 13 April 1964.
 British Honduras, Falkland Islands, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.
 Aden, Antigua, Montserrat, St. Helena, St.

Vincent, Solomon Islands: 12 June 1964.
 St. Christopher-Nevis-Anguilla: 7 July 1964.
 Dominica: 3 August 1964.
 St. Lucia: 16 October 1964.
 Gilbert and Ellice Islands: 11 November 1964.
 Southern Rhodesia: 24 November 1964.
 Brunei: 11 December 1964.
 Seychelles: 10 March 1965.
 British Virgin Islands: 28 February 1966.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 35.

Jersey.

See under Convention No. 35.

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April 1964.

British Honduras, Falkland Islands, Fiji, Grenada, Mauritius, Swaziland: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

Not applicable:

Gibraltar: 21 May 1964.

Aden: 12 June 1964.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 35.

Jersey.

See under Convention No. 35.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934¹

This Convention came into force on 17 June 1936

Australia. Ratification: 29 April 1959.
Applicable without modification: Nauru, New Guinea, Papua: 8 February 1961.

Decision reserved: Norfolk Island: 8 February 1961.

Denmark. Ratification: 22 June 1939.
Not applicable: Greenland: 31 May 1954.
No declaration: Faroe Islands.

France. Ratification: 17 May 1948.
Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 1 September 1939.
Applicable without modification: Surinam: 13 July 1951.
Netherlands Antilles: 15 December 1955.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification: 26 February 1952.

Applicable without modification: South West Africa: 21 January 1958.

United Kingdom. Ratification: 29 April 1936.
Applicable *ipso jure* without modification²: Guernsey, Jersey, Isle of Man: 29 April 1936.

Applicable without modification:
British Honduras, Gibraltar, Mauritius: 21 May 1964.

Solomon Islands: 11 November 1964.
Brunei: 26 April 1965.
Falkland Islands: 1 March 1967.

Applicable with modifications:
Swaziland: 12 June 1964.
St. Christopher-Nevis-Anguilla: 17 September 1964.

Gilbert and Ellice Islands, Hong Kong: 30 March 1965.

Fiji: 20 July 1965.
Bermuda: 28 February 1966.
St. Lucia: 31 March 1966.
Montserrat: 26 October 1966.

Decision reserved:
Bahamas: 13 April 1964.
Grenada: 21 May 1964.
Aden, Antigua, St. Helena, St. Vincent: 12 June 1964.

Southern Rhodesia: 24 November 1964.
Seychelles: 10 March 1965.
Dominica: 24 September 1965.
British Virgin Islands: 22 August 1966.

¹ This Convention revises Convention No. 18 of 1925.
² See footnote 1 to Convention No. 2.

NETHERLANDS

Netherlands Antilles.

National Accidents Insurance Ordinance, No. 14 of 1966.

In reply to an observation made by the Committee of Experts, the Government states that, since the above-mentioned ordinance is now in force, the Committee's request will be complied with.

UNITED KINGDOM

Fiji (First Report).

Workmen's Compensation Ordinance, No. 17 of 1964 and Regulations, No. 75 of 1964.
Workmen's Compensation (Occupational Diseases) Regulations, No. 104 of 1964.

Article 1 of the Convention. Section 5 of the above-mentioned ordinance entitles workmen injured in the course of their employment to compensation. Other provisions prescribe the amount of compensation payable in cases of death, total incapacity and permanent or temporary disability.

Section 35 of the ordinance provides that, where a medical officer certifies that a workman's death or incapacity has been caused by a prescribed disease which was due to the workman's employment and which was contracted within the 24 months previous to his death or disablement, he or his dependants shall be entitled to claim compensation as in the case of an industrial accident.

Article 2. The regulations reflect the requirements of this Article, with the exception of silicosis.

The legislation is enforced by the Commissioner of Labour. Section 14 of the ordinance requires accidents to be reported to the Commissioner of Labour. All places of employment are regularly inspected by the inspection staff of the Department of Labour.

Gilbert and Ellice Islands (First Report).

Workmen's Compensation Ordinance, No. 6 of 1949.

Declaration of certain diseases as diseases within the scope of the ordinance.

Section 10 of the above-mentioned ordinance prescribes the method of payment of compensation for incapacity or death resulting from occupational diseases. It also empowers the Resident Commissioner to declare additional diseases to be within the scope of the ordinance.

The administration of the ordinance is entrusted to the Commissioner of Labour.

Montserrat (First Report).

Workmen's Compensation Ordinance, No. 5 of 1957.

Workmen's Compensation (Prescribed Diseases) Order of 1957 (*Statutory Rules and Orders (S.R. and O.)*, 1957, No. 22).

Workmen's Compensation Regulations of 1958 (*S.R. and O.*, 1958, No. 35).

Article 1 of the Convention. Section 3 (1) of the above-mentioned ordinance entitles workmen to compensation for industrial accidents resulting from their employment. Section 23 (1) of the ordinance states that a workman who contracts an occupational disease arising out of his employment shall be entitled to compensation as if it were caused by an industrial accident. The rates of compensation covering permanent or temporary incapacity are the same as for industrial accidents.

Article 2. The schedule to the ordinance lists the occupational diseases covered by section 23 (1) thereof.

The Labour Commissioner is entrusted with the enforcement of the legislation.

Swaziland (First Report).

Workmen's Compensation Proclamation, No. 4 of 1963.

Workmen's Compensation (Amendment) Law, No. 10 of 1965.

Article 1 of the Convention. The above-mentioned legislation entitles a workman to compensation in case of injury or death resulting from his work. It contains provisions for assessing compensation in cases of fatal injury and permanent or temporary incapacity. Section 36 (1) of the proclamation entitles a workman who contracts an occupational disease mentioned in the first schedule to claim compensation as if it were caused by an accident resulting from his work.

Article 2. The 1965 Law added anthrax and industrial dermatitis to the first schedule to the proclamation.

The Labour Commissioner enforces the legislation; he is advised by a medical board on disputed medical cases.

Under the legislation employers are required to report accidents and to insure against their liabilities with an approved insurance company. Labour inspectors check employers' insurance policies and examine complaints regarding non-payment of compensation.

The Labour Commissioner advises all parties concerned on the application of the legislation. District Commissioners co-operate in administering the legislation and in settling disputes between parties.

Asbestosis is the only industrial disease in the territory. There is no recorded incidence of the disease but consideration will be given to its inclusion in the first schedule to the proclamation at an early date.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

New Zealand. Ratification: 8 July 1947.
Applicable without modification: Cook Islands
and Niue: 8 July 1947.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 22 May 1939.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 22 May 1939.

Applicable without modification:
Antigua, British Honduras, British Virgin

Islands, Brunei, Dominica, Fiji, Gilbert and
Ellice Islands, Grenada, Hong Kong, Mauritius,
Montserrat, St. Christopher-Nevis-Anguilla,
St. Lucia, St. Vincent, Seychelles, Solomon
Islands: 22 May 1939.

Southern Rhodesia: 11 March 1940.

Bahamas: 30 September 1944.

Swaziland: 3 April 1958.

Not applicable: Aden, Bermuda, Falkland
Islands, Gibraltar, St. Helena: 22 May 1939.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Gilbert and Ellice Islands.

See under Convention No. 7.

Hong Kong.

See under Convention No. 64.

Mauritius.

In reply to a direct request made by the Committee of Experts, the Government states that recruiting for the French island of Juan de Nova has been exempted in view of the limited number of workers employed there. The contracts of the workers concerned require official approval under the Emigration Regulations.

58. Minimum Age (Sea) Convention (Revised), 1936¹

This Convention came into force on 11 April 1939

Denmark. Ratification: 4 June 1955.

Not applicable: Faroe Islands: 4 June 1955.

No declaration: Greenland.

France. Ratification: 9 December 1948.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 8 July 1947.

Applicable without modification: Netherlands Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

New Zealand. Ratification: 7 June 1946.

No declaration.

*United Kingdom*².

Applicable without modification:

Aden, Dominica, Fiji, Grenada, Mauritius, St. Helena, Seychelles, Solomon Islands: 27 March 1950.

Gibraltar: 29 December 1958.

Applicable with modifications:

Antigua, Bahamas, British Honduras, British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent: 27 March 1950.

Brunei: 1 June 1960.

Decision reserved: Bermuda: 27 March 1950.

Not applicable: Southern Rhodesia, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

United States. Ratification: 29 October 1938.

Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.

No declaration: Trust Territory of Pacific Islands.

¹ This Convention revises Convention No. 7 of 1920.

² Unratified Convention. See footnote 1 to Convention No. 14.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

France. Ratification: 16 December 1950.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 2 May 1950.

Applicable without modification: Surinam: 25 June 1951.

Decision reserved: Netherlands Antilles: 25 June 1951.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification ¹: 5 September 1939.
No declaration.
Denmark. Ratification ²: 22 June 1939.
Not applicable: Greenland: 31 May 1954.
No declaration: Faroe Islands.
France. Ratification: 28 June 1951.
Not applicable: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
No declaration: all other territories.
Netherlands. Ratification: 9 March 1940.
No declaration.
New Zealand. Ratification ¹: 18 January 1940.
Not applicable: Cook Islands and Niue, Tokelau Islands: 18 January 1940.
Republic of South Africa. Ratification ²: 8 August 1939.
Not applicable: South West Africa: 15 June 1949.
United Kingdom. Ratification: 26 May 1947.
Applicable *ipso jure* without modification ⁴: Guernsey, Jersey, Isle of Man: 26 May 1947.
Applicable without modification:
Gilbert and Ellice Islands ³: 21 May 1964.
Brunei ³: 26 April 1965.

Mauritius ¹: 5 September 1966.
Applicable with modifications:
Hong Kong ³: 15 October 1963.
Gibraltar ³: 12 June 1964.
St. Lucia ¹: 22 January 1965.
St. Helena ²: 16 June 1965.
Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Montserrat: 4 February 1963.
St. Vincent, Seychelles, Swaziland: 18 February 1963.
Falkland Islands: 8 May 1963.
Antigua, St. Christopher-Nevis-Anguilla: 20 August 1963.
British Honduras, Dominica: 15 October 1963.
Grenada: 7 July 1964.
Aden: 3 August 1964.
Southern Rhodesia: 24 November 1964.
Fiji: 20 July 1965.
British Virgin Islands: 22 August 1966.

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 1 to Convention No. 2.

UNITED KINGDOM

St. Helena.

Article 1 of the Convention. There are no facilities for publishing statistics.

Article 4. Rates of pay and hours of work are common knowledge throughout the community and no special inquiries are necessary.

Article 5. There is no mining or manufacturing industry. The statistics relate to the building and construction industry.

Articles 9 to 11. Statistics of average earnings and actual hours of work relate to the week, refer to adult male workers and cover the whole island.

Articles 12 and 21. No index numbers are compiled since there are no statisticians available.

Articles 13 to 20. See under Article 5. Time rates and normal hours of work are fixed by the Government. There are no family allowances. Holidays are paid at the normal daily wage rate. The rates for overtime, which is voluntary and variable, are time-and-a-half on ordinary working days and double time on Sundays and holidays. Average overtime does not exceed ten hours a week.

Article 22. Statistics relate to general agricultural labourers. Figures are the same for all districts. There are no allowances in kind.

St. Lucia.

Labour Ordinance, No. 34 of 1959.

Labour Regulations (*Statutory Rules and Orders*, 1960, No. 15).

Wages Council Ordinance, No. 1 of 1952.

Article 4 of the Convention. The Statistical Department, which has recently been established, does not yet carry out inquiries relating to wage earners. The labour inspectors collect relevant information in the course of their inspections.

Article 18. The statistics relate to the whole island.

Article 19. Statistics of time rates of wages and of normal hours of work are being compiled as far as practicable for publication in the annual report of the Department of Labour. They include the scale of payments for holidays and the rates of percentage additions to normal wage rates paid for overtime. No family allowances are paid and there is no limit to the amount of overtime permitted.

Article 20. Allowances in kind in the form of free housing and locally-grown food are granted to workers in agriculture but do not form any appreciable part of the total remuneration of the wage earners.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

New Zealand. Ratification: 8 July 1947.

Applicable without modification: Cook Islands and Niue: 8 July 1947.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 24 August 1943.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 24 August 1943.

Applicable without modification:

Aden, Antigua, British Honduras, British Virgin Islands, Brunei, Dominica, Fiji, Gilbert

and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 24 August 1943.

Bahamas: 16 March 1962.

Decision reserved: Bermuda: 24 August 1943.

Not applicable: Falkland Islands, Gibraltar: 24 August 1943.

No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

British Honduras.

Labour (Amendment) Ordinance, No. 20 of 1964.

Fiji.

Employment Regulations, 1965 (Legal Notice No. 59 of 1965).

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

Article 5, paragraph 2, of the Convention. The particulars which must be contained in written contracts of service are prescribed in the Employment Regulations, 1965.

Article 6, paragraph 5. The Employment Ordinance provides that contracts of service which are not in writing and are not attested as required by the ordinance are not enforceable except during a period of one month from the making thereof, and permits either party to apply to a court for the determination of a contract. A worker may sue for damages arising from the cancellation of a contract.

Gilbert and Ellice Islands.

See under Convention No. 7.

Hong Kong.

Contracts for Overseas Employment Ordinance, No. 8 of 1965.

Employers and Servants (Amendment) Ordinance, No. 15 of 1965.

The Employers and Servants Ordinance applies to all workers engaged under contracts of service in respect of which the remuneration in cash does not exceed HK\$700 a month. Under section 4 (2A), any contract for six months or more (other than a seaman's agreement or a duly attested apprenticeship contract) is deemed to be a contract for one month renewable from month to month.

The Contracts for Overseas Employment Ordinance—which applies to manual workers (excluding crews of ships or aircraft, holders of employment vouchers issued under the Commonwealth Immigrants Act, 1962, and permanent emigrants)—requires overseas contracts of employment to be made in writing and attested by the Commissioner of Labour before the worker's departure from Hong Kong. Section 9 provides for a medical examination. Under section 12 the maximum duration of overseas contracts is two years if the worker is unaccompanied by a dependant, or three years if the worker is accompanied by a dependant. Section 5 (2) (*k*) provides for the right of repatriation of the worker unless the contract is terminated by his default.

Solomon Islands.

See under Convention No. 5.

Swaziland.

Employment Proclamation, No. 51 of 1962, as amended by Law No. 17 of 1965 (*Government Gazette*, 29 Oct. 1965, Supplement, No. 129).

68. Food and Catering (Ships' Crews) Convention, 1946*This Convention came into force on 24 March 1957*

France. Ratification: 9 December 1948.
 Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
Netherlands. Ratification: 17 June 1958.
 Not applicable:
 Surinam: 11 November 1958.
 Netherlands Antilles: 15 May 1959.
United Kingdom. Ratification: 6 August 1953.
 Not applicable:

Swaziland: 3 November 1958.
 Southern Rhodesia: 7 July 1959.
 Decision reserved:
 Guernsey, Jersey: 8 March 1960.
 Isle of Man: 22 September 1960.
 Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 13 February 1961.

FRANCE*New Caledonia.*

Act No. 11 of 6 January 1954 respecting the saving of human life at sea and accommodation on board ship.
 Decree No. 1232 of 7 December 1954 respecting accommodation and health on board ship.

The above-mentioned legislation has been made applicable to the territory.

69. Certification of Ships' Cooks Convention, 1946*This Convention came into force on 22 April 1953*

France. Ratification: 9 December 1948.
 Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
Netherlands. Ratification: 23 February 1951.
 Applicable without modification: Netherlands Antilles: 7 September 1951.
 Decision reserved: Surinam: 7 September 1951.
United Kingdom. Ratification: 29 July 1949.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 29 July 1949.

Not applicable:
 Swaziland: 3 November 1958.
 Southern Rhodesia: 7 July 1959.
 Decision reserved: Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

¹ See footnote 1 to Convention No. 2.

NETHERLANDS*Netherlands Antilles.*

Article 4 of the Convention. A Nautical Training College, which provides for the training of ships' cooks, has been established. Henceforth only persons who have attended the training course for ships' cooks at the college and who have passed an examination will be considered for the position of ship's cook.

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 1955

France. Ratification: 26 July 1954.

Applicable with modifications: Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 26 July 1954.

Not applicable:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

New Zealand. Ratification: 19 June 1954.

Applicable with modifications: Cook Islands and Niue, Tokelau Islands: 19 June 1954.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification: Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Dominica, Gibraltar, Grenada, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia: 27 March 1950.

Applicable with modifications:

Brunei, Falkland Islands, Gilbert and Ellice Islands, Hong Kong, Seychelles, Solomon Islands, Swaziland: 27 March 1950.

Fiji: 11 July 1966.

No declaration: Guernsey, Jersey, Isle of Man.

UNITED KINGDOM

Seychelles.

Employment of Servants (Amendment) Ordinance, No. 28 of 1964 (*Official Gazette*, 9 Nov. 1964, No. 55).

The above-mentioned ordinance, enacted following direct requests made by the Committee of Experts, has amended Ordinance No. 25 of 1945 so as to meet the requirements of Article 16, paragraph 1, of the Convention, concerning the manner of repayment of advances on wages.

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

France. Ratification: 26 July 1954.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 6 December 1954.

Not applicable: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

New Zealand. Ratification: 1 July 1952.

Applicable without modification: Cook Islands and Niue: 1 July 1952.

Not applicable: Tokelau Islands: 1 July 1952.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification:

Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia, Swaziland: 27 March 1950.

Solomon Islands: 18 September 1961.

Brunei: 5 October 1962.

Gilbert and Ellice Islands: 7 July 1964.

No declaration: Guernsey, Jersey, Isle of Man.

UNITED KINGDOM

Bahamas.

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

Rule 4 of Part I of the second schedule to the Trade Union and Industrial Conciliation Act, No. 30 of 1958, has been repealed. If the Chief Industrial Officer were to refuse the establishment or registration of a trade union, he would be required to give full reasons for his refusal and the applicant could appeal against his decision. Federations and congresses of trade unions are not required to be registered.

Bermuda.

Labour Disputes (Arbitration and Enquiry) Act, No. 224 of 1964.

Trade Union Act, No. 171 of 1965.

Fiji.

Trade Unions Ordinance, No. 4 of 1964.

Gilbert and Ellice Islands (First Report).

Trade Unions and Trade Dispute Ordinance, No. 2 of 1946, as amended in 1964.

See also under Convention No. 7.

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

United Kingdom. Ratification: 27 March 1950,
Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 27 March 1950.

Applicable without modification:
Aden, Antigua, Bahamas, British Honduras,
British Virgin Islands, Dominica, Fiji, Gibraltar,
Grenada, Mauritius, Montserrat, St. Christopher-
Nevis-Anguilla, St. Lucia, St. Vincent,
Seychelles, Southern Rhodesia: 27 March 1950.
Swaziland: 8 March 1960.
St. Helena: 1 June 1960.

Gilbert and Ellice Islands: 29 March 1961.
Solomon Islands: 15 August 1961.

Applicable with modifications:

Hong Kong: 27 March 1950.

Brunei: 5 January 1961.

Decision reserved: Bermuda: 27 March 1950.

Not applicable: Falkland Islands, 27 March 1950.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Gilbert and Ellice Islands.

See under Convention No. 7.

Hong Kong.

See under Convention No. 64.

Solomon Islands.

Labour (Miscellaneous Exemptions) Order (Legal Notice No. 77 of 1965).
See also under Convention No. 5.

Article 2, paragraph 2, of the Convention. The Labour Order of 1965 exempts workers earning more than Australian \$2,000 per year from the scope of Part VI of the Labour Ordinance, which concerns written contracts of employment.

Swaziland.

See under Convention No. 64.

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Denmark. Ratification: 13 June 1951.
Applicable without modification:
Greenland: 31 May 1954.
Faroe Islands: 28 September 1960.
France. Ratification: 28 June 1951.
Applicable without modification:
Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 19 March 1954.
Netherlands. Ratification: 7 March 1950.
Applicable without modification: Netherlands Antilles, Surinam: 25 June 1951.
United Kingdom. Ratification: 27 June 1949.
Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 27 June 1949.
Applicable without modification:
Aden: 19 June 1958.
Dominica, St. Lucia: 29 December 1958.

Bermuda: 10 January 1962.
Swaziland: 23 March 1962.
Falkland Islands: 5 July 1962.
Montserrat: 26 November 1962.
Antigua: 15 January 1963.
St. Christopher-Nevis-Anguilla: 4 February 1963.
British Honduras: 20 November 1963.
British Virgin Islands: 12 June 1964.
Seychelles: 7 July 1964.
Applicable with modifications:
Gibraltar: 19 June 1958.
Grenada, St. Vincent: 29 December 1958.
Hong Kong: 15 October 1963.
Fiji, St. Helena: 26 May 1966.
Bahamas, Mauritius: 21 February 1967.
Decision reserved:
Brunei, Gilbert and Ellice Islands, Solomon Islands: 19 June 1958.
Southern Rhodesia: 23 February 1959.

¹See footnote 1 to Convention No. 2.

UNITED KINGDOM

Aden.

In reply to an observation made by the Committee of Experts in 1965, the Government states that the Bill entitled the "Trade Disputes (Arbitration, Inquiry and Settlement) Ordinance, 1965", which was to replace the Industrial Relations (Conciliation and Arbitration) Ordinance, No. 6 of 1960, has been withdrawn from the Legislative Council.

St. Lucia.

In reply to a direct request made by the Committee of Experts, the Government states that, on the first occasion offered by a revision of the Trade Unions and Trade Disputes Ordinance, No. 19 of 1959, it will ensure that the legislation will guarantee that a decision by the Registrar to cancel registration or dissolve or suspend a union may not become effective until an appeal has been lodged and the judicial authorities have authorised the measure in question, or until the time within which an appeal must be lodged has expired.

Seychelles (First Report).

Trade Unions and Trade Disputes Ordinance, No. 4 of 1943, as amended by Ordinance No. 11 of 1947 (*Laws of the Seychelles*, 1952, Ch. 116).
Trade Unions Regulations, 1943.
Police Force Ordinance, No. 13 of 1959.

The Convention is applied by the above-mentioned legislation.

The Trade Unions and Trade Disputes Ordinance declares that trade unions are not criminal or unlawful for civil purposes and provides for their compulsory registration as well as for refusal and cancellation of registration in certain instances. The

ordinance contains provision for the recognition of the rights of the members of trade unions to combine and bring pressure upon employers; for the recognition of the right to strike; for the immunity from civil proceedings of persons who do certain acts to the prejudice of the business interests of others in furtherance of a trade dispute; and for the accounting of trade union funds and the protection of such funds against civil proceedings in respect of acts committed by or on behalf of a trade union. It legalises peaceful picketing. The provisions of the ordinance relating to the immunities of trade unions and workers are applicable to agricultural workers.

Workers and employers enjoy the rights guaranteed by Article 2 of the Convention. The enjoyment of the rights guaranteed by Article 3 is ensured by section 14 of the Trade Unions and Trade Disputes Ordinance and the schedule thereto. Sections 10 and 11 of the ordinance provide for appeals to the Supreme Court against refusal or cancellation of the registration of trade unions by the Registrar. In the case of such an appeal the Registrar takes no further action until the Court has given its judgment. Section 18 provides for amalgamation of trade unions but there are no legislative provisions relating to their international affiliation. The ordinance is regarded as applying equally to federations and confederations. The acquisition of legal personality is compulsory for workers' and employers' organisations but this is not subject to conditions likely to restrict the application of Articles 2 to 4 of the Convention.

Section 39 of the Police Force Ordinance makes it unlawful for any police officer to be, or to become, a member of a trade union. There are no military units in the colony.

Swaziland.

Trade Unions and Employers' Organisations Law, No. 12 of 1966.

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Australia. Ratification: 24 December 1949.
No declaration.

France. Ratification: 15 October 1952.

Not applicable: Overseas Departments:
French Guiana, Guadeloupe, Martinique,
Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 7 March 1950.

Applicable without modification: Surinam:
25 June 1951.

Applicable with modifications: Netherlands
Antilles: 25 June 1951.

New Zealand. Ratification: 3 December 1949.

Not applicable: Cook Islands and Niue,
Tokelau Islands: 3 December 1949.

United Kingdom. Ratification: 10 August
1949.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 10 August 1949.

Applicable without modification:

Gibraltar: 22 March 1958.

Bahamas: 26 October 1966.

Applicable with modifications:

Mauritius: 3 March 1964.

British Honduras: 28 August 1964.

Swaziland: 5 September 1966.

Decision reserved:

Aden, Bermuda, British Virgin Islands, Brunei,
Fiji, Gilbert and Ellice Islands, Hong Kong,
Seychelles, Solomon Islands, Southern Rhodesia:
22 March 1958.

Antigua, Dominica, Grenada, Montserrat,
St. Christopher-Nevis-Anguilla, St. Lucia,
St. Vincent: 13 March 1961.

Not applicable: Falkland Islands, St. Helena:
22 March 1958.

¹ See footnote 1 to Convention No. 2.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Denmark. Ratification: 15 August 1955.

No declaration.

France. Ratification: 20 September 1951.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 20 May 1952.

Applicable without modification: Netherlands Antilles, Surinam: 10 June 1955.

United Kingdom. Ratification: 30 June 1950.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 30 June 1950.

Applicable without modification:

Aden, Antigua, Bahamas, Bermuda, Brunei,

Dominica, Gibraltar, Gilbert and Ellice Islands, Grenada, Mauritius, St. Lucia, St. Vincent, Solomon Islands: 22 March 1958.

British Virgin Islands: 15 April 1958.

British Honduras: 20 November 1963.

St. Christopher-Nevis-Anguilla: 1 December 1965.

Applicable with modification:

Fiji: 1 June 1960.

Swaziland: 28 August 1964.

Decision reserved:

Falkland Islands, Hong Kong, Montserrat, St. Helena, Seychelles: 22 March 1958.

Southern Rhodesia: 29 March 1961.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Swaziland (First Report).

Circular Instruction, No. 1 of 1965, respecting labour conditions to be observed in public contracts.

Article 1 of the Convention. Contracts are awarded by the central authorities only. Advantage has not been taken of the exceptions provided for under this Article.

Article 2. Paragraph 2 of the above-mentioned circular requires the inclusion in contracts of provisions embodying the principles laid down in the document to which the circular relates entitled "Labour Conditions to Be Observed in Public Contracts". This document is sent to contractors wishing to submit tenders for a particular contract.

Article 3. Provisions on the health, safety and welfare of workers are contained in the Employment Proclamation, 1962, the Workmen's Compensation Proclamation, 1963, and the Mines, Works and Machinery Proclamation, 1960.

Article 4. Clause 6 of the prescribed conditions requires the posting of notices.

Article 5. Clause 4 of the prescribed conditions enables contract payments to be withheld until all labour conditions, including the payment of wages, have been complied with.

The application of the Convention is entrusted to the employment departments of the Government and to the Labour Commissioner and his inspection staff.

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

France. Ratification: 15 October 1952.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

Overseas Territories: Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon: 8 July 1958.

Netherlands. Ratification: 20 May 1952.

Applicable without modification: Netherlands Antilles, Surinam: 10 June 1955.

United Kingdom. Ratification: 24 September 1951.

Applicable without modification:

Jersey, Isle of Man: 10 March 1956.

Aden, Bahamas, Brunei, Dominica, Gibraltar, Grenada, Mauritius, Montserrat, St. Lucia, St. Vincent: 22 March 1958.

British Honduras: 5 January 1961.

Solomon Islands: 1 August 1961.

Swaziland: 13 April 1964.

Decision reserved:

Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, St. Christopher-Nevis-Anguilla, St. Helena, Seychelles: 22 March 1958.

Antigua: 15 April 1958.

Southern Rhodesia: 8 March 1960.

Guernsey: 1 June 1960.

UNITED KINGDOM

Swaziland (First Report).

See under Convention No. 64.

Article 1 of the Convention. The same definition of wages is given in the Employment (Amendment) Law, 1965.

Article 2. Members of the armed forces, of the police and of the prison service are excluded.

Articles 3 to 7. These Articles are applied by sections 21, 22, 24, 25 and 27 of the Employment Proclamation.

Articles 8 and 10 to 13. These Articles are applied by sections 18, 21, 22, 24, 26 and 29 of the Employment Proclamation.

Article 14. Long-term contracts must be in writing and are subject to sections 26 and 28 of the African Labour Proclamation. No other measures have been necessary.

Article 15. Outlines of the Employment Proclamation have been distributed to employers' and workers' organisations.

The application of the relevant legislation is entrusted to officials of the Labour Department and the police.

96. Fee-Charging Employment Agencies Convention (Revised), 1949 ¹

This Convention came into force on 18 July 1951

France. Ratification ²: 10 March 1953.

Not applicable: Overseas Departments:
French Guiana, Guadeloupe, Martinique,
Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification ²: 20 May 1952.

Applicable without modification: Surinam:
10 June 1955.

Not applicable: Netherlands Antilles: 10 June
1955.

¹ This Convention revises Convention No. 34 of 1933.

² Part II.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

97. Migration for Employment Convention (Revised), 1949 ¹

This Convention came into force on 22 January 1952

France. Ratification: 29 March 1954.

Not applicable: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 20 May 1952.

Not applicable: Netherlands Antilles, Surinam: 10 June 1955.

New Zealand. Ratification: 10 November 1950.

Not applicable: Tokelau Islands: 10 November 1950.

Decision reserved: Cook Islands and Niue: 10 November 1950.

United Kingdom. Ratification: 22 January 1951.

Applicable without modification:

Guernsey ², Jersey ², Isle of Man ²: 10 March 1956.

Mauritius ³: 16 December 1958.

Dominica ⁴, Grenada ⁴, St. Lucia ⁴, St. Vincent ⁴: 22 September 1960.

Bahamas ²: 13 February 1961.

British Honduras ²: 5 September 1966.

Applicable with modification: Antigua ⁴, British Virgin Islands ⁴, Montserrat ⁴, St. Christopher-Nevis-Anguilla ⁴: 22 September 1960.

Decision reserved:

Aden, Bermuda, Brunei, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, St. Helena, Seychelles, Solomon Islands: 16 December 1958.

Swaziland: 23 February 1959.

Southern Rhodesia: 29 March 1961.

¹ This Convention revises Convention No. 66 of 1939.

² Except Annexes I and III.

³ Except Annexes I, II and III.

⁴ Except Annexes I and III and with modification to Annex II.

UNITED KINGDOM

Antigua.

In reply to a request made by the Committee of Experts, the Government states that there is no reason for carrying out a medical examination of members of a migrant worker's family, as recruitment has to do with the persons actually hired, to the exclusion of their families. Migrants are assisted, during the initial period, by the services of the Department of Labour or by the communal village councils.

British Honduras.

Ordinance No. 1 of 1966 to amend the ordinance respecting immigration (*Laws of British Honduras*, 1958, Ch. 63).

The new legislation aims at giving effect to the provisions of Articles 8 and 11 of the Convention by specifying the protection extended to migrant workers admitted on a permanent basis and by defining the notion of migrant worker.

Mauritius.

Employment and Training Ordinance, No. 14 of 1963, revoking the Employment Exchanges Ordinance, No. 67 of 1947.

St. Lucia.

In reply to a request made by the Committee of Experts, the Government states that, in pursuance of section 8 of the Immigration Regulations, persons entering or desiring to enter the territory are subjected to a medical examination whenever this is deemed necessary.

Solomon Islands.

Ordinance respecting labour (*Revised Laws*, 1963, Vol. I, Ch. 28), as amended by Ordinance No. 20 of 1964.

Ordinance and Regulations respecting immigration (*ibid.*, Vols. I and III, Ch. 21).

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Denmark. Ratification: 15 August 1955.
Applicable without modification: Faroe Islands: 28 September 1960.

No declaration: Greenland.

France. Ratification: 26 October 1951.
Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

United Kingdom. Ratification: 30 June 1950.
Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 30 June 1950.

Applicable without modification:

Aden, Gibraltar: 19 June 1958.

British Honduras, Dominica, Grenada, Mauritius, St. Lucia, St. Vincent: 29 December 1958.

Bahamas: 11 April 1962.
Brunei: 5 October 1962.
Montserrat: 26 November 1962.
Antigua, Bermuda: 15 January 1963.
St. Christopher-Nevis-Anguilla: 4 February 1963.
Falkland Islands: 18 February 1963.
Swaziland: 20 November 1963.
British Virgin Islands: 12 June 1964.
Fiji: 24 September 1965.
St. Helena: 17 June 1966.

Decision reserved:

Gilbert and Ellice Islands, Solomon Islands: 19 June 1958.
Southern Rhodesia: 26 August 1958.
Hong Kong, Seychelles: 29 December 1958.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bermuda.

Trade Unions Act, No. 171 of 1965, and Regulations, 1965.

Protection against acts of anti-union discrimination in respect of employment is ensured by sections 40 and 41 of the Trade Unions Act, 1965. Workers' and employers' organisations are free and independent, as witnessed by the principles contained in section I of the "Guide to the Conduct of Labour Relations in Bermuda" adopted by the Labour Relations Advisory Committee, which consists of equal numbers of employers' and trade union representatives under an independent chairman. Section II of the Guide also ensures the application of Article 4 of the Convention. The police may join only their own Police Association. Public servants engaged in the administration of the State are not excluded from the provisions of the Trade Unions Act.

Fiji (First Report).

Trade Unions Ordinance, No. 4 of 1964.

Trade Disputes (Arbitration, Inquiry and Settlement) Ordinance, No. 13 of 1964.

Trade Unions (Amendment) Ordinance, No. 42 of 1965.

Article 1 of the Convention. The requirements of this Article are met by section 62 of the Trade Unions Ordinance.

Article 2. Provisions covering the establishment and conduct of workers' and employers' organisations are contained in the Trade Unions Ordinance. Part IV of the ordinance deals with the rights and liabilities of trade unions, their officers and members, and Part V deals with the rules and constitutions of trade unions.

Article 3. Machinery for the purpose of ensuring respect for the right to organise is provided for in the Trade Unions Ordinance.

Article 4. The development of machinery for voluntary negotiation between employers' and workers' organisations is actively encouraged by the Government through the agency of the Labour Department and by the introduction of legislation providing for the settlement of trade disputes.

Article 5. The Trade Disputes (Arbitration, Inquiry and Settlement) Ordinance does not apply to members of the naval, military or air forces, of the police force or of the prisons service, but otherwise applies to workmen employed by the Government in the same manner as if they were employed by a private person (section 1 (2) of the ordinance).

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

France. Ratification: 29 March 1954.
 Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 19 November 1955.
 No declaration: all other territories.
Netherlands. Ratification: 11 June 1954.
 Decision reserved:
 Netherlands Antilles: 15 December 1955.
 Surinam: 26 November 1956.
New Zealand. Ratification: 1 July 1952.
 Applicable without modification: Cook Islands and Niue: 1 July 1952.
 Not applicable: Tokelau Islands: 1 July 1952.
United Kingdom. Ratification: 9 June 1953.
 Applicable without modification:
 Isle of Man: 10 March 1956.

Jersey: 24 April 1956.
 Mauritius: 29 December 1958.
 Guernsey: 3 September 1959.
 St. Christopher-Nevis-Anguilla: 8 May 1963.
 British Honduras: 20 November 1963.
 Grenada: 1 February 1966.
 Applicable with modifications: Solomon Islands: 8 May 1963.
 Decision reserved:
 Southern Rhodesia: 22 March 1958.
 Antigua, Bermuda, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles, Swaziland: 29 December 1958.
 Bahamas: 13 March 1961.
 Not applicable: Aden, Gibraltar: 29 December 1958.

UNITED KINGDOM

Gilbert and Ellice Islands.

See under Convention No. 26.

Mauritius.

See under Convention No. 26.

Solomon Islands.

See under Convention No. 26.

Swaziland.

Wages Proclamation, No. 16 of 1964.

The Wages Proclamation provides for the establishment of wages councils in cases where there is no adequate machinery for the effective regulation of wages or conditions of employment. The proclamation has not yet been applied in agriculture.

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Denmark. Ratification: 22 June 1960.
Decision reserved: Faroe Islands, Greenland:
22 June 1960.

France. Ratification: 10 March 1953.

Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe, Mar-
tinique, Réunion: 27 April 1955.

No declaration: all other territories.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

France. Ratification: 29 March 1954.
Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 11 July 1955.
No declaration: all other territories.
Netherlands. Ratification: 27 November 1958.
Applicable without modification: Netherlands Antilles, Surinam: 2 June 1964.
New Zealand. Ratification: 24 July 1953.
Decision reserved: Cook Islands and Niue: 24 July 1953.
Not applicable: Tokelau Islands: 24 July 1953.
United Kingdom. Ratification: 25 June 1956.
Applicable without modification:
St. Lucia, St. Vincent: 11 April 1960.
St. Christopher-Nevis-Anguilla: 5 January 1961.

Isle of Man: 29 March 1961.
British Honduras: 1 August 1961.
Antigua: 26 June 1962.
Applicable with modifications: Swaziland: 27 April 1966.
Decision reserved:
Southern Rhodesia: 22 March 1958.
Bahamas, Bermuda, British Virgin Islands, Brunei, Falkland Islands, Fiji, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Helena, Seychelles, Solomon Islands: 9 February 1959.
Guernsey, Jersey: 8 March 1960.
Mauritius: 10 October 1960.
Dominica: 23 February 1961.
Grenada: 13 March 1961.
Not applicable: Aden, Gibraltar: 9 February 1959.

NETHERLANDS

Surinam (First Report).

Order of 29 December 1948 (*Gouvernementsblad*, 1948, No. 177).
Order of 14 November 1963 (*ibid.*, 1963, No. 144).

The holiday scheme applies to all employers and employees. In order to obtain entitlement thereto an employee must not have been absent for more than 30 working days during the previous calendar year or, in the case of an industrial accident or occupational disease, for more than 44 working days. In the event of an employee's not having been in the employer's service for a full calendar year, he is entitled to one day of holiday for every two months of service with the same employer. The minimum annual holiday after a full calendar year's work is six days and every year two days are added, up to a maximum of 12 days. The annual holiday must be taken all at once unless it consists of more than six days. During his holiday an employee receives a holiday allowance which is one-and-a-half times his wage. The employer is obliged to keep a holiday register which is subject to supervision by the labour inspection service. There are sanctions (fines) in case of failure to observe these statutory provisions.

No distinction is made in respect of young workers but employers should make allowances for employees' interests in fixing the holiday period. There is no compulsory day of rest but, under the recently promulgated Labour Ordinance, Sunday is considered as the weekly day of rest, and in continuous production another free day must be given if employees have to work on Sundays.

Consultation between employers' and employees' organisations takes place regularly. About 25,000 employees are covered by the legislation.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Denmark. Ratification: 15 August 1955.
Not applicable: Faroe Islands, Greenland: 15 August 1955.

Netherlands. Ratification: 11 October 1962.
No declaration.

United Kingdom. Ratification: 27 April 1954.
Applicable without modification: Isle of Man¹: 22 September 1960.

Decision reserved:

Southern Rhodesia: 28 July 1958.

Aden, Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 16 December 1958.

Guernsey, Jersey: 8 March 1960.

¹ Parts II to V, VII and X.

NETHERLANDS

Netherlands Antilles.

National Health Insurance Order of 6 January 1966 (*Publicatieblad* 1966, No. 14).
National Accident Insurance Order of 6 January 1966 (*ibid.*, 1966, No. 15).

PART II. MEDICAL CARE

Every employed person with an income of less than 520 florins a month is entitled to free medical care, specialist care and hospitalisation.

PART III. SICKNESS BENEFIT

The health insurance scheme pays benefits amounting to 70 per cent. of wages, up to a maximum of 20 florins a day, for single persons, and amounting to 80 per cent. of wages for married or unmarried breadwinners, both for hospital and for home nursing. The duration of the benefit per case of illness is 52 weeks.

PART VI. EMPLOYMENT INJURY BENEFIT

Benefits are the same as in the case of sickness, but their duration equals the duration of the disablement. In case of death, benefit is granted as a periodical payment or in a lump sum. Medical care in case of accident also comprises surgical supplies.

UNITED KINGDOM

Bermuda.

Government Employees (Health Insurance) Act, No. 8 of 1965.
Workmen's Compensation Act, No. 25 of 1965.

Guernsey.

Social Insurance (Guernsey) Law, 1964.

PART II. MEDICAL CARE

The above-mentioned law provides for industrial medical benefit and limited medical benefit. The former is granted to insured persons who are gainfully occupied and who suffer personal injury caused by an accident arising out of and in the course of their employment, or who suffer or contract a prescribed industrial injury

or disease. The latter is granted to insured persons, including those not gainfully occupied, who suffer an injury due to an accident unconnected with employment.

PART III. SICKNESS BENEFIT

Under the law of 1964 everybody who has attained school-leaving age and is below pensionable age (which is 65 years) is subject to compulsory insurance. Certain categories of persons are excepted, or may claim exception, from liability to pay contributions. Sickness benefit is granted during any period of interruption of employment when the insured person is incapable of work by reason of some specific disease or bodily or mental disablement. The benefit is paid for an unrestricted period (before the attainment of pensionable age) if the insured person has paid 156 contributions as either an employed or a self-employed person. The benefit is restricted to a period of interruption of employment not exceeding 312 days until the above-mentioned requirement is satisfied. The standard weekly rate of benefit for an insured adult is 50s. This amount may be increased by 30s. for a dependent wife, by 15s. for an only child or the first child in the claimant's family and by 7s. 6d. for any other child.

PART IV. UNEMPLOYMENT BENEFIT

Unemployment benefit is granted for not more than 180 days in any one period of interruption of employment. The rates are the same as those for sickness benefit.

PART V. OLD-AGE BENEFIT

Under the law of 1964 an insured person is entitled to a retirement pension (from regular employment) on attainment of the age of 65 years. If he is not accepted as having retired from regular employment, the pension is postponed until retirement does take place or the claimant has attained the age of 70 years.

The benefit is granted on condition that the claimant has paid 156 contributions. The rate of pension is geared to a contribution life average. Payment of a pension is suspended while a pensioner is in prison.

PART X. SURVIVORS' BENEFIT

The law of 1964 provides for widows' and guardians' benefits. Reductions are applied if a woman in receipt of such benefit has earnings exceeding a certain amount. All members of the community are subject to compulsory insurance.

Hong Kong.

Part II of the Convention (medical care) and Article 34 of Part VI (employment injury benefit) are substantially complied with. The government and government-assisted medical services are available to local residents. In addition arrangements under the Workmen's Compensation Ordinance for periodical payments in the case of temporary incapacity of workers injured by accidents arising out of and in the course of their employment comply with the provision of Article 36 of Part VI.

Isle of Man.

National Insurance Order, 1966.

Mauritius.

An old-age pension of 22 rupees per month is payable to any man or woman who has attained the age of 60 years, or to any blind person who has attained the age of 18 years, subject to certain residence qualifications and except for persons who are liable to pay income tax. The scheme is non-contributory.

A family allowance of 15 rupees per month is granted to families having three or more children under 14 years of age, subject to certain conditions of residence.

105. Abolition of Forced Labour Convention, 1957

This Convention came into force on 17 January 1959

Australia. Ratification: 7 June 1960.

Applicable without modification: Nauru, New Guinea, Norfolk Island, Papua: 5 October 1961.

Denmark. Ratification: 17 January 1958.

Applicable without modification: Faroe Islands, Greenland: 17 January 1958.

Netherlands. Ratification: 18 February 1959.

Applicable without modification: Netherlands Antilles, Surinam: 18 February 1959.

United Kingdom. Ratification: 30 December 1957.

Applicable without modification:

Aden, Antigua, Bermuda, Brunei, Dominica,

Gibraltar, Grenada, Mauritius, Montserrat, St. Helena, St. Vincent: 10 June 1958.

British Virgin Islands, Falkland Islands, Gilbert and Ellice Islands: 8 July 1958.

Bahamas: 16 July 1958.

Seychelles: 28 July 1958.

St. Christopher-Nevis-Anguilla, St. Lucia: 20 August 1958.

Guernsey, Jersey, Isle of Man: 17 March 1959.

Southern Rhodesia: 7 July 1959.

Hong Kong: 25 November 1959.

British Honduras: 27 April 1961.

Fiji: 18 February 1964.

Applicable with modification:

Swaziland: 31 October 1958.

Solomon Islands: 8 March 1960.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

108. Seafarers' Identity Documents Convention. 1958

This Convention came into force on 19 February 1961

United Kingdom. Ratification: 18 February 1964.

Applicable without modification:

Antigua, Bermuda, British Honduras, British Virgin Islands, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St.

Vincent, Seychelles, Solomon Islands: 3 August 1964.

Brunei: 26 April 1965.

Isle of Man¹: 26 October 1966.

Decision reserved: Aden, Bahamas: 3 August 1964.

Not applicable: Southern Rhodesia, Swaziland: 17 September 1964.

No declaration: all other territories.

¹ Fishermen are not to be regarded as seafarers for the purposes of this Convention (Article 1, paragraph 2).

UNITED KINGDOM

Aden (First Report).

No seafarers' identity documents have been issued.

Antigua (First Report).

The provisions of the Convention are applied by administrative provisions.

Article 2 of the Convention. Identity documents are issued to national as well as foreign seafarers.

Article 3. The seafarer's identity document remains in the seafarer's possession at all times.

Article 5. The provisions of this Article are applied.

Article 6. A seafarer's identity document is required to be produced before the entry of a seafarer is permitted.

Bahamas (First Report).

Passport Act.

Articles 1 to 5 of the Convention. No specific seafarers' documents are issued to nationals of the territory. In practice, passports which show the occupation of the holder fulfil the functions of seafarers' documents. Nationals signing on for service with a United States ship are required to obtain from the United States Consulate seamen's visas which are affixed to their passports.

Article 6. In practice, effect is given to the provisions of this Article.

British Honduras (First Report).

United Kingdom Merchant Shipping Act, 1894.

Harbours and Merchant Shipping Ordinance (*Laws of British Honduras*, 1958, Ch. 149).

Article 1 of the Convention. The above-mentioned legislation contains definitions of "seaman", "master" and "pilot".

Article 2. An identity document is issued to seafarers in conformity with the provisions of Article 4. A passport having the same effect is also issued, indicating

that the holder is a seafarer. Identity documents are issued, on application, to any seafarer of British nationality and any alien seaman who has established residence in the territory.

Article 4. A seaman's certificate of nationality and identity is issued to seafarers of British nationality, and a seaman's identity book is issued to alien seamen who have established residence in the territory. Copies of both of these documents were appended to the Government's report.

Article 6. When entry is requested by a seafarer for the purpose mentioned under paragraph 2, evidence is required that he himself will be able to meet his living expenses during the period of his stay, or that the agent concerned will meet the cost, and that the seafarer will be able to depart from the territory at the end of the period of his stay.

The supervision and enforcement of these provisions are entrusted to the Principal Immigration Officer acting in collaboration with the Harbour Master.

Dominica (First Report).

United Kingdom Merchant Shipping Act, 1894.

Article 1 of the Convention. At the present time only two vessels registered in the territory are engaged in maritime navigation.

Article 2. A passport indicating that the holder is a seafarer is the identity document mainly used. A seafarer's identity card is provided on request. Identity documents have not been issued to foreign seafarers.

Article 4. The "seaman's certificate of identity" provides most of the particulars requested under this Article. It does not, however, contain an indication of the nationality of the seaman, since it was originally designed for nationals of the territory and the word "Dominica" appears on the front page. It is likely that consultations between shipowners' and seafarers' organisations did not take place at the time when the form and content of the document were established for the reason that no seafarers' organisation existed then.

Article 5. Every seafarer who holds a valid identity document is readmitted to the territory.

Article 6. All the provisions of this Article are implemented. As far as paragraph 3 is concerned, a seafarer would be expected to provide evidence of domicile and of his ability to maintain himself during his stay.

Falkland Islands (First Report).

The Convention is applied by administrative instructions.

All seafarers must possess either an identity document or a valid passport before taking up employment in a ship.

Passports are issued to special classes of seafarers whenever it is impracticable to issue an identity document.

The seafarers' identity documents issued by the shipping master are similar to those issued in the United Kingdom under the British Seamen's Cards Order, 1960. These documents have been accepted by the employers' and workers' organisations.

A seafarer must produce his identity document or passport before he is permitted to enter the colony, and he may stay in the colony for a reasonable period.

Fiji (First Report).

Administrative Rules.

Immigration Ordinance, No. 2 of 1962.

Article 2 of the Convention. Provisions exist for the issue of seamen's identity certificates. However, in practice, local seafarers appear to prefer passports.

Certificates of identity in lieu of seamen's identity certificates may be issued to foreign seafarers who apply for them, provided that adequate evidence of identity and nationality can be produced.

Article 4. The form of the seaman's identity certificate complies with the requirements of this Article.

Article 5. Seafarers who hold seamen's identity certificates issued in the colony, and who either were born in the colony, or have lived there for a period of seven years during which they have not been absent for more than 18 months, are entitled to re-enter the colony under the provisions of the Immigration Ordinance, 1962. The certificate does not contain an expiry date.

Article 6. Seafarers are normally allowed shore leave in the colony while their ship is in port without the need for any kind of identity document. The requirements of paragraph 2 are fully met.

The application of the above-mentioned legislation is the responsibility of the Principal Immigration Officer.

Gibraltar (First Report).

The Convention is applied by administrative arrangements made by the Mercantile Marine Office. Government Notice No. 102, published in the *Gibraltar Gazette*, noted the ratification of the Convention by the United Kingdom and its application to Gibraltar, and drew the attention of British seamen resident in the territory to the need to apply for seamen's certificates.

As regards paragraph 3 of Article 6, the required evidence or assurances are obtained from the authorised shipping agents concerned and no time limit is fixed.

Application of the administrative arrangements is entrusted to the Mercantile Marine Office.

Gilbert and Ellice Islands (First Report).

No ships are registered in the colony and therefore no specific legislation has been adopted to implement the Convention. However, seafarers' identity documents have been issued to all seamen permanently employed in all vessels licensed under the Shipping Ordinance, 1957.

Guernsey (First Report).

Only a small number of applications for seafarers' identity documents are made. Administrative arrangements exist for the issue of British seamen's cards in these cases by officers of the United Kingdom Customs and Excise Department. Seafarers' identity documents issued by governments which have ratified the Convention are recognised for the purpose of Article 6 of the Convention.

Hong Kong (First Report).

The Convention is applied by administrative measures.

Article 1 of the Convention. For the purposes of the Convention a seafarer is considered as any person who is qualified or eligible to be engaged for service on board a foreign-going ship.

Article 2. Two types of seafarers' identity documents are issued, namely a seaman's certificate of nationality and identity, which is issued to seafarers who are British or Commonwealth subjects; and a seaman's identity book, which is issued to seafarers who are not British or Commonwealth subjects. The majority of seamen in Hong Kong are persons of Chinese origin who are not British subjects. The question of issuing passports does not therefore arise in their case. In certain instances these seafarers have been issued with certificates of identity (travel documents in lieu of passports which give the holders the right of re-entry to the territory), because of difficulties in certain ports where the authorities did not grant full recognition to the seaman's identity book.

A seaman's identity book is not issued to seafarers whose stay in the territory is of limited duration.

Article 3. A seafarer's identity document remains in the seafarer's possession at all times. However, the seaman's identity book remains the property of the Hong Kong Government and may be withdrawn at any time.

Article 4. The seaman's identity book and the seaman's certificate of nationality and identity are in conformity with the provisions of the Convention.

Article 5. These provisions are fully met, even in the case of seafarers who are not British or Commonwealth subjects but possess seamen's identity books.

Article 6, paragraphs 1 and 2. These provisions are fully met.

Paragraph 3. Seafarers joining a ship or transferring to another ship are required to produce a letter from the agents in Hong Kong guaranteeing that they will leave by the ship in question. Seafarers passing through the territory in transit to join a ship in another country or for repatriation are required only to be in possession of confirmed onward bookings. No time limit is imposed, but it is expected that these bookings will be by the first available aircraft. Shore leave is credited to seafarers with the reservation that individual seafarers may be refused shore leave when circumstances so warrant.

The Director of Immigration is the authority responsible for the issue of seafarers identity documents and for enforcing the immigration laws.

Jersey (First Report).

See under Guernsey.

Isle of Man (First Report).

British Seamen's Cards Order, 1960 (*Statutory Instruments (S.I.)*, 1960, No. 967).

British Seamen's Cards (Amendment) Order, 1964 (*S.I.*, No. 1059).

Article 1 of the Convention. Fishermen are excluded from the scope of the legislation.

Article 2. No cases have arisen in which there has been any necessity to issue a passport in lieu of a seafarer's identity card. Seafarers' identity cards are not issued to non-nationals.

Article 4. Seafarers' identity cards issued in the Isle of Man are identical to British seamen's cards issued by the United Kingdom authorities.

Article 6. There are no restrictions on holders of British seamen's cards. A seaman in transit who is an alien is required to produce his seaman's identity document for endorsement on entry. The agents for each shipping company are required to sign a declaration accepting responsibility for the alien's maintenance whilst in the

Isle of Man, for arranging for his removal therefrom and for meeting all expenses incurred in connection therewith. The agents provide an itinerary of the seaman's movements and his authorised stay is normally limited to comply with the timetable and rarely exceeds three days.

Seamen's cards are issued by officers of the United Kingdom Customs and Excise Department who are stationed in the Isle of Man and who issue the cards on behalf of the British authorities.

Mauritius (First Report).

The Convention is applied by administrative provisions.

As regards Article 6, paragraph 3, a letter of guarantee is usually acceptable from the ship's agent in the case of seafarers joining their ships or transferring to another ship. Seafarers in transit for the purpose of joining their ships in another country or for the purpose of repatriation are required to produce evidence that they are in possession of an onward ticket, sufficient funds for their maintenance during their stay in the territory and entry facilities for the country to which they are proceeding.

The application of the provisions of the Convention is entrusted to the Commissioner of Police and to the Immigration Officer, who is also responsible for the control of seafarers entering the colony.

Montserrat (First Report).

The Convention is applied by administrative provisions.

Articles 1 and 2 of the Convention. A seaman's identity book is issued to seafarers for the purpose of providing the holder with identity papers in lieu of a national passport. An identity document is also issued to refugees and stateless persons serving on ships registered in the territory.

Article 3. A caution in the seaman's identity book states, *inter alia*, that the document should not be allowed to pass into the possession of an unauthorised person.

Article 5. The seaman's identity book provides that the holder will be readmitted to the territory during the period of validity of the book. In practice, however, these books are accepted for a period of at least one year after their expiry date.

Article 6. Seamen who are members of the crew of a ship at a port in the territory and who land at any time while the ship remains at the port and leave the port with the ship are not required to obtain permission to land. Consequently no visa is necessary. Transit visas are granted to seafarers travelling as passengers or supernumeraries in the cases laid down in paragraph 2 of this Article.

The application of the above-mentioned provisions is entrusted to the Administrative Officer.

St. Helena (First Report).

British Seamen's Cards Order, 1960, as applied by virtue of section 25 of the St. Helena Interpretation and General Law Ordinance.

There are no sea-going vessels registered in the territory. No applications for seafarers' identity documents have been received during the period under review. The seaman's identity book issued by the Government is in conformity with the provisions of Article 4 of the Convention.

Any seafarer requesting entry into the territory is required to produce documentary evidence that he is joining his ship or transferring to another ship or passing in transit.

The Superintendent of Police is entrusted with the application of the legislation giving effect to the Convention.

St. Lucia (First Report).

The Convention is applied as far as practicable by the United Kingdom Merchant Shipping Act, 1894.

Article 2 of the Convention. Passports are issued to seafarers in lieu of seamen's identity documents only when these documents are not available. Identity documents may not be issued to foreign seafarers in the cases mentioned in paragraph 2 of this Article.

The application of the relevant provisions is entrusted to the Shipping Master, who is also the Harbour Master.

Solomon Islands (First Report).

The Convention is applied by local administrative arrangements. It is not practicable, however, to apply these arrangements to every seafarer.

Seafarers proceeding beyond the boundaries of the Protectorate are issued with a certificate of nationality and identity similar to a passport.

The identity document remains the property of the Government but the bearer is cautioned concerning the value of the document.

All the requirements of Article 4 of the Convention are met. As far as the statement required by paragraph 2 of that Article is concerned, arrangements are in hand for the existing stock to be marked to the effect that the document is a seafarer's identity document for the purpose of the Convention. The documents already issued will be marked as the opportunity arises.

The Principal Immigration Officer of the Police Department is entrusted with the application of these provisions.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

United Kingdom. Ratification: 9 March 1962.

Applicable without modification:

British Honduras: 7 July 1964.

Bermuda: 17 September 1964.

Jersey: 11 December 1964.

Hong Kong: 1 December 1965.

Decision reserved:

Isle of Man, Southern Rhodesia: 29 May 1963.

Guernsey: 20 August 1963.

St. Lucia: 12 June 1964.

Aden, Fiji, Montserrat: 7 July 1964.

Falkland Islands, Gibraltar, Solomon Islands,
Swaziland: 16 October 1964.

Brunei: 11 December 1964.

Antigua: 22 January 1965.

Mauritius: 20 July 1965.

St. Christopher-Nevis-Anguilla: 1 December
1965.

Dominica: 26 May 1966.

No declaration: all other territories.

(See p. 294: "List of Reports Containing Information Which Has Not Been Summarised".)

118. Equality of Treatment (Social Security) Convention, 1962

This Convention came into force on 25 April 1964

Netherlands. Ratification: 3 July 1964.

Applicable without modification:

Netherlands Antilles¹: 3 July 1964.

Surinam²: 30 March 1965.

¹ Has accepted the following branch of social security:
(b).

² Has accepted the following branch of social security:
(g).

NETHERLANDS

Netherlands Antilles (First Report).

General Old-Age Pension Ordinance, 1960 (*Publicatieblad (Pb.)*, 1960, No. 83).

General Widows' and Orphans' Pension Ordinance, 1965 (*Pb.*, 1965, No. 194).

See also under Convention No. 102.

Every employer is obliged to insure his employees against sickness and accidents.

Every employee between 15 and 65 years of age is compulsorily insured in respect of general old-age, widows' and orphans' pensions.

The provisions of the above-mentioned legislation apply equally to nationals and non-nationals.

Communication of Copies of Reports to the Representative Organisations
(Article 23, Paragraph 2, of the Constitution)

The information supplied on this point is summarised below.

Australia. Copies of the reports have been communicated to the organisations in Australia. The reports relating to *Nauru* have also been communicated to the local organisations.

France. Copies of the reports have been communicated to the local employers' and workers' organisations in the Overseas Departments (*French Guiana, Guadeloupe, Martinique, Réunion*). Copies of the reports relating to the Overseas Territories (*Comoro Islands, French Polynesia, French Somaliland, New Caledonia, St. Pierre and Miquelon*) have also been communicated to the local employers' and workers' organisations.

New Zealand. Copies of the reports have been communicated to the organisations in New Zealand.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Antigua, British Honduras, Dominica, Falkland Islands, Fiji, Grenada, Isle of Man, Mauritius, Montserrat, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland*.

In the following territories copies of the reports have been communicated to the Labour Advisory Board: *Gibraltar, Hong Kong*.

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *British Virgin Islands, Gilbert and Ellice Islands, Guernsey, Jersey*.

In addition, copies of all reports supplied in respect of non-metropolitan territories have been communicated to the British Employers' Confederation and to the Trades Union Congress.

United States. Copies of the reports have been communicated to the organisations in the United States.

List of Reports Containing Information Which Has Not Been Summarised

A — reports containing data on the practical effect given to Conventions, or other information on their implementation.

B — reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.
Australia		
Nauru	—	27
New Guinea	11	7, 8, 27
Norfolk Island	—	11, 27
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France		
Comoro Islands	26	5, 11, 14, 33, 84, 87
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French Polynesia	26	5, 11, 14, 33, 84, 87
French Somaliland	26	5, 11, 14, 33, 84, 87
Guadeloupe	99	5, 11, 14, 58, 62, 68, 87, 98, 100
Martinique	99	5, 11, 14, 58, 62, 68, 87, 98, 100
New Caledonia	26, 84	5, 11, 14, 33, 87
Réunion	62, 99	5, 11, 14, 58, 68, 87, 98, 100
Netherlands		
Netherlands Antilles	9, 58	8, 11, 33, 87
Surinam	2	13, 29, 62, 88, 95, 96, 105
United Kingdom		
Aden	64, 98	84, 86, 102
Antigua	5, 7, 11, 50, 84, 98, 102	64, 86, 87
Bahamas	5, 7, 64, 97	11, 50, 86, 98, 102
Bermuda	—	5, 7
British Honduras	26, 84, 99, 102	5, 7, 8, 11, 50, 86, 87, 98
British Virgin Islands	—	102
Dominica	—	8, 11, 26, 50, 64, 84, 86, 87, 97, 98, 102
Falkland Islands	5	7, 8, 11, 26, 84, 87, 102
Fiji	26	7, 8, 11, 50, 86, 102
Gibraltar	102	5, 7, 8, 11, 26, 35, 84, 86, 87, 98
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Grenada	5	7, 8, 26, 50, 64, 84, 86, 87, 97, 98
Guernsey	99	5, 7, 8, 11, 26, 32, 87, 97, 98
Hong Kong	8, 11, 26, 42, 84, 115	7, 87
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Mauritius	87	5, 7, 8, 11, 64, 84, 86, 98
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St. Helena	7, 26	5, 11, 64, 84, 86, 102
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Puerto Rico	—	58
Virgin Islands	—	58

International Labour Conference

FIFTY-FIRST SESSION

GENEVA, 1967

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF REPORTS
ON UNRATIFIED CONVENTIONS
AND ON RECOMMENDATIONS**

(Article 19 of the Constitution)

Hours of Work

GENEVA

International Labour Office

1967

09661

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

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall "report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body" on the position of their law and practice in regard to the matters dealt with in unratified Conventions and in Recommendations. The obligations of Members as regards Conventions are laid down in paragraph 5 (*e*) of the above-mentioned article. Paragraph 6 (*d*) deals with Recommendations, and paragraph 7 (*a*) and (*b*) deals with the particular obligations of federal States.

Pursuant to the above-mentioned provisions, the Governing Body selects each year the Conventions and Recommendations on which Members are requested to supply reports. Since 1950 the summaries of these reports have been submitted each year to the Conference.

The reports which are summarised in the present volume concern the four following instruments dealing with hours of work: the Hours of Work (Industry) Convention, 1919 (No. 1); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Forty-Hour Week Convention, 1935 (No. 47), and the Reduction of Hours of Work Recommendation, 1962 (No. 116).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1966. The present summary, which is submitted to the Conference in conformity with article 23, paragraph 1, of the Constitution, covers reports received by the Office up to 15 November 1966.

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified the above-mentioned Conventions are presented to the Conference each year.¹

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part IV), which will also be submitted to the Conference at its 51st Session (1967), will include the general conclusions made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

¹ These summaries have been submitted to the Conference, in the case of the Hours of Work (Industry) Convention, 1919 (No. 1), from the 3rd Session (1921) onwards, and in the case of the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and the Forty-Hour Week Convention, 1935 (No. 47), from, respectively, the 19th Session (1935) and the 39th Session (1956) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*.



INSTRUMENTS ON HOURS OF WORK

Hours of Work (Industry) Convention, 1919 (No. 1)

Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

Forty-Hour Week Convention, 1935 (No. 47)

Reduction of Hours of Work Recommendation, 1962 (No. 116)

Afghanistan

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Under the regulations in force and the revised draft of the Labour Code, daily hours of work in industry are normally eight in winter and nine in summer, from Saturday to Thursday inclusive.

In offices normal daily hours of work are six-and-a-half in winter and eight-and-a-half in summer, from Saturday to Wednesday inclusive. Hours of work on Thursday are three in winter and four in summer.

A break of one hour is included in the hours of work.

Algeria

CONVENTION No. 1

RECOMMENDATION No. 116

An Act of 21 June 1936 established a 40-hour working week with a maximum of eight hours' work per day. Hours of work may be distributed over a period longer than a week but of not more than three weeks. In view, however, of the economic situation and the need to overcome unemployment, hours of work have been reduced in a number of cases to less than the statutory amount, after consultation with the occupational organisations concerned. For the same reasons overtime work is very strictly limited. A maximum of 75 hours' overtime per year is authorised for establishments that can demonstrate their inability to recruit enough skilled workers.

Decrees adopted under the Act may prescribe longer hours of work than the statutory amount for specific activities. In certain industries where shift work is authorised (metallurgy, building, etc.) weekly hours of work may, after consultation with the trade unions, reach an average of 42 over a period of 12 weeks, but without exceeding eight per day.

The legislation also provides for exceptions to the normal hours of work.

Thus, under the permanent exceptions authorised, weekly hours of work in the case of work that is essentially of an intermittent, preparatory or complementary nature, in shops, hairdressing establishments and beauty parlours, are 48 or 52, according to the size of the town, but may not exceed nine-and-a-half per day in towns of over 250,000 inhabitants; 46 in the retail food trade; 50, with a limit of ten per day in theatres and cinemas; 45 in hospitals, clinics, restaurants and hotels. Permanent exceptions are also authorised in respect of urgent work that must be carried out immediately in order to prevent accidents or make good the damage caused by them, overtime in such cases not giving rise to increased wages, and in respect of work that must, for technical reasons, be performed outside the normal hours of work of the whole undertaking or part of it. This work must be specified.

Temporary exceptions are authorised in respect of work carried out in the interests of national security and defence or in respect of work performed in a public service by order of the Government; in respect of urgent and exceptional work due to extraordinary pressure of work, up to a limit of 75 hours per year; and in respect of work performed for purposes of recuperation of time lost through a collective interruption of work due to accident or *force majeure*; such work may be carried out over a period varying with the number of hours lost.

Periodic exceptions for the purpose of making good hours of work lost in the off season in certain industries may be authorised by the labour inspector, after consultation with the trade unions, up to a limit of 100 hours per year, but daily hours of work may not be extended by more than one hour.

All hours worked in excess of the statutory hours of work, subject to a limit of 20 per week, are considered as overtime, the normal hourly wage being increased by 25 per cent. for the hours of work performed from the 41st to the 48th hour and by 50 per cent. thereafter up to the 60th hour.

Women and children may not be employed for more than ten hours per day and must be granted a break or breaks amounting to at least one hour.

The trade unions are consulted on all modifications to hours of work and on the organisation of work (i.e. as regards reduced hours, exceptions, shift work, the distribution of hours of work over a longer period, the recuperation of days lost, etc.).

A detailed work schedule, indicating, where appropriate, shift teams and timetables, and a list of the exceptions authorised, showing their date and duration, are posted up in the workplaces. The pay book must also show the period and the number of hours for which payment has been made, with a separate indication of overtime and the amount of the increased wage.

Argentina

CONVENTION No. 47

RECOMMENDATION No. 116

As a result of collective labour agreements and Presidential Decrees, a large part of the work of the country is carried out during legal working hours which are less than the eight in the day and the 48 in the week established by Act No. 11544.

Thus, under Act No. 12908 employed journalists work 36 hours a week; under Legislative Decree No. 13839/46 office workers in publishing concerns work 36 hours a week; under Legislative Decree No. 23407/44 insurance employees work 39 hours a week; under Decree No. 12116/50 bank employees work 37½ hours in the week; and under Decree No. 945/60 subordinate grades in the public services have a reduced timetable of 20 hours a week.

It is therefore considered that there is a gradual trend towards the establishment of working hours of less than 40 in the week.

Australia

CONVENTION No. 1

The number of hours actually worked by most workers in industrial undertakings correspond to the standard of 40 working hours per week and eight working hours per day, fixed under commonwealth and state laws. Apart from overtime restrictions applying to some industries, mainly transport and certain manufacturing industries, precise limits on overtime have not been fixed by law. There are minor differences in the federal and state provisions concerning penalty rates for overtime, but the federal Metal Trades Award is typical: it provides, in the case of standard workers, for time-and-a-half for the first four hours and double time thereafter, in the case of shift workers employed on continuous work over at least six working days, for double time for all overtime worked and, in the case of apprentices and young persons, for a minimum overtime rate of 22.5 cents an hour. An employee who normally works a five-day week and is required to do overtime on a Saturday must be given at least three hours of work or be paid for three hours at the appropriate rate, unless the work in question is a continuation of overtime worked on the previous day, in which case the applicable rate is double time. The rate for work performed on Sundays and public holidays is generally double time.

The provisions of the Metal Trades Award as regards shift work are also typical. For continuous shift workers, normal working hours are eight a day, 48 a week, 88 in 14 consecutive days and 160 in 28 consecutive days. The normal working hours of ordinary shift workers are based on a 40-hour working week consisting of five shifts of eight hours each from Monday to Friday, or of five shifts of not more than eight hours and one shift on Saturday of not more than four hours, or of 80 or 120 hours of work in 14 or 21 consecutive days, respectively, provided that an employee required to work more than eight hours in a shift or more than six shifts in a week is paid for the overtime involved.

See also under Convention No. 47 and Recommendation No. 116.

CONVENTION No. 30

While standard hours of work are usually fixed at 40 a week, the working hours of a high proportion of persons employed in commercial establishments and office workers vary between 35 and 40. As in industry, provisions fixing precise limits on overtime work are an exception rather than the rule; the usual rates of pay for overtime are the same as in industry. Approved overtime in the commonwealth public service is remunerated on an hourly basis at the rate of either time-and-a-half or double time. In general, a public service employee is entitled to eight consecutive hours off duty following overtime worked. For certain employees, if the extent of the overtime does not permit eight hours off duty before the rostered time of starting

normal work on the following day, overtime rates continue to be paid for the normal working hours involved.

See also under Convention No. 47 and Recommendation No. 116.

CONVENTION No. 47

RECOMMENDATION No. 116

Hours of work regulations are the result of decisions made by federal and state industrial tribunals or of state legislation. The decisions of industrial tribunals are termed variously awards, determinations or industrial agreements but all are commonly referred to as "awards". State legislation prescribed a 40-hour working week in New South Wales in July 1947 and in Queensland in January 1948, and the adoption of this standard by industrial tribunals throughout Australia was helped by a decision in favour of the 40-hour working week made by the Commonwealth Conciliation and Arbitration Court in 1947. Since the beginning of 1948, 90 per cent. of male workers and 92 per cent. of female workers have had a standard working week of 40 hours or less fixed by law or award. The few awards which prescribe a standard of more than 40 hours of work a week apply mainly to the rural sector.

The standard hours of work of a high proportion of white-collar workers vary between 35 and 40 a week. The Commonwealth Public Service Regulations provide for a normal working week of $36\frac{3}{4}$ hours except in the case of artisans and similar categories of workers. For the latter the regulations prescribe a 44-hour working week but in fact standard hours of work of these workers in general are 40 a week in virtue of a decision of the Commonwealth Public Service Arbitrator in 1948. The hours of work of coal industry workers are regulated by various federal and state authorities. Standard working hours of these workers are 40 a week, except in Western Australia where they are normally 70 (including "crib" time), worked in ten week-day shifts per fortnight, and in New South Wales in state-owned mines where the miners work a $37\frac{1}{2}$ hour week.

Except in the case of women and young persons precise limitations on overtime are unusual. In the two states which prescribe a 40-hour working week by legislation the government may restrict overtime work in order to relieve unemployment or for any other "good and sufficient" reason. A common provision in awards is that an employee should only be required to work a "reasonable" amount of overtime. The total number of hours which may be worked in factories are laid down in legislation in all six states in respect of women and young persons and in two states in respect of adult males, the standard working week in all these cases being 40 hours. The legislative provisions concerning adult males limit the total number of hours which may be worked to 60 a week and nine a day in one of the two states and to 56 a week and ten a day in the other state. For young persons and women the different provisions of the six states prescribe daily limits of nine, ten or 11 working hours and weekly limits of 48, 52 or 56 working hours, and in some states a limit is also set on the annual amount of overtime work that may be executed. Since a high demand for labour has been characteristic of the Australian economy for some time, employers frequently attract workers by offering overtime, and thus overtime is often not so much required of employees as sought by them.

There is close collaboration between the labour inspectorate and employers' and workers' organisations on questions relating to the application of the Recommendation. Authorised officials of trade unions carry out frequent inspections. Employers do not exercise their powers of inspection to the same extent although they are quite active in some spheres, for example in the clothing and dry-cleaning industries.

See also under Conventions Nos. 1 and 30.

New Guinea and Papua

CONVENTION NO. 1

Under the Native Employment Ordinance, 1958-65, which covers the majority of indigenous workers, normal working hours are 44 a week, from Monday to Saturday inclusive, and maximum hours in any one day are 12, including overtime. A rest period of at least 24 consecutive hours must be granted in every week except to shift workers, who must receive in every period of 28 days rest periods of at least 24 hours in each instance and at least 96 hours in the aggregate. These limits may be waived because of accident, urgent repairs or *force majeure* in so far as is necessary to avoid serious interference with normal operations.

Overtime rates must be paid for all work in excess of eight hours in any one day from Monday to Friday and for all work on Saturday afternoons, Sundays and public holidays, again except in the case of shift workers, to whom overtime applies for all work in excess of eight hours in any one day and 44 hours in any period of seven days and for all work on public holidays. In the calculation of overtime pay (for which time off may be substituted) the value of payments in kind is added to the cash wage. The prescribed rates are time-and-a-half for ordinary overtime work, double time for work performed on Sundays and single time for work performed on holidays on the basis that normal monthly wages include payment for holidays. "Stand by" duty must be remunerated at one-tenth of the hourly rate, and "call out" duty at overtime rates plus 20 cents an hour, with three hours' payment as a minimum.

Supplementing this legislation, the Native Apprenticeship Ordinance, 1951-61, limits normal working hours for apprentices to 44 in any seven days, limits overtime to six hours in any one week during the first three years of apprenticeship, and limits the total number of hours an apprentice may be required to work (except in a sudden emergency) to 50 in any one week during the fourth or fifth years.

The Public Service (Papua and New Guinea) Ordinance, 1963, prescribes normal working hours of 36¾ per week; it provides for payment at the rate of time-and-a-half for ordinary overtime and for payment at a higher rate for work performed on Sundays and public holidays in certain circumstances. Under the Administration Servants Ordinance, 1958-60, administration servants normally work the same hours as their immediate superiors in the public service but may be required to work up to 40 hours per week without additional payment. The overtime rate for these persons is time-and-a-half, with double time on Sundays.

Responsibility for the enforcement of most employment legislation lies with the Department of Labour. The Native Apprenticeship Ordinance, however, is administered by a special board, the executive officer of which belongs to the Department of Labour, while the Public Service and Administration Servants Ordinances fall within the competence of the Public Service Commissioner.

There are two discrepancies between national law and practice and the Convention which will prevent or delay ratification—(1) the Native Employment Ordinance applies only to indigenous workers; and (2) the maximum hours of work permitted in a day are 12. The Government contemplates no immediate action regarding those provisions of the Convention not yet in effect.

CONVENTION NO. 30

See under Convention No. 1.

CONVENTION No. 47

While not citing any difficulties in relation to the Convention, the Government states that it does not contemplate taking any immediate action to give effect to those provisions not yet covered by national law or practice.

See also under Convention No. 1.

RECOMMENDATION No. 116

The Native Employment Ordinance, 1958-65, provides for regular inspection of places of employment and requires employers of workers employed under written agreements or of at least five casual workers to keep records of hours, wages and overtime.

At Papua's present level of development, the Government plans no action regarding those provisions of the Recommendation not yet in effect.

See also under Convention No. 1.

Austria

CONVENTION No. 1

Since the conditions subject to which Austria ratified the Convention have not been fulfilled, it is not in force. The Hours of Work Order, 1938, which is the basic legislation on this subject, departs from the Convention in that it permits (a) the distribution of hours during the week to include working days of more than eight hours without special approval or agreement; (b) a ten-hour working day without special approval; and (c) a still longer working day with the consent of supervisory authorities.

See also under Recommendation No. 116.

CONVENTION No. 30

Since the conditions subject to which Austria ratified the Convention have not been fulfilled, it is not in force. The Hours of Work Order, 1938, which is the basic legislation on this subject, departs from the Convention in two respects: first, it permits an extension of daily working hours to ten without special approval and beyond ten with the consent of the supervisory authorities; secondly, it provides for a suspension of limits on hours worked in emergencies or in exceptional circumstances beyond the control of those concerned.

See also under Recommendation No. 116.

CONVENTION No. 47

Legislation as to basic principles of labour law concerning agriculture and forestry is a matter of federal competence under section 12, paragraph 1, subparagraph 4, of the Federal Constitutional Act. While the Agricultural Employment Act, 1948, sets the maximum working week, the actual hours are fixed by regulation or collective agreement. The seasonal character of the work makes hours irregular, but as averaged over a year they amount to 45 per week in forestry and in agriculture, excluding workers living in employers' households. The latter, in certain provinces, average

longer hours largely because in such situations private work may be performed during normal working hours.

See also under Recommendation No. 116.

RECOMMENDATION NO. 116

The Hours of Work Order, 1938, which is the basic legislation on this subject, provides in principle for an eight-hour maximum working day. In operations requiring the working of irregular hours, such as shift work, averages may be taken over periods of as long as five weeks. Moreover, in special cases determined by law a longer working day may be established subject either to collective agreement or to approval by the labour inspectorate. Sunday rest may be waived for periodic and seasonal work, subject in some cases to the approval of the labour inspectorate and in others only to notification.

Most workers are covered by an agreement made in 1959 between the Federal Economic Chamber of Austria and the Austrian Federation of Trade Unions laying down guidelines for a 45-hour working week without reduction in pay. Similar guidelines were created that year by the Council of Ministers for certain federal services. Few activities remain at the 48-hour working week level. In a substantial number of industries and occupations, on the other hand, agreements have been arrived at shortening the working week to less than 45 hours.

Supervision of the enforcement of the regulations is, in general, the responsibility of the labour inspectorate. Special commissions have been set up, however, to deal with regulations concerning domestic employees. Consultation with employers' and workers' associations takes place widely.

For several years the Federal Ministry of Social Administration, along with workers' representatives, has proposed a reduction of working hours to 40 a week without loss of pay. The workers' representatives point out that the last reduction, in 1959, led to a greater awareness of the potential for rationalisation and thus to increased productivity. A further gradual reduction, they argue, would not cause a decline in production or any other economic damage. The employers' representatives, supported by some federal authorities, hold a contrary opinion to the effect that such a reduction would, by aggravating the labour shortage, slow down economic expansion, weaken the country's international competitive position, and eventually hurt the standard of living. Reduction, they maintain, will not be feasible until rationalisation, automation, and increased use of machinery can compensate for lost manpower.

Under section 10, paragraph 1, subparagraph 11, of the Federal Constitutional Act, in the 1929 version, labour legislation and supervision of the enforcement thereof lies entirely within federal competence except as regards agriculture or forestry.

Belgium

CONVENTION NO. 30

The Act of 15 July 1964 respecting hours of work in the public and private sectors applies to the establishments covered by Convention No. 30. It applies to workers and their employers and defines as a worker any person working under the orders of another person.

See also under Convention No. 47 and Recommendation No. 116.

CONVENTION No. 47

RECOMMENDATION No. 116

The Act of 15 July 1964 respecting hours of work in the public and private sectors of the national economy restricts hours of work to eight in the day and 45 in the week. It provides that these hours of work may be reduced by decisions of the joint committees established by Royal Order. It also stipulates that reductions in hours of work may in no case lead to a reduction in the earnings of the workers concerned. Accordingly, following decisions reached by the competent national joint committees, hours of work have been reduced to 40 in the petroleum industry, the petroleum trade and the flax manufacturing industry, to 42 in foreign trading establishments, shipping offices and the film industry, and to 44 in retail, wholesale and semi-wholesale food stores, including chain food stores, which employ more than two persons (with the exception of non-industrial bakeries and pastry shops, butchers' shops and delicatessen shops). These decisions of the competent joint committees were made compulsory by Royal Orders issued between 1960 and 1964.

Already before the Second World War, however, by virtue of an Act of 9 July 1936 to establish a 40-hour working week for industries or branches of industry where work is performed in unhealthy, dangerous or arduous conditions, working hours had been reduced to 40 a week for persons engaged in loading and unloading operations at the ports of Antwerp, Brussels, Ostend, Bruges and Ghent. The working week was also reduced to 40 hours for persons employed in the diamond industry by an Act of 16 May 1938. An Act of 22 December 1936 to establish a four-shift system in automatic glass factories stipulated that the number of hours effectively worked by persons employed under this system should not exceed 42 a week, averaged over a period of not more than four weeks.

Without prejudice to the duties devolving upon officers of the judicial police, supervision of the enforcement of the regulations in force is the responsibility of the mines engineers, explosives inspectors, and the welfare inspectors and supervisors and welfare conciliation officers of the Ministry of Employment and Labour.

Bolivia

CONVENTION No. 1

Section 46 of the Labour Code lays down hours of work of eight in the day and 48 in the week; in addition night work may not exceed seven hours in every 24 and a 40-hour week is prescribed for women and young persons under 18 years of age.

The national labour legislation embodies the provisions of the various Articles of the Convention.

Article 2, clauses (a) and (b) of the Convention. These provisions are covered respectively by the second paragraph of section 46 and by section 48 of the Labour Code.

Article 3. The provisions of this Article are covered by section 37 of the decree to give effect to the Labour Code.

Article 6, clauses (a) and (b). These provisions are covered respectively by section 36 of the above-mentioned decree and by the second paragraph of section 47 of the Labour Code.

Article 8. The provisions of this Article are covered by section 43 of the Labour Code and by section 41 of the regulations issued thereunder.

The Convention will be ratified as soon as the national situation permits.

The enforcement of the labour laws is the responsibility of the General Inspectorate of Labour.

CONVENTION No. 30

Section 47 of the Labour Code lays down that actual hours of work shall mean the period during which the worker remains at the disposal of the employer.

If the Convention has not been ratified, this is certainly due to an oversight which will soon be put right.

When the Convention is ratified measures will be taken to apply it in its entirety.

See also under Convention No. 1.

CONVENTION No. 47

Presidential Decree No. 07229 of 29 June 1965 has established a working week of 40 hours spread over five days for state employees, and it is open to private undertakings to adopt the same schedule.

The results of the application of the 40-hour working week in certain private undertakings cannot yet be assessed.

RECOMMENDATION No. 116

Working hours lasting from 9 a.m. to mid-day and from 2 p.m. to 6 p.m., or of seven per day and 42 per week, are customary in commercial establishments, with a few exceptions.

Presidential Decree No. 2534 of 10 May 1951 has established Saturday rest for the commercial and banking sectors, which means a further reduction in hours of work.

Brazil

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Hours of work are governed either by laws and regulations or by collective agreements.

There are no general legislative provisions or regulations concerning the reduction of hours of work.

The principle of an eight-hour working day is established by the Constitution and by the 1943 Consolidation of Labour Laws, the provisions of which apply only to employees in the private sector; public officials are covered by Decree No. 26299 of 31 January 1949, as amended by Decree No. 51320 of 2 September 1961.

Maximum daily hours of work are reduced to six for employees of the telephone, underwater telegraph, radio telegraph and radio telephone services, cinematograph operators, railway employees, the crews of vessels in the merchant marine, in inland

water transport and in harbour service, and the crews of fishing vessels, employees of refrigerating establishments, persons employed in the handling of goods, whether on board ship or on land, and underground mineworkers. The Consolidation of Labour Laws also prescribes working hours of fewer than eight in the day for bank employees, professional musicians, employed journalists and teachers.

Civil servants and officials of the autonomous administrative bodies generally work a 32½-hour week, except for those employed at Brasilia, who work a 40-hour week. Doctors employed by the public services and the autonomous administrative bodies work a 30-hour week.

Supervision of the application of the provisions concerning hours of work is the responsibility of the Ministry of Labour and Social Welfare in the case of private establishments and of the appropriate authorities in the case of the public services and the autonomous administrative bodies.

Although the national legislation conforms in general to the standards laid down by the instruments under review, it is not intended to ratify any of the Conventions for the following reasons: the national legislation is incompatible with Article 2 (*b*) and (*c*) of Convention No. 1; ratification of Convention No. 30 would be likely to upset the whole system on which the various schemes applying to civil servants and employees in the private sector are based; the national legislation is not in conformity with Articles 5 and 6 of Convention No. 30; and the obstacles to ratification of Convention No. 47 arise from the economic and social situation of Brazil which, as a developing country, needs more work from the available labour force with a view to the creation of new riches and the development of already existing resources. Brazil cannot yet allow itself to reduce the capacity for work of its labour force by adopting the principle of a 40-hour working week.

Bulgaria

CONVENTION No. 47

RECOMMENDATION No. 116

The main stages by which a progressive reduction of daily and weekly hours of work has been achieved are as follows: (*a*) with the entry into force of the Labour Code on 17 November 1951 normal hours of work were fixed at 48 in the week and eight in the day, while provision was made for six hours of night work; the principle of the prohibition of overtime work and of the extension of normal working hours was also established; (*b*) amendments to the Labour Code, which came into force on 1 January 1958, reduced normal weekly working hours from 48 to 46 and normal daily working hours on days preceding the weekly rest day or public holidays from eight to six; these amendments also repealed section 42, paragraph 2, of the Labour Code, which allowed the working week to be prolonged in exceptional cases; (*c*) various laws and regulations made under section 41 of the Labour Code reduced daily hours of work for several categories of workers and for employees in various industries, with the result that the persons concerned have a working week of 42, 36 or 30 hours according to the case; (*d*) the instructions relating to the Five-Year Plan for 1966-70 provide for the introduction of a five-day, 44-hour working week; accordingly there will be a further reduction in the working week in the near future. Thus the principle laid down in Convention No. 47 is gradually being achieved.

The reductions in working hours have in no case led to a reduction in wages for the workers concerned.

Supervision of the enforcement of the labour legislation, including the provisions

relating to hours of work, is the responsibility of the labour inspection services of the trade unions.

Byelorussia

CONVENTION No. 1

CONVENTION No. 30

RECOMMENDATION No. 116

Under the legislation in force the maximum weekly hours of work of wage earners and salaried employees amount to 41; however, the average is somewhat less than 40.

Daily working hours have been reduced to six for workers engaged in underground work (who have a 36-hour working week), to five or four in the case of certain occupations entailing harmful conditions of work and to three for some categories of non-manual workers. Professors and lecturers on the staff of advanced educational establishments have a six-hour working day and teachers work three or six hours according to different activities, while the majority of medical personnel have a six-and-a-half- or a five-and-a-half-hour working day.

The working day of persons between 16 and 18 years of age is six hours; persons under 16 years of age are not employed in practice. The remuneration of young persons in respect of a reduced working day corresponds to that of adult workers of the appropriate category in respect of a full working day.

The working day preceding a free day or a public holiday has been reduced to six hours; however, remuneration for the reduced working day is the same as that for a full working day. Where the character of the activity precludes such a reduction for shift workers, the workers concerned are granted an extra day's rest for every seven days of work performed preceding a free day or a holiday.

The maintenance of wage levels when hours of work are reduced is guaranteed by law. In fact the wages of many categories of workers have increased as working hours have been reduced: the average monthly earnings of wage earners and salaried employees increased by 26 per cent. between 1959 and 1965 and by 7.5 per cent. in 1965 alone.

Overtime work is normally prohibited; exceptions are authorised by law in specific instances for particular categories of workers, but only with the prior consent of the local trade union committee in each particular case. The aggregate of any worker's overtime may not exceed four hours in any two consecutive days. Overtime work is absolutely prohibited by law for pregnant women from the fourth month of pregnancy, for nursing mothers up until six months after the birth of the child and for persons under 18 years of age.

Overtime rates are time-and-a-half for the first two hours and double time for every successive hour; compensation in the form of time off is not permitted.

All provisions relating to working time are brought to the notice of all workers and incorporated in collective agreements.

Overtime work is subject to strict supervision, special records in this connection being kept in the undertakings. Persons guilty of violation of the provisions of the labour legislation are liable to punishment, including the imposition of corrective work or dismissal.

Trade unions play an active part in the preparation, implementation and enforcement of labour legislation including provisions concerning hours of work. Trade union technical inspectorates have free access to an undertaking's documentation, including the records of working hours, overtime payments, etc.

With the active participation of the trade unions a certain proportion of undertakings have already introduced a five-day working week, resulting in two free days, without affecting the duration of the normal working week; others are preparing to switch to this arrangement, which has been accompanied by a further expansion of various cultural, educational and welfare facilities for workers.

Cameroon

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

There are laws and regulations relating to hours of work, the basic text still being the 1952 French Overseas Labour Code. The labour inspection and supervisory services are responsible for ensuring the application of the relevant provisions, in collaboration with the employers' and workers' organisations concerned.

In view of the difference in practice between East and West Cameroon it is impossible at present to ratify the Conventions. Consideration is, however, being given to the adoption of a Labour Code applying to the whole Federation, and this would make it possible to eliminate the differences in practice between the two states and to meet the requirements of the Conventions.

In East Cameroon hours of work are fixed at 40 a week in the non-agricultural sector and at 46 a week in the agricultural sector. In West Cameroon a 45-hour week is worked in all sectors of wage-earning activity.

Canada

CONVENTION No. 30

Specific legislation governing hours of work in commerce and offices includes decrees adopted under the Quebec Collective Agreement Act and the Newfoundland Hours of Work Act.

In British Columbia, Manitoba and Saskatchewan one long day per week (ten, ten-and-a-half or 11 hours) may be worked in shops and in the retail trade.

Hours actually worked in commerce and offices are generally shorter than the legal standards, and statistics (accompanying the Government's report) show that in 1964 they varied between 35 and 40 per week.

In government service in 1965 at least 99 per cent. of office workers worked eight hours or less per day and less than 40 hours per week. One hundred per cent. worked five days per week.

See also under Convention No. 47 and Recommendation No. 116 for legislation of general application.

CONVENTION No. 47

RECOMMENDATION No. 116

Working hours are regulated by federal and provincial legislation and collective agreements are of major importance in establishing hours of work.

As regards federal legislation, the Canada Labour (Standards) Code limits hours of work to eight per day and 40 per week. Overtime may be worked in excess of normal working hours up to a maximum of eight additional hours per week and is paid for at the rate of time-and-a-half. Hours of work may be averaged over a period not exceeding 13 consecutive weeks, subject to notification to the Department of Labour, or over a longer period, subject to the approval of the Minister of Labour. The total number of hours worked must not exceed the product of the number of weeks in the period multiplied by 48.

Under the Code the maximum working week may be extended in "exceptional circumstances" and in emergencies. In the former case the employer must obtain a permit; for emergency work a permit is not required, but the employer must report such work to the Minister of Labour within a specified time.

The operation of this part of the Code may be deferred or suspended in respect of any undertaking or class of employees by order of the Minister or the Governor-in-Council. While an order of the Minister may set standard hours of work, an order of the Governor-in-Council must set such hours.

As regards provincial legislation five provinces have Acts of general application regulating working hours.

Thus under the respective legislation maximum hours of work are eight per day and 44 per week in Alberta and British Columbia and eight per day and 48 per week in Ontario. The legislation of all three provinces provides for exceptions which may be authorised by administrative boards. In Alberta and British Columbia these boards may also fix minimum overtime rates; in Ontario overtime is limited to 100 hours per year per employee and, in the case of young persons under 18 years of age, to six hours per week.

The Manitoba and Saskatchewan Acts require hours of work performed in excess of a specified number of daily or weekly hours—in Manitoba, eight and 48 (44 for women); in Saskatchewan, eight and 44—to be paid for at the rate of time-and-a-half. In Saskatchewan daily hours of work may be limited to 12 unless otherwise authorised by the Minister of Labour. The Acts of both provinces provide for exceptions.

Under the Acts of all five provinces nine or more hours of work may be performed per day, distributed over a five or a five-and-a-half day week, on condition that maximum weekly hours of work are not exceeded. There is also provision, except in Saskatchewan, for statutory hours of work to be exceeded in cases of emergency.

Apart from the general Hours of Work Acts, working hours are regulated to some extent by other statutes.

Standard weekly working hours in the construction trades are regulated by schedules under industrial standards legislation in six provinces and by decrees under the Quebec Collective Agreement Act. Such hours generally range from 40 to 48, but limits of 50, 54 and 55 hours are in effect in some areas of Quebec.

Mining is normally covered by the general Hours of Work Acts but special legislation in New Brunswick and Nova Scotia sets a maximum eight-hour day in the case of underground work in mines.

Working hours of women and young persons are limited to nine per day and 48 per week in New Brunswick, ten per day and 55 per week (in factories) or 60 per week (in commercial establishments) in Quebec, and 48 per week in factories in Saskatchewan.

The Newfoundland Hours of Work Act limits working hours of shop employees to eight per day and 40 per week, after which an overtime rate is payable.

The Quebec Collective Agreement Act permits standards achieved by collective bargaining to become law, and decrees made under the Act show a definite trend

towards reduction of working hours. Standard weekly working hours have been reduced to 37½ or 40 in the clothing-manufacturing industry and to 36 (with a 35-hour week due to come into effect in 1967) in the retail and wholesale fur industries in the Montreal area. Some decrees provide for the progressive reduction of hours of work.

Schedules under industrial standards legislation apply to six provinces. In Ontario such schedules cover building, barbering and clothing manufacturing and contain provisions similar to the provisions of the decrees adopted under the Quebec Collective Agreement Act. A new schedule for the electrical repair and construction industry in Toronto provides for progressive reduction of the working week to 40 hours after 1 October 1966. Province-wide schedules have reduced the working week to 37½ hours in the ladies' dress and sportswear industries and the millinery industry. In Ontario, as in Quebec, the working week in the clothing industry is 37½ or 40 hours; in the fur industry a 44-hour working week is in force (36 hours in York); in barbering working hours have been reduced to 45 per week.

In New Brunswick and Nova Scotia schedules provide for a 40-hour working week in the building trades. In Newfoundland a schedule limits the working week in carpentry to 40 hours.

Under fair wage legislation workers under contract with the provincial government may not work more than eight hours per day or 44 hours per week except in special circumstances in Ontario and British Columbia and not more than 44 hours per week in New Brunswick. In all provinces except Ontario and Saskatchewan minimum wage orders indirectly regulate hours of work by requiring the payment of an overtime rate for hours of work performed in excess of a specified number. In Quebec the rate of time-and-a-half is payable for hours of work performed in excess of 48 per week; in British Columbia a 40-hour standard working week is being applied in an increasing number of industries and hours worked in excess of 40 per week in such industries are remunerated at overtime rates; in Nova Scotia and New Brunswick overtime rates are payable usually for hours of work performed in excess of 48 (but in some cases 54) per week.

As regards the Yukon and the North-West Territories, mining safety ordinances in both territories provide for an eight-hour day in the case of underground work. In the Yukon the Labour Provisions Ordinance requires the rate of time-and-a-half to be paid for hours of work performed in excess of eight in the day and 44 in the week in shops and in excess of eight in the day and 48 in the week in other employment. However, mining shift workers, with the consent of their elected representatives, may work more than eight hours per day and 48 hours per week without payment of overtime rates, provided that their average hours of work over a period of four weeks do not exceed eight per day or 48 per week. Limits of eight hours of work per day and 48 hours of work per week apply to employees engaged on public works unless the Commissioner orders otherwise.

In the field of collective bargaining a number of settlements in the first half of 1966 in industries under provincial jurisdiction reduced hours of work and increased hourly rates of pay so as to maintain earnings. Collective agreements in the long-distance trucking industry, which is under federal jurisdiction, are being worked out with a view to implementing the Canada Labour (Standards) Code.

The Canada Labour (Standards) Code is enforced by the federal Department of Labour; all provincial legislation, except decrees under the Quebec Collective Agreement Act, is administered by the provincial Departments of Labour or boards functioning under the Ministers of Labour. Decrees are enforced by joint committees, which maintain inspection staffs.

Recently there have been a number of discussions among officials of the federal and provincial Departments of Labour regarding labour standards laws in general

and the extent of Canadian conformity with the basic requirements of I.L.O. instruments. More consultations are envisaged at which, among other matters, the subject of hours of work standards will be further explored. The question of reducing the 48-hour working week in Ontario has been under consideration, but the government concluded that, because of the shortage of manpower and the steady upsurge in the economy, reduction of hours of work would inject inflationary pressure into the economy.

Central African Republic

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

The statutory weekly hours of work of all wage earners and salaried employees of all ages in all non-agricultural organisations, whether public or private, may not exceed 40. Hours worked beyond the 40th give entitlement to increased wages. The performance of overtime work is subject in every case to the previous authorisation of the labour inspector, wages being increased by 10 per cent. from the 41st hour of work to the 48th and by 20 per cent. thereafter. It is expected that the rates for overtime work will be raised when the present Labour Code is revised.

The orders of 27 October 1953 and 30 January 1954 lay down the manner of applying the 40-hour working week and the exceptions to it; these include permanent exceptions and equivalent periods (56 hours per week in the case of caretakers and watchmen), preparatory work, and the recuperation of time lost (up to a maximum of 30 days per year). Temporary exceptions are authorised in accordance with the Conventions.

The provisions of Conventions Nos. 1 and 30 are applied, except that, as regards overtime, the increased rate of pay for work performed after the 48th hour is 20 per cent. instead of the 25 per cent. laid down by the two instruments. The revised text of the Labour Code is expected to cover this point.

Convention No. 47 being of general application, its ratification is not envisaged, since it cannot be applied in present conditions to agriculture.

Ceylon

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

The hours of work of employees in the public service and local government service are not regulated by law but are governed by administrative provisions and the conditions of appointment, which vary according to the requirements of the service.

The hours of work of office workers such as clerks, typists, stenographers, binders and translators attached to administrative offices are 36 per week, or 41½ inclusive of meal breaks.

The hours of work of minor employees such as peons, cycle orderlies, office labourers, and sweepers attached to administrative offices are 50½ per week, inclusive of meal breaks, but a 44½ hour working week is generally observed by them.

Storekeepers and labourers in engineering works and factories have a 45½-hour working week.

A 48-hour week is worked by drivers and cleaners of motor vehicles; garden labourers, conservancy labourers and minor employees in hospitals, etc.; and by officials engaged in the operation or maintenance of public utility and allied services, such as station-masters, postmasters and the technical personnel of the airport.

A working week of 48 or 45½ hours is performed by employees in technical and supervisory grades such as foremen and time-keepers, and by shift workers.

The hours of work of watchmen are 72 per week, or 48 in exceptional cases.

There are no prescribed hours of work for field officers, but in practice they observe an eight-hour working day. These officers are liable to be called upon to work extra hours in case of necessity.

Overtime in the public service and local government service is paid at the rate of either one-seventh or one-eighth of a day's basic remuneration per hour, together with an additional temporary increase thereon of 50 per cent., which is a compensatory payment in lieu of the cost-of-living allowance payable on wages and salaries. For officials paid by the month a day's pay is calculated by dividing the monthly remuneration by 26.

Under the overtime rules in force at present an employee's overtime pay is limited to 50 per cent. of his remuneration plus his cost-of-living allowance for a month. This rule automatically restricts the number of hours of overtime work that an employee is called upon to perform in a month, although there is no general rule limiting the total number of hours of overtime that may be performed. The heads of departments can, however, impose a limit on the total number of overtime hours that may be worked by an employee in a week or a month.

Working hours in the majority of trades in the industrial sector for which wages boards have been set up average 45 per week, with slight variations. For instance, hours of work are 45½ in the engineering trade, 46 for workers in Colombo and 48 for workers in rural areas in the coconut manufacturing trade, and 46 for workers in the tea and rubber export trades.

As regards overtime work in the private sector, the national legislation is substantially in conformity with the overtime provisions embodied in the above-mentioned instruments. Regulations made under the Shops and Office Employees Act forbid employers from employing a worker on overtime work which exceeds an aggregate of 12 hours in any one week. In cases of general interruption of work employers may employ workers in excess of the normal hours of work only within prescribed limits. In practice no special permission from the administrative authorities is given to employ workers beyond the maximum hours of work prescribed by the relevant legislation and regulations. Under the national legislation the rate of pay for additional hours of work is one-and-a-quarter times the regular rate.

Application of hours of work provisions in the public service is supervised by the Secretary to the Treasury, with the assistance of the Deputy Secretary, the Permanent Secretaries and the Heads of Departments. In the case of the local government service, supervision of the application of hours of work provisions is entrusted to the Chairman of the Local Government Service Commission and the Local Government Service Commissioner. Supervision of the application of hours of work provisions in the private sector, in nationalised undertakings and in state-owned corporations is entrusted to the Commissioner of Labour.

Workers' organisations are called upon to assist in the effective enforcement of the provisions of the national legislation. They help the enforcement authority in

detecting instances of non-compliance with the law. Employers' organisations also extend their co-operation to the enforcement authority in its efforts to apply the law.

In the present economic context it is not considered feasible to take any specific measures to give effect to the provisions of the instruments under review.

Chad

CONVENTION No. 1

CONVENTION No. 30

Hours of work are governed by the provisions of the Labour Code and the orders issued thereunder. Section 112 of the Labour Code stipulates that the hours of work of wage earners and salaried employees, of both sexes and all ages, in all public and private establishments, including teaching and charitable institutions, shall not exceed 40 in the week.

Supervision of the application of the provisions in force is carried out by the officials of the labour inspectorate.

CONVENTION No. 47

RECOMMENDATION No. 116

The legislation in force establishes the principle of a 40-hour working week, but it does not apply to agricultural and related undertakings, where hours of work are fixed at 2,400 in the year.

The legislation permits exceptions in certain circumstances and lays down equivalent standards for certain occupations enumerated in definitive lists contained in the orders issued for its implementation.

Employers' and workers' organisations have taken part in the formulation of the laws and regulations by being represented on the labour advisory committees.

The Government does not intend to amend the regulations in force or to ratify the Convention. Chad, which has recently become politically independent, intends to secure its economic independence by developing its traditional activities, which are mainly pastoral and agricultural, and by endeavouring to reach a minimum level of industrialisation. The Government is aware that the realisation of this aim can be brought about only by sacrifices, including sacrifices in the field of conditions of work.

Chile

CONVENTION No. 47

There are no laws or collective agreements relating to the subject-matter of the Convention.

There are difficulties in applying the provisions of the Convention due to the underdeveloped state of the national economy. The level of production must be raised, and this cannot be done by reducing hours of work to 40 a week.

Accordingly it is not intended to adopt measures for the application of the Convention.

RECOMMENDATION No. 116

It is not intended to adopt measures to apply the provisions of the Recommendation.

It is considered that international standards in the form of Recommendations should not be restricted to the requirements of one country, and that it is not therefore reasonable to make suggestions for modifications to the Recommendation for the purpose of giving effect to its provisions.

China

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Section 8 of the Factories Act, which applies to all factories using mechanical power and usually employing 30 or more workers, states that normal hours of work for adults should in principle be eight per day, provided that these hours may be fixed, if necessary, at ten, owing to varying local conditions and the nature of the work. Under section 9 of the Act factories operating a system of day and night shifts must arrange for the interchange of shifts for workers at least once a week. Section 10 provides that, irrespective of the provisions of section 8, hours of work may be extended in cases of disaster or *force majeure*, or because of seasonal variations, with the consent of the trade union concerned, provided that total working hours do not exceed 12 a day and that the total amount of overtime worked does not exceed 46 hours a month. Under section 11 working hours for young persons should in no circumstances exceed eight per day. Section 14 lays down that every worker shall have half-an-hour's break after working continuously for five hours.

Section 8 of the Mines Act, which is applicable to mines employing 50 or more persons underground, provides that the working hours of miners employed underground, with the exception of those working as supervisors, shall be limited to eight, provided that the hours of work of persons engaged in intermittent work may be exempted from this limit with the approval of the competent authority. Section 9 of the Act provides that, where the temperature underground reaches 30°C. or over, the miners must be granted two rest breaks every day of at least 40 minutes each. Under section 10 the mineowner, in emergencies, may extend working time by two hours for the purpose of rescue or precautionary work. For such overtime work an additional two-thirds of the regular hourly wage must be paid. Section 11 provides that the hours of work of miners employed underground shall be calculated from the time of entering the mine pit up to the time of leaving it, and section 12 requires mineowners to display in conspicuous places the times for entering and leaving the mine pit, rest breaks and public holidays.

Under section 190 of the Safety and Administrative Measures respecting Mines in Taiwan, dated 3 June 1958 and applicable to public and private mines, the working hours of all underground workers, supervisors and intermittent workers are limited to eight per day. Section 191 provides that the period between entering and leaving the mine pit is deemed to be working time for miners employed underground.

Section 13 of the Administrative Regulations on Workers Employed in Undertakings Operated by the Ministry of Economic Affairs, dated 17 February 1956, provides that the normal working time of workers should, in principle, be eight hours per day, provided that, on account of local conditions or the nature of the activities, working hours may be extended up to ten. Section 14 stipulates that hours of work may be extended, subject to trade union approval, in cases of disaster, *force majeure* or urgent work, and are considered as overtime, provided that not more than 12 hours are worked in a day and not more than 60 hours of overtime work are performed in a month.

By virtue of an order of 29 January 1953 relating to the adjustment of employment conditions of employees in public undertakings, supervisors may authorise the performance of duly remunerated overtime work, provided that this work does not exceed four hours in a day or 60 hours in a month for each worker concerned.

Rule 16 of the Business Administration Regulations of 2 August 1957 provides that the daily working hours of office boys and messengers in all government offices should, in principle, be eight hours. Rule 17 lays down that such office boys and messengers may, in addition to their normal working hours, work overtime when the need arises and be entitled to overtime pay.

Under section 21 of the Administrative Measures respecting Workers in the Salt Industry in Taiwan the working hours of salt workers are to be determined by those in charge of the salt fields according to actual need, but in principle working time may not exceed eight hours per day.

According to instructions issued by the Ministry of the Interior in 1953 working hours and rest intervals in the hairdressing trade are to be determined by agreement between the employers' and workers' organisations concerned, with due regard for local customs and the terms of the Factory Act, provided that the maximum working time may in no case exceed ten hours a day. Such an agreement has to be submitted to the competent authority for approval and enforcement.

Instructions issued in 1954 by the Ministry of the Interior provide that the working time in factories should not exceed ten hours per day but that in cases where an eight-hour day has been fixed this should remain unchanged. The instructions further provide that, in case of natural disaster and for seasonal industries, the working time may be extended beyond ten hours during a prescribed period, in accordance with section 10 of the Factory Act, and should be submitted to the competent authority for approval. However, the standard working hours should be resumed as soon as the situation returns to normal. According to instructions issued in 1953 by the Ministry of the Interior, all those factories which had already fixed an eight-hour day were to make no alteration therein but, where an extension to ten hours was found to be necessary in those factories, the two additional hours should be considered as overtime; this did not apply, however, to undertakings in which the normal working time was ten hours.

A communication, issued in 1953 by the Ministry of the Interior, noted that cinemas, theatres, etc., were not covered by the Factory Act, but provided for the conclusion of agreements regarding hours of work between the employers' and employees' organisations concerned, in accordance with local customs and the provisions of the said Act and subject to a maximum working time of ten hours per day. Such agreements have to be submitted to the competent authority for approval and implementation.

Apart from the Business Administration Regulations, which are applicable to office boys and messengers in government offices, the existing laws and regulations do not apply to persons employed in commerce and offices. At present there are no regulations relating to hours of work in these sectors; however, most commercial enterprises and offices operate an eight-hour day and a six-day week.

The hours of work provisions contained in the existing collective agreements are the same as those prescribed by the Factory Act.

The authorities responsible for supervision of the application of the provisions described above are the municipal and district authorities, directed by the Ministry of the Interior (the Factory Act); the provincial or municipal mining authorities, directed by the Executive Yuan (the Mines Act); the Provincial Department of Reconstruction and the Ministry of Economic Affairs (the Safety and Administrative Measures respecting Mines in Taiwan); the Ministry of Economic Affairs (the Administrative Regulations on Workers Employed in Undertakings Operated by the Ministry of Economic Affairs); the Executive Yuan (the Business Administration Regulations); and the Ministry of Finance (the Administrative Measures respecting Workers in the Salt Industry in Taiwan).

The Ministry of the Interior is responsible for the general supervision of hours of work questions.

Employers' and workers' organisations consult on proposed amendments of laws and regulations, the drafting of collective agreements, and the enforcement of these instruments.

Existing laws and regulations on hours of work are narrower in scope and less favourable than the standards fixed by Convention No. 1. There are no regulations respecting hours of work in commerce and offices. The principle of reducing hours of work to 40 per week is difficult to apply at the present stage. Therefore, Conventions Nos. 1, 30 and 47 cannot be ratified, nor can full effect be given to their provisions or to the provisions of Recommendation No. 116.

Colombia

CONVENTION No. 30

The Labour Code contains provisions applying to all workers which meet the requirements of the Convention to a large extent.

Section 161 of the Code lays down an eight-hour working day and a 40-hour working week.

Exceptions to these standards are permitted in respect of non-continuous or intermittent activities under sections 161 (*b*) and 162 (*c*) and in respect of posts of management and other posts of responsibility under section 162 (*a*).

Works rules give effect to the provisions of Article 11 of the Convention concerning the posting up of notices.

The labour inspectors are responsible for enforcing the legislation.

The Convention has been approved by the Senate and is now being considered in the Chamber of Representatives.

A Bill concerning the recording of hours of overtime worked has already been approved by the Senate and is now being considered by the Chamber of Representatives.

RECOMMENDATION No. 116

Saturday work is confined to the morning in the public service.

Pharmaceutical laboratories and office workers in some foreign firms have a 40-hour week (excluding Saturdays).

In the case of shift work in non-continuous processes section 165 of the Code permits average hours of work to be calculated over a period of more than one week but of not more than three weeks. It also provides for some exceptions to the

maximum hours of work of eight a day and 48 a week in respect of non-continuous processes and in cases of *force majeure*, accidents, etc.

Section 162 provides for additional exceptions and stipulates that statutory hours of work may be exceeded in other activities only with the express authorisation of the Ministry of Labour and then by not more than four hours a day. Overtime worked during the day gives rise to a 25 per cent. increase in wages, while overtime worked at night gives rise to a 75 per cent. increase in wages.

Works rules give effect to the provisions of the Convention concerning the posting up of notices.

It is not intended to change the maximum hours of work by legislation. There have been no representations for a 40-hour working week on the part of the trade unions, although mention has been made of that goal in trade union congresses and publications.

A Bill now before Parliament provides for a record to be kept of hours of overtime worked.

Congo (Kinshasa)

CONVENTION No. 1

CONVENTION No. 30

Basic legislation (a decree of 14 March 1957), which applies to all establishments, both industrial and commercial, employing one or more persons, provides for maximum hours of work of eight a day and 48 a week. Regulations allow exceptions to these limitations in respect of certain categories of workers or certain types of activity, for example transport agencies and work which is essentially intermittent. Other exceptions provided for in the basic legislation are in line with the relevant provisions of Conventions Nos. 1 and 30. Consequently, national legislation is largely in conformity with the provisions of these two instruments and there would not seem to be any obstacle in the way of their ratification. These two Conventions are at present under study and, if any discrepancies are found between their provisions and those of national legislation, it is intended to make appropriate modifications in a draft revised text which is being drawn up in order that the two instruments may be ratified.

CONVENTION No. 47

RECOMMENDATION No. 116

Both the Government and employers' and workers' organisations fully realise that under existing economic conditions it is not possible to adopt a policy for the progressive reduction of hours of work.

In addition to being a country in the course of development, the Congo has recently passed through an unsettled social period which has jeopardised economic expansion and has brought about a marked fall in production as well as inflationary tendencies. A reduction in hours of work would serve to aggravate an already difficult situation.

The Government has put into effect a national reconstruction plan, for the successful implementation of which it is counting in particular on the efforts and co-operation of the workers. The Government has not lost sight of the need to adopt a policy for the progressive reduction of hours of work as soon as the economic and social situation returns to normal. As a long-term objective the Government has in mind the principle of a 40-hour working week.

Costa Rica

CONVENTION No. 1

Article 58 of the Constitution which is given due legislative form in the Labour Code, establishes normal hours of work in accordance with the requirements of the Convention.

Section 84 of the Labour Code lays down hours of work shorter than the statutory minimum for young persons under 18 but over 12 years of age. Workers in transport and communications in general and in all other undertakings in which the work is of a special and continuous nature are excluded by section 143 from the restrictions on hours of work and can therefore work up to 12 hours per day, provided that they have a rest break of one hour and a half during that period. The regulations governing hours of work in railway transport undertakings (Decree No. 8 of 8 May 1954) provide for total monthly hours of work of 208, with a daily limit of 15 continuous working hours.

The General Inspectorate of Labour is responsible for supervising the application of the legislation.

Although the Convention has not been ratified, national law and practice have in general developed in such a way as to give effect to its provisions in so far as the resources of the nation and its economic progress permit.

Very little is needed, therefore, to eliminate the slight obstacles to ratification of the Convention remaining in the legislation.

CONVENTION No. 47

RECOMMENDATION No. 116

There is a national trend towards reducing normal hours of work to 44 in the week. Presidential Decree No. 105 of 2 July 1928 established a 44-hour working week for the public services.

It has been customary to establish working hours shorter than those laid down by law for work in tunnels and certain arduous or dangerous types of work.

Moreover, working hours of less than the statutory amount are being established on a regular basis by works rules in the various sectors of activity, and this practice is becoming increasingly widespread as the economic development of the country progresses.

It is likely that the draft general revision of the Labour Code at present under consideration will include provision for a standard corresponding to the requirements of the Recommendation.

Cuba

CONVENTION No. 47

RECOMMENDATION No. 116

The national provisions in force, both of a general and of a specific nature, were communicated to the I.L.O. at the same time as the Government's reports on ratified Conventions. No other provisions have been adopted.

The economic development of Cuba has not yet reached a level where a 40-hour working week can be adopted without detriment to the level of living of the workers.

The foreseeable course of the economy's development will doubtless make it possible, as soon as certain material, organisational and technical levels have been reached, to take steps to reduce substantially daily and weekly hours of work.

Cyprus

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

The general policy of the Government is to leave the question of hours of work to be determined by methods of free collective bargaining. However, the Government steps in to regulate hours of work where no agreement can be reached between the two sides of industry (*vide* Hotel (Conditions of Service) Regulations) or where the workers are inadequately organised (*vide* the Shop Assistants Law and the Hours of Employment (Commerce and Offices) Order). In exceptional cases the Government will introduce legislation in the public interest—for example the Hours of Employment (Mines and Quarries) Order. Moreover, the Government is contemplating the formulation of legislation on wages councils so as to ensure that machinery is provided to assist poorly organised or unorganised workers in pursuing their various claims, including that for decent hours of work.

The customary working week for manual workers is 44 hours. For clerical, administrative and technical staff, weekly working hours generally do not exceed 40.

Further general progress in the reduction of hours of work is not anticipated in the immediate future. Any additional steps, either in the form of legislation or of advice through mediation, would, in the judgment of the Government, have serious repercussions on the economy. Depending on representations from workers or workers' organisations concerning amendments to the existing legislation, ratification of Convention No. 30 within the next two or three years is not, however, precluded.

Dahomey

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

The French Overseas Labour Code of 1952, which is still in force in Dahomey, gives effect to all the provisions of Recommendation No. 116, so that the question of the application of the provisions of the other instruments under review would not seem to arise.

Decrees made in conformity with the terms of the Overseas Labour Code have fixed 40 hours of work a week as the normal standard in both industrial and commercial establishments; they have limited overtime work to a maximum of 20 hours a week; and they have prescribed higher rates of remuneration for overtime.

Denmark

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

There are no substantive legislative provisions regulating the number of hours of work in the labour market.

The general policy of the Government is to leave the number of hours of work to be regulated through collective bargaining between employers' and workers' organisations.

Negotiations in March 1965 reduced the working week from 45 to 44 hours, and in undertakings engaged in continuous operations to 42 hours. A joint committee was set up to examine the question of further reductions. The number of hours worked overtime as a proportion of total hours worked rose from 2.6 per cent. for skilled workers and 4.2 per cent. for unskilled workers in 1953 to 3.4 per cent. and 5.6 per cent. respectively in 1964; however, since 1958-60 the overtime percentage has been calculated on the basis of a smaller number of working hours.

Ethiopia

CONVENTION No. 1

CONVENTION No. 30

RECOMMENDATION No. 116

The Minimum Labour Conditions Regulations of 1964 provide that normal working hours may not exceed eight per day and 48 per week in all industrial, commercial and other profit-seeking enterprises. In shift work, however, maximum daily hours may reach nine as long as the average over three weeks does not exceed eight per day and 48 per week. For drivers actual driving time may not exceed nine hours in 24. All workers must receive at least ten hours continuous rest in 24.

Overtime work must be paid at one-and-a-quarter times the normal rate when it is performed before 10 p.m., at one-and-a-half times the normal rate when it is performed between 10 p.m. and 6 a.m., and at two-and-a-half times the normal rate when it is performed on paid public holidays.

These regulations, which in no way preclude more favourable conditions for workers, are enforced by the labour inspection service. Many collective agreements have been signed containing eight-hour day and 48-hour week clauses. The Government believes that these regulations satisfy the main provisions of Convention No. 1 and comply to some extent with the terms of the other two instruments.

CONVENTION No. 47

At present there is no provision for a 40-hour working week, but there may be a reduction to that level when the country's economic standard permits.

Finland

CONVENTION No. 1

Some provisions of the Convention are more strict than the national legislation and practice and preclude ratification of this instrument. National legislation and practice permit distribution of working time over a longer period than one week in certain branches of activity, but under the Convention this is possible only in respect of shift work or in exceptional cases on the basis of an agreement between the employers' and workers' organisations concerned. Moreover, the possibilities for the performance of overtime work are more limited in the Convention than under the national legislation.

See also under Recommendation No. 116.

CONVENTION No. 47

The principle of a progressive reduction of hours of work with a view to achieving a 40-hour working week is not applied to certain sectors of activity in which hours of work are the subject of special regulations. Some other activities, such as agriculture, forestry and floating operations, are wholly or partially outside the scope of hours of work legislation.

See also under Recommendation No. 116.

RECOMMENDATION No. 116

According to the Act respecting hours of work of 1946 and the Act respecting conditions of employment in commercial establishments and offices of 1946, normal hours of work shall not exceed eight per day and 47 per week.

Under the former Act working hours may be arranged in specified undertakings so as not to exceed 141 in any period of three weeks. Overtime may be worked up to a maximum of 24 hours in any period of two weeks or, in the case of working time distributed over a longer period than one week, up to a maximum of 36 hours in any period of three weeks, with a total limit of 200 hours per year (however, the Labour Council may authorise a further 150 hours of overtime per year). The latter Act permits overtime work to be performed in the case of certain urgent seasonal operations or to prevent damage to goods or property, up to a limit of 48 hours in any four-week period and 200 hours per year. In bakeries overtime may be worked up to ten hours per week, or up to 30 hours in any three-week period, with a maximum limit of 100 hours per year.

Both Acts provide for payment of overtime work at the rate of time-and-a-half for the first two hours and double time thereafter.

The adoption of the Recommendation in 1962 had certain repercussions in Finland. Several collective agreements incorporated a statement of principle that hours of work should be progressively reduced to 40 per week by 1970, and this principle was approved by the central employers' and workers' organisations in June 1965.

In addition the two above-mentioned Acts were amended and the amendments came into force at the beginning of 1966, but until 1970 the new provisions apply only where a 40-hour working week is a condition in an individual employment contract.

Under the amended Act respecting hours of work normal hours of work may not exceed eight per day or 40 per week. Normal weekly working hours may be arranged

to average 40 over a period of weeks and normal daily working hours may be increased by one hour as long as the average of weekly working hours over a period of three weeks remains 40. The Act respecting conditions of employment in commercial establishments and offices contains similar provisions but the limit on weekly working hours is 48. Both Acts permit exceptions to the above-mentioned hours of work to be made in country-wide collective agreements, provided that weekly working hours shall not exceed an average of 40.

In the case of working time distributed over a period longer than one week, under the new Hours of Work Act working hours must not exceed 120 during a period of three weeks or 80 during a period of two weeks. In commercial establishments and offices this system of distribution of working time has now been introduced and hours of work in certain transport operations may be arranged to average a maximum of 40 per week, but may not exceed ten per day.

The main overtime rule limits overtime work to 20 hours during a period of two weeks. In the case of working time distributed over a period longer than one week the maximum amount of overtime which may be performed is 36 hours during a period of three weeks or 24 hours during a period of two weeks. The total amount of overtime per year shall not exceed 200 hours or, in the case of working time distributed over a period longer than one week, 320 hours.

The overtime provisions applying to commerce have also been modified. The Labour Council may still grant exceptions to the number of hours of overtime work allowed to be performed.

The overtime rate of pay remains unchanged but, where a 40-hour working week is in force, the rate of time-and-a-half is payable for work performed on the weekly day off, i.e. for hours of work which exceed the weekly but not the daily limit.

At present nearly all collective agreements provide for the implementation of a 40-hour working week by 1970, either by progressive reductions of hours of work (e.g. in commerce) or by a reduction of working hours to 40 during certain periods of the year which will be progressively lengthened. Collective agreements applying to state services generally conform to these principles. In towns and market towns the principle of a 40-hour working week is to be introduced by 1968; rural communes are bound by general collective agreements.

Although the Government considers that the legislation and collective agreements are generally in conformity with the provisions of the Recommendation, there are certain divergences. Thus, although the Protection of Labour Act permits the reduction of hours of work where there is a danger to health, no use has been made of this provision. With respect to young persons, overtime work is prohibited for persons under 18 years of age in industrial, handicraft and certain other occupations, and persons under 16 years of age may not work more than six hours a day in shops, offices and warehouses. Domestic servants under 16 years of age may not work more than eight hours per day and more than seven extra hours per week (which must be compensated by extra time off). The regulations regarding the hours of work of children and young persons are, however, being revised.

Moreover, certain workers are not covered by the legislation or by the relevant requirements of collective agreements—for example workers in forestry, floating work, state services and persons under contract with the State or commune. The question of bringing these workers within the scope of the legislation is under consideration.

Supervision of the application of the hours of work legislation is entrusted to the labour inspection authorities and to the tripartite Labour Council, which comes under the Ministry of Social Affairs.

France

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

See under Recommendation No. 116.

RECOMMENDATION No. 116

The principle of a normal working week of 40 hours is laid down in an Act of 21 June 1936, and it applies to all wage and salary earners in all industrial and commercial activities, public and private, including teaching, welfare and similar institutions.

Paragraphs 1 to 3 of the Recommendation. A progressive reduction in hours worked is likely to be achieved as a result of the execution of the fifth Economic and Social Development Plan, but apart from legislative action to prevent excessive hours the reduction in normal hours of work should be brought about through agreements concluded between employers and workers.

Paragraph 4. The Act of 1936 provided for a reduction of working hours to 40 without a decrease in wages. Recourse to overtime work since the Second World War brought hours worked, in 1965, to an average of 45.8 a week for all activities taken together. At present any steps to bring working hours back to 40 a week would be extremely costly for the national economy, and it is more appropriate, therefore, that, to begin with, a progressive reduction in hours of work, without loss of wages, should be achieved by means of agreements at the level of the undertaking. Such agreements have been concluded in several enterprises. Since October 1960 workers employed in coal basins have been granted one day of rest with pay every two weeks in addition to the usual weekly rest, daily working time having been increased by only one quarter of an hour and the annual remuneration of the workers being unaffected by the new timetable. This scheme was subsequently applied to certain other mining operations. In 1966 the number of paid rest days for workers in coal basins was increased from 26 to 28 a year with no change in working hours or in their annual remuneration. The scheme received inter-ministerial approval and the paid rest days were the subject of an inter-ministerial decree of 17 May 1966.

Paragraph 5. Average hours are under 48 a week except in building and public works and in some of the extraction industries.

Paragraphs 12 and 13. In the case of continuous shift work regulations provide for a working week of 42 hours averaged over 12 weeks. In some instances the two hours worked in excess of the normal 40 a week are paid for at overtime rates. In some activities, particularly transport, weekly working hours may be averaged over a different period.

Paragraph 14. In caretaking and similar activities the working week may be permanently extended to the limits fixed in the decrees for the application of the 1936 Act. Also, a working week of more than 40 hours is considered as equivalent to 40 in certain types of employment enumerated in decrees (work in shops, hotels, hospitals, hairdressing establishments). Overtime hours worked in the case of exceptions made in the public interest are subject to higher rates of pay. Exceptions of the

kind referred to in clause (a) (iii) are less and less frequent, and at the present time the extra hours worked in such circumstances are often paid for at overtime rates. Nearly all additional hours worked in the cases provided for under clause (b) (i) to (iii) are considered as overtime and required to be paid for at higher rates. Time lost collectively may be recuperated only to the extent of making up the legal working week of 40 hours, and collective agreements often stipulate that the hours in question shall in any case be paid for at overtime rates. Overtime performed in connection with annual stocktaking and the preparation of balance-sheets is paid for at increased rates, and overtime connected with seasonal activities is subject to conditions laid down in regulations.

Paragraph 16. Apart from some of the exceptions referred to above, hours worked in excess of 40 a week are subject to overtime rates and the trend towards paying overtime rates generally is increasing.

Paragraph 17. An Act of 18 June 1966 amending the Act of 25 February 1946 limits total hours worked in a week to 54, calculated over a period of up to 12 weeks.

Paragraph 18. The Labour Code lays down that children, workers under 18 years of age and women may not perform effective work for more than ten hours a day, and that this period must be broken by one or several rests amounting together to at least one hour (section 14, Book II). In practice cases of ten working hours a day are unusual and then only in activities where women and children are rarely employed (building, public works and mines). The inspection services authorise the performance of more than eight hours of work a day by young workers only in exceptional cases.

Paragraph 19. The 1946 Act requires that hours worked in excess of 40 a week, or of the number of hours considered equivalent to 40, shall be paid for at the rate of time-and-a-quarter up to the 48th hour and at least at the rate of time-and-a-half thereafter (section 1).

Paragraph 20. The same Act provides for the authorisation of overtime by the labour inspector after consultation with the trade unions, and enables the labour inspector to refuse to authorise overtime work in a situation of unemployment so as to permit the engagement of unemployed workers.

Paragraph 21. Regulations provide for measures of supervision which are in line with the requirements of this Paragraph.

The labour inspectorate is responsible for the application of the legislative provisions and regulations.

Gabon

CONVENTION NO. 1

Section 111 of the Labour Code, 1962, lays down that hours of work in any public or private establishment, including educational and charitable institutions, may not exceed 40 a week, and that hours worked in excess of the statutory hours shall be subject to a higher wage rate. For agricultural undertakings hours of work are based on 2,400 a year. Decrees, issued on the advice of the Advisory Committee on Labour and Manpower and on the recommendation of the Minister of Labour, shall lay down, for each branch of activity and, where necessary, for each occupational group, the methods of applying the hours of work provisions and the exceptions authorised, and also the limits on overtime in cases of urgent or exceptional work and of seasonal

work. As the hours of work provisions of the 1962 Code are the same as those of the French Overseas Labour Code of 1952, the rules for the application of the 1952 Code are still in force pending the making of new rules. The basic provisions of these rules are described in the following paragraphs.

As regards exceptions in the case of continuous processes hours of work are 42 a week averaged over 12 weeks, subject to a daily maximum of eight hours. Time lost through collective interruptions of work may be recuperated to the extent of six hours a week, or eight hours in the case of activities exposed to adverse weather, and subject to a ceiling, usually, of 250 hours a year. In case of accident, actual or threatened, hours of work may be exceeded without limit on the first day and by up to two hours on the following days. Overtime may be worked to maintain or increase production up to a maximum of 20 hours a week, subject to total daily hours of work of not more than ten. In this case the overtime rates are equivalent to an extra 10 per cent. of wages for the first eight hours and to an extra 25 per cent. for subsequent hours and on public holidays and the weekly rest day; the rates for overtime performed between 9 p.m. and 6 a.m. are equivalent to an extra 50 per cent. of wages on week-days and to an extra 100 per cent. on public holidays and the weekly rest day.

In certain work comprising slack periods hours of presence at the job in excess of 40 are considered as being equivalent to the statutory working week. Thus, in industrial activities 56 hours for day watchmen and 54 hours for medical service attendants are so considered. Statutory hours may be extended by one a day for various specified types of preparatory and complementary work.

As regards maximum hours of work a day, where weekly hours are distributed unevenly over the working week maximum daily hours of work are nine, the maximum spreadover is 11 hours and a rest period of 12 hours is required between two working days.

The authorities responsible for supervising the application of the protective hours of work provisions are the labour inspectors, their local deputies and the labour supervisors.

CONVENTION No. 30

Section 7 of Order No. 254 of 8 February 1954 lays down special provisions for commercial activities. Forty-four hours of presence at work are equivalent to the statutory 40-hour working week for cash desk and sales staff. In open-air commerce the labour inspector may authorise the recuperation of hours of work lost on account of stoppages due to weather conditions to the extent of eight hours a week and subject to a maximum of 250 hours a year; in commerce experiencing slack periods at certain times of the year the recuperation of hours lost to the extent of not more than one hour a day and subject to a maximum of 100 hours a year may similarly be authorised. Statutory hours may be extended by one hour for motor vehicle drivers and maintenance workers, various workers concerned with deliveries, and in food market buying.

See also under Convention No. 1.

CONVENTION No. 47

In agricultural and similar activities the normal hours of work are 48 a week. See also under Convention No. 1.

RECOMMENDATION No. 116

See under Conventions Nos. 1 and 47.

Federal Republic of Germany**CONVENTION No. 1****CONVENTION No. 30****CONVENTION No. 47****RECOMMENDATION No. 116**

Under federal law hours of work in industry, commerce and offices are limited, with few exceptions, to eight per day and 48 per week. Collective agreements covering a majority of wage and salary earners prescribe a 43- to 41-hour working week and provide for a further progressive reduction of working hours to 40 a week.

Under the law hours of work may be extended in some instances—as in the case of preparatory and complementary work—up to ten a day and, by collective agreements, even beyond ten a day for adult male workers, if hours of work regularly include considerable periods of mere presence on duty; extension beyond ten hours a day may also be authorised by the factory inspectorate in case of emergencies, accident or if necessary in the public interest. In all such cases the statutory overtime rate of time-and-a-quarter need not be paid.

In shift operations a shift of up to 16 hours (including breaks) may be worked by male workers once in three weeks, provided that in the same period they are granted two uninterrupted rest periods of 24 hours each.

Normal daily rest periods consist of 11 consecutive hours (ten in the catering and transport industries; 12 for young persons).

Subject to exceptions authorised by the factory inspectorate, breaks total half an hour for male workers working more than six hours a day, while for women or young persons they vary from 20 minutes or half an hour to one hour, according to the length of working time.

The Federal Ministry of Labour and Social Affairs (Factory Inspection Section) and the Federal Ministry of Economic Affairs (Department of Mines) are responsible for ensuring the observance of the laws and regulations. No amendments to national legislation have been made so far to give effect to the Conventions, nor are any intended; a number of provisions of the Conventions dealing with the averaging of hours and the making up of hours lost and those concerning exceptions are considered as being too restrictive or in contradiction with national law and practice.

Ghana**CONVENTION No. 1**

No difficulties prevent or delay ratification.
See also under Convention No. 47.

CONVENTION No. 30

No difficulties prevent or delay ratification, but it is not proposed to take any measures as yet to implement the provisions not covered by national practice.
See also under Convention No. 47.

CONVENTION No. 47

In industry collective agreements prescribe a maximum of eight hours of work per day and of 48 hours of work per week. Administrative Instructions prescribe a 42-hour week for the civil service. In commerce collective agreements provide for a 40½-hour working week and for a maximum of eight hours of work per day.

In insurance and commerce the working week is 39½ and 40½ hours respectively. Studies are being undertaken with a view to establishing an average for sectors working between 42 and 45 hours per week and to ascertaining whether it would be possible to introduce a 40-hour week without hampering economic development.

Supervision of the enforcement of the provisions applying to the civil service is the responsibility of the heads of civil service departments. The Chief Labour Officer is responsible for the application of collective agreements.

No measures are envisaged to apply the provisions of the Convention not yet covered by national practice.

RECOMMENDATION No. 116

No legislative or other measures exist, nor are any proposed, to implement the provisions of the Recommendation not yet covered by national legislation or practice. Should it be decided to adopt such measures, no modification of the Recommendation would be necessary.

Guatemala

CONVENTION No. 1

RECOMMENDATION No. 116

Section 116 of the Labour Code provides that normal hours of effective work performed during the day may not exceed eight a day and 48 a week. It also provides that normal weekly hours of effective work performed during the day shall be 45, which shall be considered as being equivalent to 48 solely for the purpose of payment of wages.

No changes have been made in the legislation in connection with the subject-matter of the Convention and the Ministry of Labour intends to communicate the text thereof to the legislating authority, so that the latter may take a decision concerning its adoption.

See also under Convention No. 47.

CONVENTION No. 47

A 40-hour working week, spread over five eight-hour working days from Monday to Friday inclusive, has been adopted by several sectors of activity, including various industrial undertakings (as a result of collective bargaining) and the public and private banking institutions. No adverse effects have been suffered by the economy of the country.

The labour administration authorities consider that there are no difficulties, other than the natural reservations which undertakings may have, in the way of introducing by means of legislation a 40-hour working week throughout the country.

The Ministry of Labour intends to communicate the text of the Convention to the legislating authority so that the latter may take a decision concerning its adoption.

See also under Convention No. 1 and Recommendation No. 116.

Guinea

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Although Guinea has not ratified the Conventions section 144 of the Labour Code limits weekly hours of work to 40 for all wage and salary earners, regardless of sex or age, whether working on time or piece rates, in all public and private establishments. The same section prescribes exceptions according to the special nature of certain undertakings and fixes for agriculture a working week of 48 hours based on 2,400 hours for the whole year.

Supervision of the application of the legislation is entrusted to the labour inspector acting in collaboration with employers' and workers' organisations.

Hungary

CONVENTION No. 1

CONVENTION No. 30

Maximum statutory hours of work are 48 in the week; this limit may be exceeded in the case of door-keepers, watchmen and postmen, though in practice the normal hours are observed.

See also under Convention No. 47 and Recommendation No. 116.

CONVENTION No. 47

RECOMMENDATION No. 116

The Government is following a policy of gradually reducing hours of work. Priority has been given to persons working under the conditions mentioned in Paragraph 9 of the Recommendation. Thus hours of work have been reduced for a large number of workers in the chemicals industry, in the iron and steel industry and in the textiles industry, in which considerable numbers of women and young persons are employed. Hours of work in railways may not exceed 240 a month and in many cases have been reduced to 210 a month. These reductions of hours of work have not led to any decrease in wages.

Overtime work is defined in section 41 of the Labour Code.

The number of hours of overtime that may be worked in a month is restricted by section 42.

Greater restrictions in this connection are laid down in section 95 (3) of the Labour Code in respect of pregnant women and nursing mothers, in section 102 (2) of the Labour Code in respect of young persons and in section 6 of Decree No. 33 of 3 December 1963 in respect of disabled workers.

The remuneration of overtime at a higher rate than normal hours of work is governed by sections 122 and 128 of the regulations issued for the application of the Labour Code.

The Government consults the trade unions and the managing organs of undertakings at regular intervals on the matters referred to in Paragraph 20 of the Recommendation.

Observance of the regulations concerning hours of work is regularly supervised by the trade union labour protection inspectors, the office of the public prosecutor and the authorities responsible for supervising undertakings.

The information mentioned in clause (b) of Paragraph 21 of the Recommendation is brought to the knowledge of the workers through the works rules and by the posting up of notices.

The sanctions mentioned under clause (d) of the Paragraph are provided for in sections 153 and 153/A of the Labour Code.

India

CONVENTION No. 30

Hours of work in shops and commercial establishments in urban areas are regulated by the various state Shops and Commercial /Catering Establishments Acts, the provisions of which are being progressively extended to bring additional areas and employees within their purview. The number of establishments covered by these enactments increased from 828 employing 1,094,000 workers in 1953 to 1,610 establishments employing 2,200,000 workers in 1964.

Under the above-mentioned Acts normal hours of work are limited to eight or nine per day and 48 per week. The daily spread-over ranges from ten to 14 hours. The Acts provide that work performed in excess of normal hours of work should be remunerated at overtime rates varying from one-and-a-half times to twice as much as ordinary wages. The enactments limit the total number of hours of overtime which can be worked during a specified period.

The hours of work of non-industrial employees in government establishments, including postal, telegraph and telephone services, generally satisfy the requirements of the Convention.

Inspectorates have been set up to secure the implementation of the enactments.

The provisions concerning hours of work and overtime in the various state shops Acts and those applied in government establishments generally satisfy the requirements of the Convention, except that those concerning spread-over in a number of states exceed the limit laid down therein. It has not yet been found practicable to widen the scope of the enactments, which at present extends to shops, establishments, etc., mostly in urban areas, so as to bring it into conformity with the scope of the Convention.

The main difficulty in the way of ratification is the rather wide scope of the Convention. There is no proposal to give effect to the provisions of the Convention not yet covered by the national law.

See also under Recommendation No. 116.

CONVENTION No. 47

See under Recommendation No. 116.

RECOMMENDATION No. 116

Various enactments provide for the regulation of hours of work, payment of overtime, etc. Normal hours of work range from eight to nine per day and are

generally 48 per week. In the case of workers classified as "continuous workers" the Railways Act provides for a working week exceeding this limit. There are, however, a number of units or factories which work less than eight hours per day and 48 hours per week. These included, in 1960-61, 36 per cent. of silk textiles establishments and 39 per cent. of woollen textiles establishments. A somewhat smaller percentage of undertakings worked less than 48 hours per week in the sectors of cotton textiles, agricultural implements, textile machinery, tea plantations, mica and manganese mining, metal rolling, metal founding, metal extracting and refining, railway workshops, sugar, shipbuilding and motor vehicle manufacturing and repairing.

In all industries work performed in excess of normal working hours is compensated at overtime rates ranging from one-and-a-half times to twice the normal rates of pay. The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act provides for compensatory hours of rest for journalists equal to excess numbers of hours worked by them. Most enactments limit the numbers of hours that may be worked overtime.

Inspectorates have been set up by the state governments to secure the implementation of the provisions of various Acts. The Mines Act is enforced by the Chief Inspector of Mines, Dhanbad, and the Railways Act by the Chief Labour Commissioner. The Central Ministry of Labour and Employment, the state labour departments and tripartite implementation committees at the central and state levels supplement the efforts made to ensure the effective implementation of the labour laws, including those concerning the regulation of hours of work.

The co-operation of workers' and employers' organisations is secured chiefly through the participation of their representatives in the Tripartite Committee on International Labour Conventions and Recommendations, which reviews from time to time the position concerning the implementation of international labour standards. Tripartite implementation and evaluation committees set up at the central and state levels deal with the non-implementation of labour laws and awards, etc. Some state governments have also set up tripartite labour advisory boards.

The provisions of the Factories Act, 1948, the Motor Transport Act, 1961, and the Mines Act, 1952, have been extended to the Union territories of Pondicherry, Goa, Daman and Diu. Under the West Bengal and Assam Shops and Establishments Acts normal weekly hours of work have been brought down to 48. A similar reduction in the case of railway employees classified as "continuous workers" is not considered feasible in the existing conditions. Likewise, adoption of the principle of a 40-hour week is not considered practicable in the present stage of development of the national economy and the Government therefore does not propose to take any measures in this direction for the present.

Iraq

CONVENTION No. 47

RECOMMENDATION No. 116

Section 9 of the Labour Code provides for daily hours of work to be reduced by one hour during the month of Ramadan.

No change has been made in the national legislation in order to comply with the requirements of the two instruments under review. For several reasons of an economic nature it is not possible at the present time to contemplate a reduction of hours of work or adoption of the principle of a 40-hour working week.

However, officials and employees in the various government departments and offices work a 35-hour week.

The Office of the Director-General for Labour, acting through the inspection service, is responsible for enforcing the relevant provisions.

Israel

CONVENTION No. 47

There is no national legislation aimed at the introduction of a shorter working week. However, in some instances a shortened working week is practised. Persons employed by the State and by some public bodies have for some years been working a 45-hour week in the winter and a 40-hour week in the summer. The building industry has just established "summer hours" by shortening the working day by one hour during the summer.

RECOMMENDATION No. 116

The Youth Labour Law, 1953, establishes a maximum limit of 40 hours of work a week and eight hours of work a day for children and young persons.

The Division of Labour Inspection in the Ministry of Labour supervises the application of the above-mentioned law.

See also under Convention No. 47.

Italy

CONVENTION No. 1

The Convention was ratified conditionally in 1924.

A legislative decree of 15 March 1923, applicable to industrial, commercial and agricultural undertakings, provides for maximum working hours of 48 per week but does not limit the number of hours that may be worked per day.

Exceptions are authorised for certain industries and operations, in which working hours may consequently exceed eight a day and 48 a week. Overtime is governed by the same decree and more particularly by collective bargaining. According to the decree overtime rates of pay must be at least 10 per cent. higher than those for normal work, but collective agreements have further increased this percentage. Thus some collective agreements provide for increases of up to 75 per cent.

An Act of 30 October 1955 prohibits, in industrial undertakings, the carrying out of overtime work that is not of a purely casual nature, except in case of particular requirements which are connected with production techniques and which cannot be met by engaging more workers.

CONVENTION No. 30

The provisions of the legislative decree of 15 March 1923, referred to in connection with Convention No. 1, are applicable to work done in shops and offices.

However, in the case of shops a collective agreement of 14 May 1964 specifies that the number of hours of effective work may not exceed eight a day or 48 a week. This agreement further provides that one half day off per week shall be granted to wage earners, in addition to the public holidays to which they are entitled, without any reduction in their wages and without recuperation of the hours lost. This

arrangement is mentioned because it results in practice, at least indirectly, in shorter hours of effective work.

As regards hotel industry personnel, the national collective agreement of 30 June 1962 prescribes hours of work of eight per day for all such personnel except the so-called "external" employees (reception and cash desk personnel), porters and hall staff, whose working day is eight-and-a-half hours and who may be authorised to work alternatively eight hours and nine hours a day. Special provisions exist for certain categories of personnel.

As regards public establishments, two collective agreements were in force on 15 June 1963, one relating to employees of restaurants of all sizes, small boarding houses, inns, hostelries, etc., and the other covering employees of cafés, bars, wine shops, station restaurants, cabarets and similar establishments, as well as the employees of both independent pastry and confectioners' shops and those attached to any public establishment.

In this sector hours of work are limited to eight a day and 48 a week, spread over six working days and not including the time required for meals.

Moreover, the working day of wage earners may not be divided into more than two shifts for each worker.

CONVENTION NO. 47

RECOMMENDATION NO. 116

A reduction of hours of work without a reduction in wages has repercussions which extend beyond the frontiers of any one State.

It is recognised that present trends in the social field and the introduction of new production techniques make it necessary to reduce hours of work, even if this is only done gradually.

The provisions adopted since 1955 were in fact inspired by the principles laid down in the Recommendation.

Thus, whenever new provisions are being formulated, either for inclusion in legislation or in collective agreements, consideration is given to the possibility of reducing hours of work. This is particularly true of the provisions included in agreements which have been renewed since 1960 and which prescribe reductions of two or three hours in the 48-hour week. These reductions may be made either directly or indirectly in the form of paid compensatory holidays; in either case the weekly wage may not be reduced.

Generally speaking, weekly hours of work in industry range from 43 to 46 for manual workers and from 42 to 45 for middle-level supervisory staff. Average weekly hours of work of salaried employees vary from 42 to 44. Thus a trend towards the 40-hour working week may be observed. This standard already obtains in municipal dairies and in private or municipal gas and electricity production and distribution undertakings, as well as for miners employed on underground work or engaged in extraction operations; hours of work of less than 40 per week are provided for in undertakings which publish and print daily newspapers and in press agencies (36 hours for manual workers and 39 hours for employees).

Moreover, there is a general trend towards the adoption of a five-day working week.

The Ministry of Labour, acting through the labour inspectorates, is responsible for supervising the enforcement of all instruments relating to hours of work for manual and non-manual workers in industrial and commercial undertakings of all kinds.

Ivory Coast

CONVENTION No. 1

Article 4 and Article 7 (a) of the Convention. A final classification of continuous processes has not been established. Exceptions for continuous shift work in certain industrial activities (enumerated in the Government's report) are permitted only under administrative supervision.

Article 5 and Article 7 (b). Orders made with the advice of the Advisory Labour Committee regulate the distribution of hours of work over a period of more than a week in railways, chemical industries and river transport.

See also under Recommendation No. 116.

CONVENTION No. 30

Articles 1, 3, 4, 11 and 12 of the Convention. See under Recommendation No. 116.

Article 2. Hours of work are always considered as the hours of effective work or of presence in the workplace.

Article 5. In commercial establishments the recuperation of time lost during the collective interruption of work on public and local holidays may take place on the free day or half day in a five- or five-and-a-half-day working week. Time lost on account of accidents or *force majeure* is recuperated during the same week and following weeks according to the amount of time lost, but not to the extent of more than one hour a day. The employer, in his notification or request to the labour inspector, must give details of the interruption and of the proposed programme of recuperation.

Article 6. This provision is not applied in commercial activities.

Article 7. Exceptions of the kind referred to in paragraph 1 (a) and (b) are provided for in section 5 of the order governing each commercial activity. Because of the intermittent nature of the work of sales personnel, their hours of presence—46 or 42—are considered as being equal to 40 hours of effective work (paragraph 1 (c)). Under the exceptions mentioned in paragraph 2 (a) and (b) hours may be extended without limit on the first day and up to a maximum of two hours on subsequent days; in case of the exceptions mentioned under paragraph 2 (c) and (d) a total of 75 overtime hours a year may be worked, subject to a maximum of one-and-a-half hours a day of effective work and to an extension of the daily spread-over by not more than one half hour except during two weeks at the end of the year when an extension of up to one hour is permitted. In the cases envisaged in paragraph 2 (c) and (d) the following overtime rates apply: a 10 per cent. increase in normal wages for hours worked in excess of 40 up to the 48th hour and a 25 per cent. increase (or a 35 per cent. increase in branches covered by a collective agreement) thereafter.

CONVENTION No. 47

See under Conventions Nos. 1 and 30 and under Recommendation No. 116.

RECOMMENDATION No. 116

Section 98 of the Labour Code of 1964, which incorporates the provisions of the French Overseas Labour Code of 1952, lays down that the normal hours of work

of wage and salary earners of either sex, of any age, whether engaged on time, task or piecework, in all establishments, public and private, including teaching and charitable establishments, may not exceed 40 a week, and that work performed in excess of the legal hours of work shall be remunerated at an increased rate. The exceptions permitted, the methods of applying the normal hours of work and the exceptions, and the restrictions on overtime work are laid down in decrees. The decrees concerning the different branches of activity provide for the following distribution of normal hours of work: (a) a maximum of eight hours a day over five working days, with Saturday or Monday free; or (b) a maximum of six hours 40 minutes over six working days; or (c) an unequal distribution of 40 hours over the working days of the week, subject to a maximum of eight hours a day, so as to allow one free half day a week.

For certain branches of activity, because of their technical needs, special hours of work are prescribed—for example in the chemical industry, 80 hours spread over two consecutive weeks of ten to 11 working days, with a maximum of eight hours a day; in river and lagoon transport and at ports and wharves, an unequal distribution of working days over a period of seven, 14 or 21 days, with a limit of nine hours of work a day and provided that total hours worked during the period in question do not exceed 40, 80 or 120 respectively.

In the case of work carried on uninterruptedly over the week, working hours may be averaged at 42 a week over 12 weeks, on condition that daily working hours in no case exceed eight and that each worker is assured a rest of at least 24 consecutive hours a week. Under section 7 of General Order No. 3946 of 2 June 1953 hours of presence at work in excess of the statutory hours of work are permitted for workers such as guardians and watchmen and in the case of work of an intermittent nature (in shops, hairdressing establishments, hospitals, hotels, restaurants, domestic service, etc.). Hours of work may, as a temporary measure, exceed the maximum prescribed for an establishment in the following circumstances: (a) in the case of urgent work which must be carried out immediately to avoid loss of a product or a threatened accident, or to organise rescue action or repair damage to installations or buildings and, as regards daily working hours, in the case of preparatory or complementary work and of operations which cannot, technically, be completed within the regular hours (section 6 of the order); and (b) in urgent and exceptional cases of extraordinary pressure of work (section 8). In case of a collective interruption of work resulting from accidental and other causes of the kinds enumerated in the order, daily hours of work may be extended to recuperate the hours lost (section 2). Where collective interruptions of work are caused by inclement weather, the hours lost may be recuperated during certain periods, subject to a maximum per annum (section 3). Likewise hours lost in cases of collective interruptions of work due to a slack season in the work may be recuperated, subject to authorisation (section 4).

Overtime performed in urgent or exceptional cases of extraordinary pressure of work is subject to increased rates of pay, but the additional hours worked in the other cases referred to in the preceding paragraph are, for various reasons, subject to payment at the normal rates. However, the overtime work permitted under the exceptions is subject to a daily, weekly or over a period limit, other than when it is performed for the purpose of preventing an accident or of rescue operations or of repairing damage. Even then after the first day it is restricted to two hours a day. The rates for overtime are 10 per cent. higher than normal rates of pay for hours worked in excess of 40 up to the 48th a week and 25 per cent. higher than normal rates of pay after the 48th hour. Collective agreements provide for an increase of 35 per cent. over normal rates for hours worked in excess of 48 a week.

Workers' and employers' organisations are represented on the Advisory Labour Committee, which studies in advance general and particular texts governing hours

of work. The provisions of collective agreements are discussed at joint committee meetings.

Supervision of the application of the relevant legal provisions is the responsibility of the labour inspectorate. All the texts concerning the application of the provisions require hours of work timetables, drawn up in accordance with the legal provisions and after consultation with the workers' representatives, to show the times at which work begins and ends, the different working hours and rest periods of categories of workers to whom special systems apply, and any shift and rotation work authorised. Any changes in these arrangements must be entered on the timetable before being put into operation. The timetable, dated and signed by the head of the establishment or his deputy, must be in a readable script and posted up in a conspicuous place for the benefit of the workers concerned. A copy of the timetable and of any alterations made to it must be sent in advance to the Inspector of Labour and Social Laws. The names of shift personnel must similarly be posted up or entered in a register kept up to date and available to the Inspector. An employer wanting to apply an exception must request permission from the Inspector, specifying the nature of and reason for it, the number of workers required to work longer hours and on which days, and the hours of work and rest to apply to these workers. He must further provide justification for being unable to meet extraordinary pressure of work by other means such as the engagement of extra personnel, and he must post up details of exceptions authorised. Other than in the case of supernumerary personnel, dismissal on account of lack of work is prohibited within a period of one month following the performance of overtime by the workers concerned. Different particular requirements are prescribed in respect of work called for in case of accidents, in respect of unusual preliminary or complementary work and in respect of various other unexpected types of work. In accordance with Order No. 6742 of 8 October 1953 the details of pay dockets (the workers' classification, remuneration, bonuses, overtime, hours and deductions) must be reproduced in a wage register available to the Inspector. Fines for non-observance of the hours of work regulations are prescribed in Decree No. 64-453 of 20 November 1964, and provision is made for the suppression of an overtime work permit where an employer has not observed the regulations and also in cases of prolonged unemployment.

Jamaica

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

Hours of work are determined chiefly by collective bargaining and partly by proclamations made under the relevant legislation, but no provision has been made to reduce weekly working hours to 40. Where the Minimum Wage Law applies, weekly working hours range from 48 in service industries to 42½ in other trades but do not exceed eight a day. Regulations made under the Shops and Offices Law prescribe a 44-hour working week, and the Employment of Women in Factories Regulations prohibit the employment of women for more than ten hours a day or 44 hours a week. Should women work overtime, their total hours of employment per week may not exceed 50.

Trade unions have been successful in obtaining a reduction in normal hours of work and have achieved a 40-hour week in several undertakings. The majority of

manufacturing concerns work between 45 and 42½ hours weekly and several of them work only a 40-hour week. Average weekly hours are 37½ in offices and 44 in shops, but the majority work on an eight-hour per day basis.

The Ministry of Labour and National Insurance enforces the legislation. Employers' and workers' organisations are consulted before any labour laws are implemented and are represented on the minimum wage advisory boards which make recommendations to the Ministry concerning working hours in certain trades.

No modifications have been made in national legislation to apply the provisions of the Conventions. Such measures would require arrangements for ensuring effective implementation through adequate inspection, which is difficult to finance. Moreover, as representatives of labour and management negotiate the terms of employment, including working hours, the Government does not intend to interfere in this respect. While no measures are proposed to implement the provisions of the Conventions, conditions of employment in sectors which are neither covered by collective bargaining nor adequately organised are kept under constant review.

RECOMMENDATION No. 116

This instrument is still under study by the Cabinet prior to its submission to the competent authorities.

See also under Conventions Nos. 1, 30 and 47.

Japan

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Hours of work in industry, commerce and offices are in principle eight a day and 48 a week, rest periods not being included. Workers aged 18 years or more may be required to work longer hours, provided that their weekly working hours averaged over a period of four weeks do not exceed 48 (54 in certain commercial enterprises, cinemas and theatres, health and hygiene establishments and recreation trades; 60 for police and fire-service employees and transport workers assigned to special day duty or round-the-clock shifts).

For national and almost all local public employees normal working hours are 44 per week, which may be exceeded in cases of necessity, provided that the weekly average over a period of four weeks is not more than 44.

For workers aged from 15 years to 17 years inclusive, working hours may be extended up to ten on one day a week, provided that they are reduced to four or less on another day and that total weekly working hours do not exceed 48.

In cases of accidents or other unavoidable temporary need, the employer may extend working hours within the limit of necessity, subject to the authorisation of the Labour Standards Inspectorate.

The hours of work provisions do not apply to persons engaged in watchmen's duties or intermittent day or night work, subject to the authorisation of the Labour Standards Inspectorate.

Overtime work may be required on the basis of a written collective agreement, which must indicate the specific reasons therefor, including the kind and duration

of the overtime work to be performed, and which has to be submitted to the Labour Standards Inspectorate. Overtime is prohibited for workers under 18 years of age and is limited to two hours a day, six hours a week and 150 hours a year for women, and to two hours a day for workers engaged in underground and other work particularly injurious to health. Minimum overtime rates are time-and-a-quarter and, in the case of national public employees, time-and-a-half for night work.

Employers have to post up in a conspicuous manner the substance of the labour standards legislation and the Rules of Employment, which should specify the time at which work begins and ends, the time at which each shift begins and ends and the rest periods. Information on the hours of work, overtime, wages and extra allowances of each worker must be kept in a wage ledger. Violation of the labour standards legislation is subject to penalty. The enforcement of the law is entrusted to labour standards inspectors, who enjoy the rights of judicial police officers, and the labour standards councils, which are composed of an equal number of members representing workers, employers and the public interest respectively.

The Central Labour Standards Council has to be consulted before the Labour Standards Law is revised and, at a public hearing, before ordinances are enacted under the law. The working hours of national public employees are fixed by the Prime Minister and by each Minister to whom this power is delegated.

No legislative modifications have been made with a view to giving effect to the instruments under review, and it is not intended to revise the existing laws and regulations.

In 1965 the number of establishments employing 30 workers or more in which normal weekly working hours were 40 or less represented about 8 per cent. of all industrial establishments.

Kenya

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

There is no general legislation. Wages Regulation Orders, made by the Minister for Labour on the advice of wage councils set up under the Regulation of Wages and Conditions of Employment Act, regulate hours of work in 11 trades or industries.

The only enactments on hours of work are the Shop Hours Act, which is in force in 11 main towns, and the Mombasa Shop Hours Act. Under the former Act no employee is allowed to work more than eight hours per day and the total period from the beginning to the end of work, including meal times, must not exceed nine hours. The latter Act restricts the maximum working hours of shop assistants in any one week to 49, excluding meal times.

The Industrial Court, established under the Trade Disputes Acts of 1964 and 1965 for the settlement of trade disputes and related matters, has made a number of awards relating to hours of work. Once an award is made by the court it becomes an implied term of every contract of employment to which it applies.

Collective agreements including provisions on hours of work have been concluded in a number of organisations and commercial concerns. The weekly hours are 48 in respect of shift work in railways; 45 in respect of railway workshops, food processing, brewing and bottling, electric power and lighting and petrol and oil distribution; 44

in respect of printing and kindred trades and grain milling; 43 in respect of docks; and 38½ in respect of postal, telegraph and telephone services.

Statistical information concerning hours actually worked, including hours worked in addition to the normal hours fixed by legislation or otherwise, is not at present available.

The Ministry of Labour inspectors are responsible for the enforcement of the Wages Regulation Orders. The Federation of Kenya Employers and the Central Organisation of Trade Unions in Kenya and their affiliates can effectively assist in securing compliance with the provisions of these orders.

At the present stage of economic development it is not practicable to attempt to give effect to all the provisions of the Recommendation through national legislation applicable to all industries. However, the regulation of terms and conditions of service by collective agreements is actively encouraged and the need for further wages councils is kept constantly under review.

Kuwait

CONVENTION No. 47

RECOMMENDATION No. 116

With regard to Convention No. 47, the reduction of hours of work to 40 in the week is a social aim, and every effort will be made to bring the national legislation into conformity with the provisions of this instrument.

The text of Recommendation No. 116 has been transmitted to the competent authorities, but no communication has yet been received regarding measures adopted in conformity with its provisions.

Luxembourg

CONVENTION No. 47

RECOMMENDATION No. 116

According to the legislation in force normal hours of work for manual workers may not exceed eight a day or 48 a week. Normal hours of work for salaried employees in the private sector are restricted to eight a day and 44 a week. In the transport of persons and goods by road normal working hours for all wage earners, as established by the Grand Ducal Order of 25 July 1959, are eight a day and 48 a week.

Collective agreements generally provide for a shorter working week than that laid down in the legislation. For example, under such agreements weekly hours of work have been reduced to an average of 40 in iron mines, 42 in the chemical industry, in the book industry and for workers employed by the State and the communes, 42½ in the iron and steel industry, 44 in the rubber industry, in mechanical workshops and foundries and in the ceramics and tile industries and 45 in the petroleum industry and in breweries. In the building industry a special agreement provides for a working week of 44 hours, averaged over a period of one year, with a working day of ten hours in the summer and with fewer daily hours of work, down to seven, in the winter. Moreover, the shorter normal hours of work established in collective labour agreements are usually spread over five-and-a-half or five days a week, with a working day of eight or nine hours.

The hours of work of young persons, which, by a Grand Ducal Order of 1877 issued in pursuance of an Act of 1876, were fixed at eight a day for children under

the age of 14 years and ten a day for young persons having completed their sixteenth year, are in the process of being revised; a Bill has been drafted which would limit the hours of work of all young persons between 15 and 21 years of age to eight a day and 40 a week.

The hours of work of manual workers may, by virtue of a ministerial order or collective labour agreement, be distributed unequally over the week, provided that the daily hours of work do not exceed nine.

Moreover, the working hours of manual workers may, under collective agreements declared to be of general application or under other arrangements, be calculated over a period of more than one week, provided that the average of 48 hours of work per week is not exceeded. The hours of work of salaried employees in the private sector may be averaged over a period of more than one week only with the authorisation of the Ministry of Labour. Even then, the average of 44 hours of work per week applicable to this category of workers must be observed and their daily hours of work may not in any circumstances exceed ten.

In the case of shift work hours of work may be extended beyond eight in the day and 48 in the week, provided that the average hours of work calculated over a three-week period do not exceed these respective limits. In the case of continuous processes, defined as such by ministerial order, working hours may be extended beyond eight in the day and 48 in the week, provided that the average of 56 hours of work per week is not exceeded.

Permanent exceptions are permitted, under the regulations in force, for manual workers in the case of preparatory and complementary operations and for certain categories of workers whose work is essentially of an intermittent nature. Temporary exceptions are authorised in cases of accident, emergency work on machinery or equipment, *force majeure* and abnormal pressure of work. In addition temporary exceptions are authorised in respect of salaried employees in the private sector in order to prevent the loss of perishable goods or to avoid endangering the technical results of the work, or to recuperate working hours lost as a result of accident or *force majeure*. Moreover, exceptions may be made periodically in respect of employees in the private sector for the purpose of carrying out special work such as stocktaking or the preparation of balance sheets or the winding up of accounts.

Time worked in excess of normal hours of work is considered as overtime. Some overtime gives entitlement to increased rates of remuneration, unless it is compensated by a reduction in working hours during some other period. Permanently authorised overtime work by manual workers and overtime performed in cases of abnormal pressure of work are remunerated at the rate of time-and-a-quarter. Salaried employees are entitled to be paid at the rate of time-and-a-half for overtime work, except for employees whose work is of a casual nature, this being taken into account in the fixing of their salary.

The number of overtime hours that may be worked by manual workers is established in each case by ministerial order and never exceeds two a day. For salaried employees in the private sector, overtime is also restricted to two hours a day except in cases of accident, *force majeure* or urgent work. The carrying out of overtime work by salaried employees is subject to authorisation by the Minister of Labour acting on the recommendation of the labour inspection service after consultation with a salaried employees' delegation. However, no authorisation is necessary if the hours of overtime are restricted to a maximum of three days a month. The prohibition of the execution of overtime work by young workers, except in case of *force majeure* or when the safety of the undertaking so requires, is being considered. A Bill to this effect is now being prepared.

After the International Labour Conference had adopted Recommendation No. 116 in 1962, a motion of the Chamber of Deputies invited the Government, in November

1964, to table a Bill for the reduction of hours of work of manual workers in the private sector to 44 a week and in general to encourage the introduction of a 42-hour week throughout the private sector. Draft legislation to this effect is now being prepared.

Supervision of the application of the regulations in force, whether in the form of legislation or of provisions of collective agreements, is the responsibility of the labour inspection service.

Employers are required to keep a special register or card index indicating every occasion on which normal hours of work are exceeded. Notices must be posted up to inform workers of their hours of work and of the times at which work begins and ends.

Any infringement of the provisions in force is punishable by a fine.

Malagasy Republic

CONVENTION NO. 1

Section 73 of the Labour Code of 1960 fixes a working week of 40 hours for workers in all establishments other than the public services and public establishments. A decree of 28 December 1961 fixes a working week of 44 hours with a maximum of eight hours of work a day for public employees. Remuneration for overtime work is governed by Order No. 2417 of 1953, which prescribes a 15 per cent. increase in wages for hours worked in excess of the 40-hour week up to the 48th hour and a 25 per cent. increase after the 48th hour; in the case of the 44-hour week in the public services, the 15 per cent. increase extends to the first four hours after the 48th hour instead of provision being made for the 25 per cent. increase prescribed by the Convention.

Twenty-three orders concerning different branches of industry prescribe the methods of applying section 73 of the Labour Code and provide for the various exceptions permitted by the Convention.

Labour inspectors and supervisors of the Ministry of Social Affairs are responsible for ensuring the application of the hours of work provisions.

CONVENTION NO. 30

While the basic legislation for workers in private and public employment described under Convention No. 1 also covers commerce and offices, the particular hours of work in commerce and offices are prescribed in separate orders for each activity.

See also under Convention No. 1.

CONVENTION NO. 47

RECOMMENDATION NO. 116

Hours of work in agricultural undertakings are fixed at 48 a week by Order No. 124 of 18 January 1954. Further reductions in hours of work will depend upon the prevailing economic conditions.

See also under Conventions Nos. 1 and 30.

Malaysia**CONVENTION No. 1****CONVENTION No. 30**

The Government points out that the reduction of normal hours of work should be achieved progressively as a benefit accruing from the increased productivity resulting from technical and industrial advancement, and any reduction in hours of work should not have any adverse effect on wages and earnings.

The terms and conditions of employment, including wage rates and hours of work, are determined in many industries by collective bargaining, and it is considered that, apart from the statutory limitations, the reduction of hours of work should normally be a matter for regulation by joint agreement between the employers' organisations and the trade unions. It is not desirable at present to consider any modification of the relevant legislation, since workers wish to have the opportunity, with their employer's consent, to work longer hours.

The immediate concern of the Government and the nation is to bring about the maximum rate of economic development by the maximum possible utilisation of all the national resources, including human resources. It would be impossible to incorporate in the national development plans any policy based on an immediate reduction of normal working hours. In the present state of development, therefore, it is not intended to give effect to all of the provisions of the Conventions, although in the long run and in principle it is accepted, as mentioned above, that a reduction of hours of work should be achieved progressively as a benefit of increased productivity.

The Ministry of Labour is, however, taking action to standardise as far as practicable the labour laws throughout Malaysia. These laws will also be reviewed with the object of securing a higher standard of statutory protection for and benefit to the workers. Provisions relating to hours of work, overtime and other related matters dealt with in Conventions Nos. 1 and 30 and in other instruments will be included in this review.

CONVENTION No. 47**RECOMMENDATION No. 116**

It is not intended to ratify the Convention or to accept the Recommendation for the same reasons as given in respect of Conventions Nos. 1 and 30.

See under Conventions Nos. 1 and 30.

States of Malaya**CONVENTION No. 1**

Under sections 58 and 59 of the Employment Ordinance no labourer may be required to work for more than six days in any one week and no labourer other than a shift worker may be required to work for more than 48 hours in any one week. These provisions do not apply in the case of accident, actual or threatened, or in the case of urgent work to be done to electrical installations or machinery, or in the case of an unforeseen interruption of work. A shift worker may be required to work for up to 56 hours per week, provided that, when he is required to work for more than 48 hours in any one week, his average number of hours of work over a period

of four weeks or less do not exceed 48. Hours of work are reckoned as from the time of muster to the time of signing off after the completion of work, or as the time during which the labourer is at the disposal of the employer and is not free to dispose of his own time.

Under the Employment Ordinance a "labourer" means any person, skilled or unskilled, including apprentices, who is employed in manual labour in any industry (whether in industrial or commercial undertakings or otherwise), or in the operation of motor vehicles for commercial purposes or in the supervision of other labourers.

In the majority of industrial undertakings the normal hours of work are eight a day and 48 a week. In certain industries collective agreements and individual contracts provide for shorter normal hours of work than those laid down in the Employment Ordinance. In the petroleum industry (refinery and distribution) the normal working hours of manual workers are 45, spread over six days of the week, and the normal working hours of office staff are 39, spread over five days of the week. In the mining industry the normal hours of work of office staff are 44, spread over six days of the week.

Overtime is generally paid for at one-and-a-half times the normal rate of wages when it is performed on week-days and at twice the normal rate of wages when it is performed on public holidays.

The normal hours of work of government employees in workshops and stores are 46 in a week, in the form of five turns of duty of eight hours each and one turn of six hours. The overtime rates are time-and-a-quarter for overtime work performed during the day, time-and-a-half for overtime work performed at night and double time for overtime work performed on public holidays.

The Commissioner for Labour in the Ministry of Labour is the authority entrusted with the supervision of the application of the provisions of the Employment Ordinance. The Commissioner for Industrial Relations is responsible, *inter alia*, for encouraging collective bargaining for the regulation of terms and conditions of employment, including hours of work and overtime. Organisations of employers and workers co-operate in the application of the legislation by giving advice to their members and by making representations to the Minister of Labour, through the National Joint Labour Advisory Council, on the application of the legislation.

CONVENTION No. 30

By virtue of Legal Notification No. 366 of 1957 the scope of the Employment Ordinance was extended to include any sales, clerical and other staff employed to serve customers in any retail trade or business, in bars and in pawnbrokers' establishments; employees in lodging houses or clubs, societies or trade unions, cinemas or theatres; and watchmen, lift-attendants and hairdressers. In the majority of the larger commercial undertakings, such as import and export firms, agency houses, commercial and trading companies, banks and professional services, collective agreements or individual contracts provide for normal weekly hours of work of 39, spread over six days in a week. Where applicable, overtime rates range from one-and-a-half times to twice as much as normal wage rates.

See also under Convention No. 1.

Sabah and Sarawak

CONVENTION No. 1

Section 104 of the Sabah Labour Ordinance and section 105 of the Sarawak Labour Ordinance provide that no worker other than a shift worker shall

be required to work for more than eight hours a day or six days in a week. A shift worker may not be required to work for more than 56 hours in any one week or 12 hours in any one day. Under the ordinances the term "worker" includes manual workers generally, irrespective of the industry in which they work, and it specifically includes workers employed in the operation or maintenance of mechanically propelled vehicles for carrying passengers or goods.

The Commissioners of Labour of Sabah and Sarawak in the Ministry of Labour are entrusted with the supervision of the application of the legislation.

No modifications have been made in the national legislation or practice with a view to giving effect to all of the provisions of the Convention.

CONVENTION No. 30

The Labour Ordinances do not cover commercial undertakings or offices as such, but apply to persons employed in these sectors who come within the definition of the term "workers" given in the ordinances. However, once the process of standardisation of the labour laws has been completed, and in particular, once the Malaya Employment Ordinance, 1955, has been extended to the states of Sabah and Sarawak, certain prescribed non-manual workers employed in commerce and industry will come within the scope of that ordinance by virtue of Legal Notification No. 366 of 1957.

See also under Convention No. 1.

Malta

CONVENTION No. 1

By virtue of wages council regulation orders issued under the Conditions of Employment (Regulation) Act, 1952, the statutory working week is 48 hours for the following industrial sectors: transport equipment, metal and allied trades, construction, woodworks, publications, printing and publishing; beverages, canning and textiles and allied industries. Hours of work are not fixed by the order governing public transport. Watchmen have a 72-hour working week, and the normal working hours of port workers, whose work is of a casual nature, amount to 51 a week. Workers not covered by a wages council regulation order remain covered by an order of 1939 which prescribes maximum working hours of nine a day and 54 a week but this order is fast becoming obsolete. Wage councils already set up will in due course establish conditions of work for the food manufacturing, leather goods and shoes and tobacco industries. A recent collective agreement in an oil distributing company fixed a standard working week of 44 hours for industrial workers. The working week is also 44 hours for industrial workers in government departments.

The inspectorate of the Department of Labour and Employment is responsible for the supervision of the application of the legislation and regulations on hours of work.

CONVENTION No. 30

Wages council regulation orders issued under the Conditions of Employment (Regulation) Act, 1952, lay down a standard working week of 48 hours for both clerical and industrial workers in wholesale and retail trades and in laundries and for maintenance employees in hotels and clubs; the order covering cinemas and theatres lays down a maximum working week of 50 hours; and the maximum working week for workers other than maintenance workers in hotels and clubs is 54 hours. Office

workers generally work shorter hours, and in some of the larger establishments their working week is based on 40 hours. A 40-hour week also applies to clerical staff in the public sector, with an extra half hour for minor office workers. The working week for clerical workers in the United Kingdom Service Departments is between 37½ and 38 hours.

See also under Convention No. 1 concerning measures for supervision of the application of the legislation.

CONVENTION No. 47

See under Conventions Nos. 1 and 30.

RECOMMENDATION No. 116

Wages council regulation orders issued under the Conditions of Employment (Regulation) Act, 1952, have reduced the standard working week to 48 hours in 11 industries which employ a substantial proportion of the working population; one order fixes a weekly maximum of 50 hours of work. Orders made under legislation prior to 1952 fixed weekly working hours at 54 in factories and workshops and at 60 in other establishments. Five additional wages councils were set up under the 1952 Act and are expected to take measures resulting in reduced hours.

Hours of work standards are also laid down in collective agreements or by employers in some of the more progressive undertakings. In the public sector and in the United Kingdom Service Departments hours of work are dealt with by joint industrial councils.

Normal hours of work are generally defined as the time during which employees are at the disposal of the employer, exclusive of the intervals allowed for meals and rest. The average weekly working hours of shift workers are calculated over a cycle of two or three weeks. All hours of work in excess of normal hours are deemed to be overtime and are remunerated accordingly.

Progress has been made in the reduction of hours of work, but the various factors of economic development must be kept in mind.

See also under Conventions Nos. 1 and 30.

Mauritania

CONVENTION No. 1

Section 2 of Book II of the Labour Code of 1963 lays down a maximum working week of 40 hours. Orders to apply section 2 in all existing industries have been published. Certain orders provide for the working of up to 20 hours of overtime a week for the purpose of maintaining or increasing production. The rates of pay for overtime work are 10 per cent. more than the normal rate for hours worked in excess of 40 per week up to 48, 35 per cent. more after the 48th hour, 50 per cent. more for overtime work performed at night or on a weekly rest day and 100 per cent. more for overtime work performed at night on a weekly rest day.

Because of the need to maintain production and the lack of skilled personnel it is not possible at present to apply provisions which formerly regulated certain types of overtime work. Average hours of work in 1965 were 49 a week. This average, however, was based on varying weekly amounts including, in certain cases, hours of work of 60 a week.

Chapter II of Book V of the Labour Code provides for the supervision of the application of the legislative provisions by the labour inspectorate.

CONVENTION No. 30

Orders issued by the Ministry of Labour prescribe the methods of applying a 40-hour working week in wholesale and retail trades, banks, insurance establishments and agencies. A working week of 44 hours has been laid down for public services such as the postal, telegraph and telephone services.

In the food retail trade, 46 hours of presence at work is considered as being equivalent to 40 hours of effective work.

There is practically no need for overtime in commerce and offices for the purpose of increasing production. It is not possible to supervise small commercial undertakings in the interior of the country, where, it seems, statutory working hours are fairly often exceeded.

See also under Convention No. 1.

CONVENTION No. 47

See under Convention No. 1.

RECOMMENDATION No. 116

Despite the fact that there have been cases of overtime worked in excess of the prescribed normal working week of 40 hours which have brought hours of effective work up to 60 a week, there has in practice been a reduction in the average weekly hours worked from 51 in 1964 to 49 in 1965. At the same time there has been a slight increase, amounting to 6 per cent. between 1963 and 1965, in the nominal value of wages actually paid to lower grade workers.

See also under Conventions Nos. 1 and 30.

Mexico

CONVENTION No. 1

Article 123 of the Political Constitution and section 69 of the Federal Labour Act (as amended) provide that daily hours of work shall not exceed eight. Subject to agreement with the employer, the workers of an undertaking may distribute work over the working week of 48 hours in such a way as to benefit from a rest period on Saturday afternoon or from any other similar arrangement.

Examination of the text of this Convention has shown that the national legislation is fully in conformity with the provisions thereof, except for section 74 of the Federal Labour Act, which does not meet the requirements of Article 2 (*b*).

The legislation is not being amended, since it is considered that the prevailing situation is satisfactory.

Accordingly, it is not intended to take steps at present to bring the legislation into conformity with the Convention.

CONVENTION No. 47

RECOMMENDATION No. 116

Convention No. 47 was the subject of a decision to the effect that, while there was an obvious tendency to improve labour conditions, it was not yet practicable for the national legislation to give full acceptance to the principle of a 40-hour working

week, since the national situation did not permit it. Since then there has been constant progress towards a 40-hour working week. It is still impossible, however, to ratify Convention No. 47 although the Government and many undertakings have established special daily and weekly hours of work.

About 400,000 persons work a 37-hour week in the offices of the Federal Government.

The 30,000 bank employees work a 33-hour week.

In industry in general 44 hours are worked in the week, though some undertakings have already adopted a 40-hour week.

It is not intended to take measures in the immediate future to give full effect to the provisions of the Convention.

Morocco

CONVENTION No. 1

In accordance with an order of 15 March 1937 the working week of 48 hours may be distributed either over six days in the week, with a maximum of nine working hours per day, or over five days, with a maximum of ten working hours per day.

Hours of work may also be calculated on the basis of a period other than a week, provided that the same maximum limits are observed.

There are a number of collective agreements containing provisions on hours of work—for example those relating to the printing, paper manufacturing and road transport industries.

Most collective agreements fix hours of work at 48 in the week. For vegetable horsehair workers in the province of Tangier, hours of work are fixed at 2,496 in the year. They may be distributed unevenly in accordance with periods of activity, but they may not exceed ten in one day. Under the agreement relating to the transport of passengers and goods by road, hours of effective work are fixed by the employer, who takes account of the exigencies of the service and the need of ensuring its continuity, subject to exceptions laid down by law.

A number of industries and occupations are still not covered by orders fixing the date of coming into effect of the basic legislation and the conditions governing its application.

It is not intended to take steps in the immediate future to give effect to the provisions of the Convention that are not yet covered by the legislation.

Supervision of the application of the provisions in force is the responsibility of the labour inspectors and supervisors and the officers of the judicial police.

See also under Recommendation No. 116.

CONVENTION No. 30

The conditions governing the application of the basic legislation to the various classes of commercial establishments and offices are laid down by specific orders.

There are also a number of collective agreements containing provisions on hours of work, including those covering the workers of the Shereefian Distribution and Press Company, workers in the wholesale and retail trade, workers in large stores and workers employed in the various oil distribution companies.

The Government does not find it necessary to amend the national legislation, which it considers to be in conformity with the provisions of the Convention. It is intended to ratify the Convention in the near future.

See also under Convention No. 1.

CONVENTION No. 47

There are no legislative provisions embodying the principle of a 40-hour working week.

It is not intended at present to give effect to the provisions of the Convention.

Its ratification under prevailing conditions would be likely to disrupt economic development by bringing about a fall in production and a rise in manufacturing costs, which might endanger the position of certain undertakings on the international market.

See also under Conventions Nos. 1 and 30.

RECOMMENDATION No. 116

Under the Dahir of 18 June 1936 hours of effective work may not exceed 48 in the week. They may be distributed unevenly over the year, so as to take account of the special conditions of certain branches of activity and of certain technical requirements.

In the case of shift work the hours of work of each shift may not exceed eight.

Under an order of 15 March 1937 to prescribe the general conditions for the application of the 1936 Dahir, normal hours of work of maintenance and supervisory staff may be extended by from one to two hours per day, in accordance with a list indicating the categories of staff concerned and the extensions permitted in each case. The additional hours worked are generally paid for at the normal rate of wages.

Permanent exceptions are also provided for in respect of drivers and persons working away from base. In the latter case travel on the day of departure and the next day, or on the day of return and the preceding day, is not regarded as overtime and only 50 per cent. of it is remunerated at an increased rate. The hours of work of watchmen, caretakers and other workers whose activities are of a similar nature and involve considerable hours of attendance may be extended by up to four hours per day if these workers are not accommodated at the workplace or close to it. If, on the other hand, they are accommodated on the spot, they may be employed continuously, provided that they have a rest period of 12 consecutive hours per week and compensatory time off of two weeks. The additional hours of work permanently authorised for these categories of workers do not give entitlement to overtime rates of pay.

Other exceptions relate to classes of establishment where, on account of the intermittent nature of the work, hours of attendance exceeding 48 in the week (for example 50 in hairdressing establishments or 57 in hotels, cafés and restaurants) are regarded as being equivalent to 48 hours of effective work.

Hours of work performed in excess of the statutory weekly hours of work, other than in the case of the permanent exceptions, are counted as overtime.

The order of 15 March 1937 provides for the possibility of temporary exceptions in the event of accident, work to be performed on the order of the Government, or extraordinary pressure of work. Overtime in the event of accident may be worked at the discretion of the employer on the first day and for two hours on each of the three following days. The amount of overtime that may be devoted to work to be carried out at the order of the Government is laid down by the Secretary-General of the Government and the administrative department ordering the work to be done. Overtime necessary to deal with extraordinary pressure of work may be performed within the limits of an annual quota fixed by the various orders for the application of the legislation, but the employer is obliged to keep up to date a table of the hours of overtime worked in this case and to inform the labour inspectorate accordingly.

Where normal hours of work are calculated on an annual basis, the hours worked beyond the limit in the day and in excess of the annual limit are regarded as overtime.

Overtime is paid for at the rate of time-and-a-quarter on working days and at the rate of time-and-a-half on the weekly rest day. The rate for overtime work performed at night between 10 p.m. and 5 a.m. is time-and-a-half on working days and double time on the weekly rest day. The increased rate is calculated on the basis of the time wage, with due regard being paid to the wage proper and supplementary allowances.

Work schedules must be posted up in a conspicuous position, and a copy must be addressed to the labour inspectorate.

The Government does not consider it desirable to amend the legislation in force in order to give effect to the provisions of the Recommendation. A reduction of hours of work to 40 in the week, though it might reduce unemployment, would be likely to have serious financial consequences unless it were accompanied by a reduction in wages. It is only when increased productivity has brought about a reduction in manufacturing costs that it will be possible to consider shorter hours of work.

New Zealand

RECOMMENDATION No. 116

Paragraphs 1 to 10 of the Recommendation. The Employment of Females Act, 1873, shortened the working hours of female workers by providing for a holiday every Saturday from 2 p.m. In pursuance of the Industrial Conciliation and Arbitration Amendment Act, 1936, a 40-hour, five-day week was established in the public service, the railways and the post office. It is now the standard working week in industry, commerce, forestry, maritime employment, and in some sectors of agricultural activity, but it does not apply to farming generally, where 44 or 48 hours may be worked for seasonal reasons. Provision for a 40-hour working week is ordinarily incorporated in each award or industrial agreement. Where a 40-hour working week is impracticable, hours in excess of this amount may be fixed, on grounds to be specified in the award.

In the public service non-manual workers work 37½ hours per week and seven hours and 35 minutes per day.

The transition to a shorter working week was achieved without a reduction in the wages of workers. Employers' and workers' organisations, in particular, may submit their views to the authorities concerned on the possible reduction of working hours in various sectors of the economy. In considering measures for reducing working hours account is taken of social and economic factors and of the preference of the workers concerned who, for instance, in the case of farm work, may favour the granting of longer holidays.

The first measures taken for the reduction of hours of work concerned women and young workers. Workers employed in hazardous occupations (mining, radiation work) enjoy shorter hours (35) and longer holidays.

Paragraph 11. The definition of hours of work applied in New Zealand is generally in line with that given in this Paragraph.

Paragraph 12. The averaging of hours of work in agriculture is regulated by extension orders made under the Agricultural Workers Act, 1962.

Paragraph 13. Averaging of hours of work over a period longer than one week is not ordinarily provided for in the case of work on continuous processes where the 40-hour working week applies.

Paragraph 14. Variations normally relate only to the adjustment of daily rather than weekly hours of work. Where authorised, increased working time is paid for at overtime rates.

Paragraph 15. Normal hours of work do not exceed 48 per week.

Paragraphs 16 to 18. Hours worked in excess of normal hours constitute overtime. There is no statutory limitation of overtime except for women and young persons and, in some cases, for apprentices. No special legal requirements exist in respect of pregnant women, nursing mothers and handicapped persons.

Paragraph 19. Overtime rates are time-and-a-half for the first three or four hours and double time thereafter.

Paragraph 20. Employers' and workers' organisations are consulted on any major policy changes proposed in respect of questions of concern to them, and their representatives hold informal day-to-day discussions on all matters of mutual interest.

Paragraph 21. Labour inspectors supervise conditions of work in workplaces. Employers bound by an award or agreement are required to display or make a copy of it available to their employees. In factories notices are posted up indicating, *inter alia*, holidays and hours of work. The keeping of wages and time books in a form acceptable to the competent authority is mandatory in industry.

The Government has accepted the provisions of the Recommendation subject to the proviso that in the national legislation there is no restriction in respect of overtime work by adult males.

Niger

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Section 110 of the Labour Code of 1962 specifies that statutory hours of work may not exceed 40 a week; this provision applies to all workers, whether on time or piece rates, in all public and private establishments. Hours worked in excess of the statutory maximum are subject to remuneration at increased rates. In agricultural undertakings hours of work are based on 2,400 per year.

The Labour Code provides that the method of applying its provisions, the exceptions permitted and the limits for overtime work shall be determined by decrees formulated after consultation with the Labour Advisory Committee. The decrees on these matters which were made in 1953 for the application of section 112 (hours of work) of the French Overseas Labour Code are still in force pending their replacement in the near future by decrees made under the Labour Code of 1962.

Overtime work may be performed on the authorisation of the labour inspector after consultation with the union. In the case of work of an intermittent nature a specified number of hours of presence at work amounting to more than the statutory working hours are considered as being equivalent to 40 hours of effective work. In the case of certain types of maintenance work, or of accidents and such like, or in order to save perishable goods, effective working hours may be extended within the

limits laid down in decrees. The labour inspector may authorise up to one hour of work extra a day in order to meet abnormal pressure of work.

The overtime rates prescribed in Order No. 1617/ITLS/N of 17 July 1953 are as follows: a 10 per cent. increase in the hourly wage for hours worked in excess of 40 up to the 48th, with a 25 per cent. increase thereafter; a 50 per cent. increase for overtime work performed between 10 p.m. and 5 a.m.; and a 25 per cent. increase and a 100 per cent. increase, respectively, for overtime work performed during the day and at night on a public holiday. More favourable rates granted under collective agreements are as follows: a 35 per cent. increase in actual wages for hours worked in excess of 48 (as opposed to a 25 per cent. increase) and a 50 per cent. increase for overtime work performed during the day on a public holiday (as opposed to a 25 per cent. increase).

Nigeria

CONVENTION No. 1

CONVENTION No. 30

RECOMMENDATION No. 116

Hours of work in various trades are regulated by orders-in-council made under the Wages Boards Act. Such orders have been issued for the retail, printing, tailoring, motor, catering, and building and civil engineering trades; for the dock labour trades in the federal territory of Lagos; and for the mines fields in certain areas of the northern region. In these sectors maximum hours of work, excluding rest periods, are 45 per week (eight hours a day from Monday to Friday and five hours on Saturday), except in the mines fields, where the working week is 48 hours with one weekly rest day.

Overtime rates in the above-mentioned sectors are time-and-a-quarter on ordinary days, time-and-a-half on Sundays and double time on public holidays.

Federal and regional government employees, whose hours are fixed in administrative circulars, work a 40-hour week (seven hours a day from Monday to Friday and five hours on Saturday).

Employers in trades covered by orders-in-council are required to keep records and produce them for inspection. The federal Ministry of Labour is responsible for enforcing the orders.

No modifications have been made in legislation or in administrative practice with a view to giving effect to the provisions of the Conventions. Labour matters lie within the competence of both the regional governments and the federal Government, but the laws of the latter take precedence.

CONVENTION No. 47

There have been no modifications in the legislation or in administrative practice with a view to giving effect to the provisions of the Convention, and there are no plans to introduce a 40-hour working week. At the present stage of economic development ratification of the Convention would be inadvisable.

Labour matters lie within the competence of both the regional governments and the federal Government, but the laws of the latter take precedence.

Norway

CONVENTION No. 1

CONVENTION No. 47

RECOMMENDATION No. 116

By an Act of 28 November 1958, amending the Workers' Protection Act of 1956, normal hours of work were reduced from 48 to 45 a week. With the implementation of the 45-hour working week it became possible to increase daily hours of work to nine, with the agreement of the workers, so as to allow weekly hours to be distributed over fewer than six days. Normal working hours in continuous shift work have been reduced to an average of 42 a week, without any upper limit on the length of each shift or each working week. These provisions of the Act would seem, however, to satisfy the provisions of Article 4 of Convention No. 1. For workers employed in mines or engaged on tunnelling or rock blasting operations the Act prescribes maximum hours of work of nine a day and an average of 40 working hours a week. An Order in Council of 1947 prescribes maximum daily and weekly hours of eight and 40 respectively for employees exposed to the risk of harmful radiations.

Workers are normally consulted whenever questions arise concerning the granting of exemptions in respect of any of the hours of work provisions of the Act.

The question of a further general reduction in hours of work is under examination by a special committee set up by an Order in Council of 10 January 1964.

Although the provisions of the Workers' Protection Act, as amended, are largely in conformity with the provisions of Articles 1 to 8 of Convention No. 1, the fact that certain exceptions allowed under the national legislation are somewhat out of line with the stricter standards laid down in the Convention impedes the ratification of this instrument. For example, contrary to the provisions of Article 2 (*b*) and (*c*), the Act permits exceptions to the normal daily limit of nine working hours and provides for the calculation of weekly hours of work over a period longer than three weeks. Furthermore, the Act empowers the Crown to prescribe, in respect of certain categories of occupations, a 45-hour week averaged over a maximum period of either six weeks or one year, with a maximum daily limit of ten working hours in the latter case.

With regard to Convention No. 47 the Directorate of Labour Inspection has remarked that the idea behind this instrument, adopted against a background of widespread unemployment, was to spread employment opportunities by reducing working hours. Nowadays, however, the situation in many countries is very different and it is technical progress leading to increased productivity which makes possible continuous expansion of employment opportunities side by side with a reduction in hours of work.

Pakistan

CONVENTION No. 30

In Sind hours of work are limited by legislation to nine-and-a-half per day and 54 per week. Work performed in excess of these limits is remunerated at one-and-a-quarter times the normal rate of wages. Hours of work are limited to 54 per week and ten per day in Punjab and to 51 per week and nine per day in the North West Frontier Province. The period of work and intervals for rest are required to be so arranged that they do not spread over more than 12 hours per day.

The provincial governments are responsible for ensuring the enforcement of the relevant legislation. Before any modifications are made in existing legislation, proposals are placed before the tripartite labour boards with a view to obtaining the views of employers and workers thereon.

It is not possible to enforce the limits of 48 hours of work per week and ten hours of work per day at the present stage of the country's economic development. Consequently, no steps are being taken to ratify the Convention.

CONVENTION No. 47

In a developing country like Pakistan it is not practicable to introduce a 40-hour working week in any class of employment. It is therefore not possible to ratify the Convention.

RECOMMENDATION No. 116

The question whether to accept the Recommendation is under consideration. The decision taken will be communicated to the I.L.O. in due course.

Peru

CONVENTION No. 30

Act No. 2851 provides that "women and young persons aged between 14 and 18 years may not work more than eight hours a day or 45 hours a week". Purely family undertakings are exempted and the Executive may also authorise exceptions to meet temporary needs in industry not exceeding 60 days a year or ten hours a day.

A Presidential Decree of 15 January 1919 provides that in industry and rail transport the length of the working day shall be agreed upon between employers and workers, failing which it shall be eight hours.

A Presidential Resolution of 27 October 1936 makes it compulsory for employers to post up notices indicating hours of work.

The Civil Code establishes a maximum working day of eight hours, provides for weekly rest, prohibits the employment of children under the age of 14 years and limits the work to be performed by young persons under the age of 18 years, etc.

The Minors' Code establishes a maximum working day of six hours and a maximum working week of 33 hours for children aged from 13 to 14 years. Young persons under the age of 18 years may not work on Sundays or public holidays. They must have a nightly rest period of 12 consecutive hours including the interval between 7 p.m. and 7 a.m.

Public employees work a seven-hour day and a 39-hour week.

The national provisions in force relating to the subject-matter of the Convention are more favourable than the provisions of that instrument.

CONVENTION No. 47

The principle of a 40-hour working week applies only to certain sectors of activity. For example, state employees have a working week of 39½ hours.

In the private sector many undertakings have established a 40-hour working week by agreement with their employees.

Presidential Decree No. 008 of 22 May 1964 approved working hours of less than 40 a week for bank employees, with a continuous working day.

Other private undertakings apply a 48-hour working week.

The Ministry of Labour and Communities has a General Directorate for Labour in Lima and regional directorates in the northern, central and southern parts of the country; each of these directorates has an inspection service.

Co-operation with employers' and workers' organisations is achieved through the National Labour Council.

The ratification of the Convention is now being considered by the legislative authority.

Philippines

RECOMMENDATION No. 116

Under section 1 of Commonwealth Act No. 444 the working day shall not exceed eight hours. When work is not continuous the time during which the worker is not working and can leave his workplace and rest completely shall not be counted. These provisions apply to all persons employed in any industry or occupation, whether public or private, but not to farm labourers; labourers who prefer to be paid on a piece-work basis; employees in managerial positions; domestic servants; outside sales personnel; workers in the personal service of another person; and members of the family of the employer working for him. The term "public" as used above refers to public utilities and other activities of public interest and not to the Government or to any of its agencies exercising governmental functions, which are not covered by the Act.

It may be noted that the eight hours prescribed by law are the maximum normal daily working hours. A normal working day of less than eight hours may be provided for by an employer in a collective agreement or in an employment contract.

As regards employees working in government offices, Republic Act No. 1880 provides for a maximum of eight hours of work per day for five days of the week, or a total of 40 hours of work a week, exclusive of the time for lunch. This Act applies to all government bureaux and offices and government-owned and controlled corporations, with the exception of schools, courts, hospitals, health clinics or establishments where the exigencies of the service require other arrangements. It further stipulates that no employee coming within its scope shall suffer a reduction in salary or wages by reason of the Act and makes provision for an automatic increase in pay for employees who would otherwise be affected in this sense. The exception of schools from the scope of the Act is limited only to teaching personnel in public schools and does not affect other employees in public schools who are not engaged in classroom instruction or work.

There is a Bill, the Magna Carta of Labor for Public School Teachers, now pending in Congress, which seeks, *inter alia*, to reduce the teaching hours of all public school teachers except those on the professional staff of state colleges and universities to not more than five hours of actual classroom instruction a day, which shall be so scheduled as to give them time for the preparation and correction of exercises and other work incidental to their normal teaching duties.

Republic Act No. 1880 further limits hours of work during the hot season, from 1 April to 15 June, inclusive, to five continuous hours, provided that an executive order to this effect is made by the President.

As regards employees in private undertakings, the Eight-Hour Labor Law, which prescribes a maximum eight-hour working day, has, as its basic objectives, the physical recuperation of the employee or labourer and the reduction of unemployment in the country by an equal distribution of job opportunities. Workers covered by this law may, however, perform work in excess of eight hours per day in cases of actual

or impending emergencies caused by serious accidents, fire, floods, typhoons, earthquakes, epidemics or other disasters or calamities, in order to prevent loss of life and property or imminent danger to public safety; in cases of urgent work to be performed on machines, equipment or installations in order to avoid a serious loss which the employer would otherwise suffer; or for some other just cause of a similar nature.

Overtime work may also be carried out by a worker on the basis of an exemption authorised by the Secretary of Labor if the latter finds that the performance of such work is in the interest of the public; if, in his opinion, such work is justifiable either because the organisation or nature of the work requires it or because of lack or insufficiency of competent workers in a locality or because workers must be relieved under certain conditions; or if he considers such work to be warranted by any other special circumstances or conditions of the activity or industry concerned. Work performed in excess of eight hours a day shall be paid for at a rate which is not less than one-and-a-quarter times the amount of the employee's regular wages.

With respect to government employees Republic Act No. 1880 provides that, when the interests of the public service so require, the head of any department, bureau or office may extend daily hours of work for any or all of the employees under him and may, likewise, require any or all of them to work overtime not only on working days but also on holidays. Under section 259 of the Revised Administrative Code such overtime work shall not entitle the employee to overtime pay as a matter of legal right except when so authorised by a specific provision of law.

It is common practice in industrial undertakings not to assign pregnant women, nursing mothers, handicapped persons and young workers under 18 years of age to do overtime work.

Under section 5 (a) of Republic Act No. 679 no child of less than 16 years of age shall be allowed to work in any shop, factory, commercial or industrial establishment or other place of labour for more than seven hours daily or 42 hours weekly.

While an industrial undertaking may operate two or three shifts, women working in the first shift do not work in the second or in the third shift.

Under section 9 (b) of Republic Act No. 679 every employer must allow his women workers at least 60 minutes for lunch or supper, as the case may be. In industrial undertakings operating three shifts women actually work seven hours because of the meal-breaks granted.

Although women normally work eight hours per day, if they are nursing mothers they work only seven hours, because under section 8 (b) of Republic Act No. 679 an employer is obliged to allow a nursing mother at least half an hour off twice a day during her working hours to nurse her child.

Supervision of the application of the foregoing provisions other than those applying to government employees is ensured through the systematic inspection of undertakings by agents of the Department of Labor.

Supervision of the application of the legislation covering government employees is the responsibility of the Office of the President.

Labour inspectors in the field undertake inspections subject to policy instructions, standards, rules and regulations established by the Bureau of Labor Standards and the Bureau of Women and Minors, and under the administrative supervision, direction and control of the Regional Administrators of the Department of Labor.

Section 11 of the Minimum Wage Law requires every employer to notify his employees, at the time of hiring, of the wage conditions under which they are employed, including the rate of wages payable, whether by the hour, day, week, month, or year or on a piece-work, task or commission basis, and the method of calculation, etc. Chapter 7 (article 1, sections 1 to 3) of the Rules and Regulations to Implement

the Minimum Wage Law requires every employer to keep records containing the above-mentioned data which must be ready for inspection at any time.

Any violation of the provisions of the Eight-Hour Labor Law by the employer or persons exercising direct control over and supervision of the workers shall be punished by a fine of not more than 1,000 pesos or by imprisonment for not more than one year or both; and any agreement or contract between an employer and a labourer or employee which is contrary to such provisions shall be null and void. Violation of the provisions of the 40-Hour (Five-Day) Work Week Law shall give rise to administrative action.

The foregoing legislative provisions are without prejudice to other laws, regulations, awards, negotiations or employment agreements which aim at or ensure more favourable conditions for the workers.

Work in maritime transport and maritime fishing is governed by the Eight-Hour Labor Law.

Existing legislation on the subjects dealt with in the Recommendation is sufficiently broad in scope to cover adequately and give substantial effect to the provisions of that instrument.

No modification has been made in the national legislation relevant to the Recommendation.

Poland

RECOMMENDATION No. 116

The 1933 Act respecting hours of work in industry and commerce established the principle of an eight-hour working day and a 46-hour working week in industry, commerce, mines, communications and other undertakings operated industrially, whether public or private. Where there is no regulation to lay down the hours of work of a specific group of workers, the above standards apply automatically (Decision of the Supreme Court dated 25 May 1953).

All hours worked beyond the normal timetable are considered overtime. Overtime may not exceed four hours a day or 120 hours a year for any worker. Undertakings must keep a separate list for each worker, showing overtime worked and payment due for it. Payment for overtime is at the rate of time-and-a-half for the first two hours and double time for subsequent hours and for all overtime worked on Sundays and public holidays.

The Act of 19 April 1950 respecting the reduction of hours in particularly arduous or unhealthy work lays down that hours of work for all workers covered by the Act respecting hours of work in industry and commerce may, in specific cases, be reduced to six, seven or seven-and-a-half a day or 36, 42 or 45 a week.

On the reduction of his hours of work a wage or salary earner retains his basic earnings, together with the supplement for arduous or unhealthy work. Piecework earnings are increased in proportion to the ratio between the normal hours and the reduced hours.

The Council of Ministers has issued a series of orders instituting reduced hours of work for workers employed in specific establishments and at certain workplaces, for example in heavy industry, the preservation of sites, or the dry distillation of wood.

Order No. 263/61 of the Economic Council of the Council of Ministers dated 13 July 1961 introduces a four-shift system of work in metallurgy, bringing about an appreciable reduction in hours of work for each worker, without loss of wages—indeed with a slight increase therein.

Reductions in hours of work are also instituted by certain collective agreements. For example, the collective agreement for the coal mines (supplementary agreement

of 1960) introduces a working day of seven-and-a-half hours for workers employed underground. These hours include effective hours of work and the time required to go down the mine, reach the workplace and return to the surface.

Lastly, it should be mentioned that a general reduction in hours of work is being planned.

The Government states that the provisions of the Recommendation are thus observed.

Portugal

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

According to Legislative Decree No. 24402 the following are classified as commercial or industrial establishments: all offices, shops, warehouses, workshops, factories, undertakings, public urban transport services and other premises where work of a commercial or industrial nature is done. In such establishments hours of work may not, in principle, exceed eight a day, or seven for office employees, it being understood that this provision does not affect any shorter hours of work which are in accordance with custom and usage in certain activities.

Hours of work may be reduced by legislation or by joint decision for reasons of health or occupational hygiene or on economic grounds. Daily hours of work may be increased by the express decision of the Government, in exceptional circumstances and when the public interest so requires.

In case of serious accident or when there is imminent danger of serious and exceptional damage to property, employers may extend working hours beyond the customary number, provided that this is recorded in the overtime register together with the grounds for the extension.

In principle work in industrial establishments may not begin before 7 a.m. or end later than 8 p.m.; work in offices may not begin before 9 a.m. or end later than 6 p.m. (section 9 of the above-mentioned legislative decree). The working day must be interrupted by a rest period of at least one hour but of not longer than two hours after four or five consecutive hours of work.

The collective agreements concluded by national employers' and workers' organisations may establish timetables suited to the economic circumstances prevailing in the branch of activity concerned, subject to the approval of the Under-Secretary of State for Corporations and Social Welfare. Some of these agreements have made use of the opportunity provided by Legislative Decree No. 24402 to establish, in accordance with usage in certain activities, weekly hours of work under the maximum of 48 laid down by the law.

The labour inspectorate, the social welfare services and the National Labour and Welfare Institute are responsible for enforcing the relevant laws and regulations in the metropolis.

In the overseas provinces the above duties are performed by the labour, welfare and social services institutes, which also carry out inspection in their capacity as administrative and police authorities.

Employers' and workers' organisations co-operate in the application of laws and regulations concerning hours of work and work timetables principally through the conclusion of collective agreements, which serve to apply those provisions and in some cases establish more favourable conditions.

The protection afforded workers by the national legislation, which establishes a maximum working week of 42 hours for office employees, is, in some respects, more complete than that afforded by Convention No. 30.

The Conventions have not been ratified for the reasons set forth in the statement made by the Government delegate to the 44th (1960) Session of the International Labour Conference concerning the position of the Government of Portugal in the matter of reducing hours of work.

Rumania

CONVENTION No. 30

Under the legislation in force no distinction is made between workers in shops and offices and those in industrial and agricultural undertakings.

The Constitution sets maximum working hours at eight a day and 48 a week.

The State Labour Protection Committee set up by Decree No. 971 of 30 December 1965 is responsible for supervising the enforcement of the labour laws. The Office of the Public Prosecutor also has supervisory powers as regards the application of the legislative provisions in force concerning hours of work.

Hours of effective work are determined by the rules of each undertaking and must be posted up in a conspicuous place.

Section 58 of the Labour Code provides that all employers must keep special overtime records.

Any infringement of the provisions concerning hours of work is a punishable offence under sections 242, 245 and 368 of the Penal Code.

CONVENTION No. 47

RECOMMENDATION No. 116

The Constitution and the Labour Code establish the principle of an eight-hour working day and lay down special systems for certain categories of workers. Thus the Labour Code fixes a six-hour working day for young workers between the ages of 14 and 16 years (section 87) and for nursing mothers (section 92). Other provisions prescribe a six- or seven-hour working day, and even, in some cases, a two-hour working day, for workers engaged in arduous or noxious work, for certain specific occupational categories, including medical and health personnel (Decision No. 907 of 31 May 1956 of the Council of Ministers), and for wage earners in nuclear establishments (Decision No. 747 of 25 November 1961 of the Council of Ministers); a six-hour day for navigating personnel of the civil aviation service (Decree No. 416 of 9 October 1953); a six-hour day for teachers in higher education establishments; and a seven-hour day for secondary-school teachers.

With the consent of the trade unions overtime work may be performed up to a limit of 120 hours a year, and is paid for at increased rates ranging from 50 to 100 per cent. more than normal wages.

However, overtime work may not be performed by young persons under the age of 18 years or by pregnant or nursing women.

The trade union organisations are consulted on the various provisions of the Recommendation.

See also under Convention No. 30 as regards supervisory measures.

Senegal

CONVENTION No. 1

Article 1, paragraph 3, of the Convention. All undertakings and activities are classified by virtue of Order No. 804/AP of 21 February 1947.

Article 6, paragraph 2. Special rates are paid for overtime work performed at night (time-and-a-half) and on Sundays and public holidays (time-and-a-quarter, or under collective agreements time-and-a-half, when the work is performed during the day; double time when the work is performed at night).

See also under Recommendation No. 116.

CONVENTION No. 30

Various orders promulgated during 1953 lay down the methods of applying a 40-hour working week in public services and establishments, wholesale and retail trade undertakings, banks and insurance offices, private and administrative services and various business agencies.

In the case of collective interruptions of work hours of work may be extended during the following two weeks to make up for the loss of one day, during the same week and the following two weeks to make up for the loss of two days, during the same week and the following three weeks to make up for the loss of three days and during the same week and the following four weeks to make up for the loss of four days. When time is lost owing to accidents or *force majeure* daily working hours may be extended by one hour only. However, the labour inspector may authorise the working of two hours extra per day over and above the eight-hour norm.

An order applying to the retail trade permits hours of work to be calculated as an average over a period of 21 days, provided that they do not exceed an average of 48 a week and nine a day. An exception to this rule may be authorised by the labour inspectorate after consultation with the occupational organisations concerned.

The main obstacle in the way of ratification of the Convention relates to the rates of overtime pay.

See also under Recommendation No. 116.

RECOMMENDATION No. 116

The Labour Code of 1961 reaffirms the provisions of the French Overseas Labour Code of 1952, which reduced weekly hours of work from 48 to 40. Under the 1961 Code the 40-hour working week applies to all public and private undertakings and hours worked in excess of this standard must be remunerated at a higher rate. Various orders to apply the 1952 Code, including some providing for exceptions, remain in force pending the issue of new provisions.

Following the introduction of the 40-hour working week wages were maintained at the same level by legislation in the case of unskilled workers, by collective agreements (in the case of skilled workers) or by arbitration awards.

The averaging of hours of work is permitted in railway transport (190 working hours spread over 30 days, i.e. an average of seven-and-a-third hours of work per day and 43¾ hours of work per week) and in continuous processes in the metal-producing trades (42 hours a week averaged over 12 weeks, subject to a maximum of eight hours a day and a weekly rest of 24 consecutive hours). Other exceptions of a permanent,

temporary and periodical nature have been provided for in respect of the different branches of activity. All hours worked in excess of the statutory working week, whether it is 40 or more than 40 hours, are considered as overtime and remunerated as such. Daily hours of work may be prolonged on account of preparatory or complementary work and temporary extensions of hours of work may be authorised in emergencies to prevent damage to goods or in case of abnormal pressure of work. Overtime work for the purpose of maintaining or increasing production may be performed up to a maximum of 20 hours a week. The restrictions on overtime are laid down in a general order of 2 June 1953, which provides for exceptions to the 40-hour working week.

The minimum overtime rates fixed in regulations are a 10 per cent. increase in normal wages for hours of work performed in excess of 40 a week up to the 48th hour and a 20 per cent. increase (35 per cent. under current collective agreements) thereafter.

Under an order of 22 June 1954 children may not work more than eight hours a day. Women employed in industry and commerce may not work more than ten hours per day and must have at least one one-hour rest period during the working day. Nursing mothers are entitled to an additional hour off during working hours.

All the orders to regulate the application of hours of work provisions were submitted prior to adoption to either the Advisory Labour Committee of the former Federation of French West African Territories or the Senegal Advisory Committee, both being composed of equal numbers of representative employers and workers.

Supervision of the application of the hours of work provisions is the responsibility of the labour and social security inspectors. The orders applying the 40-hour working week require employers to establish and display a timetable showing the distribution of daily hours of work and the time at which work begins and ends for all their employees. Employers must also keep an up-to-date register showing, *inter alia*, hours worked, wages and holidays, in the form indicated in an order made by the Minister of Labour and Social Security after consultation with the National Advisory Labour and Social Security Council.

Employers' and workers' organisations may be associated in the supervision of the hours of work provisions by the inspectors. The former may be requested by the inspectors to secure the adherence of members to the regulations; the latter may report violations to the inspectors.

The only serious discrepancy between the national legislation and the provisions of the Recommendation is the rate of pay for the first eight hours of overtime work (an increase of 10 per cent. instead of 25 per cent. in normal wages) but the under-developed state of the country precludes any improvement in the present rate.

Sierra Leone

CONVENTION NO. 1

The definition of industrial undertakings in the Employers and Employed Act is in line with that given in Article 1 of the Convention.

Decisions reached by wages boards and joint industrial councils in accordance with the Wages Boards Act provide that normal working hours shall be eight per day, except Saturdays, and 45 per week (for watchmen, however, the standard working day is 12 hours). Daily working hours may be varied by agreement between employers and workers, provided that the weekly total does not exceed 45. Hours worked in excess of the standard amount must be remunerated at overtime rates.

Employers must post up regulations applicable to their workers. In the case of shift work employers generally post up notices giving the hours of shifts. Workers in occupations involving shift work receive "off" days and, especially in the mines, double pay for work performed on their "off" days.

The Wages Boards Act requires employers to keep records of wages, which are liable to inspection. Supervision of the application of the regulations is the responsibility of the Ministry of Labour.

CONVENTION No. 30

According to the commercial workers joint industrial council agreement, reached under the Wages Boards Act, normal working hours are defined as in the Convention. See also under Convention No. 1.

CONVENTION No. 47

Ratification of the Convention will be considered when economic and social conditions permit.

See also under Recommendation No. 116.

RECOMMENDATION No. 116

Overtime rates are time-and-a-quarter for the first two hours and time-and-a-half thereafter. In commerce the standard overtime rate is time-and-a-half. Double time is the rule on Sundays and on public holidays.

Records must be kept available for regular inspection, and persons violating the provisions of agreements may be prosecuted by the Ministry of Lands, Mines and Labour.

Although the economic level of the country precludes any general reduction of hours of work, reductions have been made where feasible. A progressive reduction of hours of work will accompany economic growth.

See also under Convention No. 1.

Singapore

CONVENTION No. 1

Article 1 of the Convention. The provisions of the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance are applicable to all undertakings, industrial or otherwise, which employ workers who come under the respective definitions of "workmen", "shop assistants", "clerks" or "industrial clerks" in the ordinances in question; the definition of employees in the Industrial Relations Ordinance is much wider in scope.

The conditions of employment of workers not covered by the Industrial Relations Ordinance may be regulated by registered collective agreements or arbitration awards, which have the force of law under that ordinance.

Article 2. The provisions of this Article are applied by section 43 (1) of the Labour Ordinance, which prescribes normal hours of work of eight per day and 44 per week. This section provides that where, by agreement under the contract of service, the number of hours of work on one or more days of the week is less than eight, the limit of eight hours may be exceeded on the remaining days, but no workman may

be required to work for more than nine hours in one day or 44 hours in one week. Section 45 (1) of the ordinance complies with the provisions of clause (c) of this Article relating to shift work. Under section 34 (1) of the Clerks Employment Ordinance an industrial clerk is not required to work more than eight hours in any one day or 39 hours in any one week.

Article 3. The provisions of this Article are fully applied by section 43 (5) of the Labour Ordinance and section 34 (4) of the Clerks Employment Ordinance.

Articles 4 and 5. These Articles are not applicable.

Article 6. No temporary or permanent exceptions are made. Under the ordinances no worker can be compelled to work overtime. However, if he agrees to do so he must be paid for such work at not less than one-and-a-half times the ordinary rate of pay and he may not in any circumstances work for more than 12 hours in any one day (section 45 of the Labour Ordinance and section 35 of the Clerks Employment Ordinance).

Article 7. This Article is not applicable.

Article 8. There is no provision compelling employers to put up notices, but workers are fully aware of their conditions of employment relating to hours of work and rest intervals. The Labour Regulations, 1959, the Shop Assistants Employment Regulations, 1959, and the Clerks Employment Regulations, 1959, require employers to keep records concerning hours of work, wages and overtime for each worker.

The Commissioner for Labour is responsible for the general administration of the Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance. The Industrial Relations Ordinance empowers the Minister for Labour, his Parliamentary Secretary and the Commissioner for Labour to investigate complaints of breach or non-observance of any term of an award; and the Commissioner may institute proceedings. Section 53 of the Industrial Relations Ordinance governs inspection.

The main differences between the legislation and the Convention are in respect of the application of the legislation (see Article 1) and in respect of the legislative provisions relating to overtime (see Article 6).

Under the present economic and social conditions the Government considers that it is not possible to give full effect to those provisions of the Convention which are not yet covered by the national legislation.

CONVENTION No. 30

Article 1, paragraphs 1 and 2, of the Convention. Although government departments, including postal and telegraph services, are excluded from the scope of the Clerks Employment Ordinance, special regulations apply to these sectors. See also under Convention No. 1.

Paragraph 3. The Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance do not cover persons in positions of management. However, such persons may be covered by collective agreements or arbitration awards.

Article 2. The definition of "hours of work" in the above-mentioned ordinances corresponds to the definition of "hours of work" in this Article.

Articles 3 and 4. The ordinances contain provisions which satisfy the requirements of these Articles. A maximum working day of 12 hours is stipulated for shift-workers.

While clerical employees of government departments are not covered by the Clerks Employment Ordinance, they are normally required to work six-and-a-half hours a day and 36½ hours a week. Clerical staff of postal and telegraph services work seven hours a day and 42 hours a week.

Article 5. These matters are not provided for in the national legislation.

Article 6. The ordinances comply with the requirements of this Article.

Article 7. Section 38 (4) of the Shop Assistants Employment Ordinance gives effect to the provisions of paragraph 2 (a) of this Article (see also under Convention No. 1, Article 3). With regard to overtime, the provisions of section 39 of the Shop Assistants Ordinance correspond to what is stated under Convention No. 1 in connection with Article 6.

Article 8. The provisions of this Article are applied.

Article 9. The operation of the provisions of the Convention has not been suspended so far.

Article 10. National legislation does not affect any custom or agreement providing for more favourable conditions of work and remuneration.

Article 11, paragraph 1. Regular inspection of workplaces is carried out by officers of the labour inspectorate. Provisions relating to inspection are contained in sections 137 to 139 of the Labour Ordinance, sections 48 to 50 of the Shop Assistants Employment Ordinance, sections 44 to 46 of the Clerks Employment Ordinance and section 53 of the Industrial Relations Ordinance.

Paragraph 2. See under Convention No. 1 (Article 8).

Paragraph 3. These requirements are not covered by the national legislation.

With respect to supervision of the enforcement of the ordinances and future government policy regarding the application of the Convention, see under Convention No. 1.

CONVENTION No. 47

The provisions of this Convention are not applicable. See, however, under Recommendation No. 116, Paragraphs 1 to 4 and 5 to 9.

RECOMMENDATION No. 116

Paragraphs 1 to 4 of the Recommendation. The provisions of these Paragraphs have been fully implemented in respect of clerical employees; section 34 of the Clerks Employment Ordinance provides for a 39-hour week. Any term of a contract of service which is less favourable to an employee than the conditions of service prescribed by the ordinance is void to the extent that this is so. While government clerical employees are not covered by the ordinance, they are normally required to work six-and-a-half hours a day and 36½ hours a week.

Paragraphs 5 to 9. Section 43 of the Labour Ordinance, section 38 of the Shop Assistants Employment Ordinance and section 34 of the Clerks Employment Ordinance provide respectively for a 44-hour week for "workmen", "shop assistants" and "industrial clerks". The Government has established machinery for negotiations on terms and conditions of employment between individual employers' and workers' organisations. If suitable conditions exist in particular enterprises or industries for the reduction of hours of work, such a reduction may be arranged by means of

collective agreements or arbitration awards made under the provisions of the Industrial Relations Ordinance.

Under collective agreements concluded in 1966 shop cashiers and industrial clerks are required to work only 42 hours per week and the hours of work of workmen have been reduced to 43 per week.

Paragraphs 12 and 13. The ordinances permit more than 44 hours' work to be carried out in any one week on regular shift work, but the average number of hours worked over any period of three weeks may not exceed 44 per week.

Paragraph 14. The limit of 12 hours per day may be exceeded in circumstances similar to those provided for in clauses (a) (ii), (b) (i) to (iii) and (vi). See also under Convention No. 1 (Article 3) and Convention No. 30 (Article 7).

Paragraph 15. Normal working hours do not exceed 48 a week.

Paragraphs 16, 17 and 19. See under Conventions Nos. 1 and 30.

Paragraph 18. Section 51 of the Labour Ordinance prohibits the employment on overtime of children and young persons under the age of 16 years. One of the conditions inserted in the certificate of registration, issued in respect of a child or young person of less than 14 years of age under section 84 (1) of the ordinance, is that he shall not work for more than six hours per day or 33 hours per week. A young person who has attained 14 but not 16 years of age may not work for more than eight hours per day or 44 hours per week. While the ordinances do not place similar restrictions on the employment on overtime of young persons aged 16 years and over, pregnant women, nursing mothers and handicapped persons, no one can be compelled under a contract of service to work overtime, except in the circumstances referred to above in connection with Paragraph 14.

Paragraph 20. The provisions of this Paragraph are applied.

Paragraph 21. Regarding inspection and employers' notification and records, see under Conventions Nos. 1 and 30.

Provision for penalties for contravention of the legislation is made in section 54 of the Labour Ordinance, section 44 of the Shop Assistants Employment Ordinance, section 40 of the Clerks Employment Ordinance and section 50 of the Industrial Relations Ordinance.

Paragraph 22. The ordinances do not affect any award, custom, agreement or negotiation between employers and workers which ensures more favourable conditions for workers.

Paragraph 23. The Labour Ordinance, the Shop Assistants Employment Ordinance and the Clerks Employment Ordinance apply to agriculture but not to maritime transport and maritime fishing. The Industrial Relations Ordinance applies to all of these activities.

Regarding supervision of the application of the legislation by the public authorities, see under Convention No. 1.

Under the present economic and social conditions in Singapore the Government considers that it is not possible to give full effect to those provisions of the Recommendation which are not yet covered by the national legislation.

The national legislation conforms to the requirements of the Recommendation except for those of Paragraphs 1 to 9 and of Paragraph 18, which are partially complied with, and those of Paragraph 21 (b), which are not met.

Somalia

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Hours of work are regulated by the Labour Code. There are no provisions concerning a 40-hour working week. Enforcement of the labour legislation is the responsibility of the Labour Department of the Ministry of Health and Labour. Officers of this department keep in touch with workers' and employers' organisations. In the review of the Labour Code now in progress, the provisions of I.L.O. instruments will be taken into consideration.

Spain

CONVENTION No. 47

RECOMMENDATION No. 116

There are provisions in the national legislation, in administrative orders and in collective agreements relating to the matters dealt with in the Convention.

In many sectors national labour regulations and collective agreements have reduced hours of work. Thus, under the national regulations for the graphic arts adopted in 1950 linotype workers have a six-hour working day; under regulations adopted in 1946 administrative employees in the sugar and alcohol industry work seven hours a day and five hours on Saturday, while administrative employees in the footwear industry work 45 hours per week; under an ordinance of May 1965 coal miners who have to work continuously in water have a five-hour working day; under an ordinance of 1956 administrative employees of the national railway system work 36 hours per week; and under a collective agreement of April 1964 the administrative and technical staff of the National Naval Shipbuilding Corporation work six hours per day.

There is no difficulty in applying the provisions already adopted.

There is, however, some difficulty in introducing a shorter working day of general application, owing to the efforts being made by the country to achieve full economic development.

It is to be supposed that continuing trends in legislation and collective agreements will result in a gradual extension of the benefits already obtained.

Sweden

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

By virtue of an Act of 1930 to restrict hours of work, as amended in 1957, normal hours of work may not exceed 45 a week or nine a day. In the case of processes

that must be carried on continuously by a succession of shifts there is no restriction on the length of the working day, but average weekly hours of work, calculated over a period of not more than three weeks, must not exceed 45. The normal 45-hour working week and nine-hour working day may also be modified by collective agreements adopted or approved by the central workers' organisations concerned. Consequently, employers' and workers' organisations are in principle perfectly free to establish whatever hours of work they wish. In practice, however, the great majority of collective agreements provide for a 45-hour working week whenever hours of work are averaged over a period of more than one week. Normal hours of work may be calculated as an average over a period longer than one week without invoking the special conditions or technical needs mentioned under Paragraph 12 (1) of the Recommendation. The National Council for the Protection of Workers may also authorise an extension of normal hours of work. The relevant provisions of the national legislation, which are generally in line with those of the Recommendation, authorise the execution of a given number of hours of overtime in cases of emergency, or for preparatory or complementary work, or for other work where special circumstances make this necessary. The National Council for the Protection of Workers may authorise the execution of additional hours of overtime in case of urgent work.

Supervision of the application of the laws and regulations concerning hours of work is carried out by the labour inspection services under the general responsibility of the National Council for the Protection of Workers.

In 1963 the Government directed a special commission on hours of work to investigate the possibility of a further general reduction in hours of work and to review the legislation in force on this question.

In accordance with an agreement concluded in the spring of 1966 between the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions normal weekly hours of work are to be reduced by 50 minutes as from 1 February 1967 up to the end of 1968 and by a further 50 minutes as from 1 January 1969; this will bring normal weekly hours of work down to 42½.

The national legislation on this subject differs from the provisions of the Recommendation in that normal weekly hours of work may be averaged over a period of more than one week without invoking special circumstances. Moreover, overtime rates of pay are not laid down by law but, like wages, are established by agreement between employers and workers.

Switzerland

CONVENTION No. 1

The matters dealt with in the Convention were governed during the period under review by the Federal Act of 18 June 1914 respecting work in factories and the ordinance of 3 October 1919 for the implementation of the Act. The 1914 Act was repealed on 13 March 1964 by the Federal Act respecting work in industry, crafts and trade, which, however, did not come into force until 1 February 1966.

Article 1 of the Convention. The scope of the 1914 Act was narrower than that of the Convention. It did not cover extraction industries, or the majority of the activities mentioned under paragraph 1 (c), or the transport of persons or goods.

Article 2. Hours of work were restricted to 48 a week. The Act did not apply to persons holding management posts, or to representatives, or to the employees of commercial and technical offices.

Article 3. Normal working hours could be exceeded in case of properly justified need and subject to official authorisation.

Article 4. Continuous work could be authorised not only for technical reasons but also for economic reasons.

Article 5. The 1914 Act did not provide for hours of work to be averaged over periods of more than one week.

Article 6. The system of exceptions included exceptions which were authorised in respect of complementary work without the execution of such work being subject to prior consultation with the organisations of employers and workers concerned and without its giving rise to extra pay, as well as temporary extensions of hours of work, which were considered as overtime proper.

Article 8. Provision was duly made for employers to post up timetables of hours of work.

The application of the Act was the responsibility of the cantons, while the Confederation exercised general control through its supervisory organs, the federal factory inspection services and the industrial medical service. The Federal Factory Commission, a tripartite body set up in accordance with the provisions of the Act, was consulted on all matters on which ordinances and orders of general scope were to be issued by the Federal Council.

The discrepancies between the provisions of the Factories Act and those of the Convention prevented the Government from ratifying this instrument. Moreover, the Government does not believe that it will be in a position to ratify the Convention on the basis of the new Act.

CONVENTION No. 30

Prior to the promulgation of the new Act of 13 March 1964 respecting work in industry, crafts and trade, which came into force on 1 February 1966, there was no legislation relating to hours of work in shops and offices.

The new Act will make it possible to give effect to the majority if not all of the provisions of the Convention.

CONVENTION No. 47

The new Federal Act of 13 March 1964 respecting work in industry, crafts and trade prescribes a maximum working week of 46 hours for all workers in industry as well as for salaried employees, including the sales personnel of large retail stores, and of 50 hours for other workers. The Act authorises the Federal Council to reduce the working week to 45 hours as from 1 January 1968, if the economic situation, in particular as regards the state of the labour market and the degree of excess foreign population, so permits. The Government does not believe that the necessary conditions for a further reduction in hours of work will be met. Consequently, it does not propose to take steps to give effect to the provisions of the Convention.

RECOMMENDATION No. 116

The Government considers that national and international measures for the reduction of hours of work are justified only if they are necessary to protect the health of workers in general and of women and young persons in particular. In all other cases employers' and workers' organisations should agree among themselves on the question of a reduction of hours of work, duly taking into account the conditions reigning in each industry and the general economic situation.

See also under Conventions Nos. 1 and 47.

Syrian Arab Republic**CONVENTION No. 47****RECOMMENDATION No. 116**

Normal hours of work are 48 a week and eight a day. Hours worked in excess of these limits are considered as overtime and are subject to the provisions of section 121 of the Labour Code.

The implementation of development plans is incompatible with a reduction in hours of work to the extent prescribed by the international instruments under review.

Tanzania**CONVENTION No. 1**

It has been customary for collective agreements to provide for a 45-hour working week, spread over five-and-a-half days, and for an eight-hour working day except on Saturdays, when five hours are worked. Sunday is the weekly rest day.

The Traffic Ordinance limits weekly hours of work of drivers of commercial and public service vehicles to 48, and specifies that they may not perform more than ten hours of work in any period of 18 hours.

There is a need to encourage production and development and, in the absence of technical and financial resources, the available natural resources of manpower and land must be fully utilised.

See also under Convention No. 47.

CONVENTION No. 30

Weekly hours of work of shop assistants are restricted by ordinance to 48 in three specified towns.

Regulations prohibit the employment of juveniles between 6 p.m. and 6 a.m. and specify that they may not work more than six hours in any period of 24.

See also under Convention No. 1.

CONVENTION No. 47

The terms of the preamble of the Convention are not applicable to Tanzania; excessive hours of work do not constitute a problem. The introduction of a 40-hour working week would significantly lower productivity, retard the growth of the national economy and individual prosperity and impede the attainment of the targets set by the development plans.

A 45-hour working week is the rule except, for example, at the docks, where the nature of the work is arduous in a tropical climate.

Reduction of hours of work is a matter for negotiation rather than legislation. The Government is not likely to legislate for a 40-hour work week in the foreseeable future.

RECOMMENDATION No. 116

The national economy depends on agriculture, which is not covered by the provisions of the Recommendation.

See also under Convention No. 47.

Thailand

CONVENTION No. 1

CONVENTION No. 30

The administrative provisions relating to the matters dealt with in the Conventions are laid down in the Announcement of 20 December 1958 of the Ministry of the Interior concerning working hours, holidays of employees, conditions of woman and child labour, payment of wages and welfare services and the supplement to the Announcement of 23 March 1964.

Normal hours of work are limited to 48 per week in industrial undertakings and 54 per week in commercial undertakings.

If an employee is required to work longer hours, the employer must pay for overtime at the rate of not less than one-and-a-half times the regular wage, except where the excess hours of work are performed in connection with the following: supervisory work; technical or expert work; work which calls for secrecy and trust; rail-roading; transportation of goods and parcels; inland water or sea transport of passengers or freight; telephone, telegraph or radio communication switchboard or line operation; dredging; opening and closing of water gates, spillways, or reservoirs; reading of water levels and measuring of water volume; maintenance of canals or canal banks, dikes or dams; watching or caretaking of premises; fire fighting; or work requiring the performance of outdoor duties and indefinite hours. Normal hours of work in the case of work which may be detrimental to health or physically harmful are limited to 42 per week.

Work which is potentially dangerous to health or physically harmful includes underground or underwater work or work carried out in caves, tunnels, or passages in mountains; the manufacture or transportation of potentially dangerous materials, poisonous substances, explosive or inflammable materials; work connected with radioactivity; oxygen welding; work involving potentially dangerous odours, vapours, smoke, gases or dust; work involving the use of tools which exposes the operator to potentially dangerous vibrations; or work involving potentially dangerous extreme degrees of heat or cold.

The authority entrusted with the supervision of the application of the relevant provisions is the Department of Labour of the Ministry of the Interior. No organisations of employers or workers exist which may be called upon to co-operate in the application of such provisions.

The Settlement of Labour Disputes Act, 1965, has been adopted to ensure the right of employers and workers to submit claims to each other demanding a change of agreement concerning conditions of employment, including hours of work.

The economic position of the country does not permit the enactment of national legislation giving full effect to the various measures set forth in the Conventions.

The prevailing working conditions in both industry and commerce are kept under constant review so that, when the economy of the country permits, further progress may be made in implementing the provisions of the Conventions.

CONVENTION No. 47

RECOMMENDATION No. 116

At present there are no legislative or administrative provisions directly concerned with a 40-hour working week or the reduction of hours of work. However, employers and workers have the right, under the Settlement of Labour Disputes

Act, 1965, to negotiate and agree upon the number of working hours per week, taking into consideration the minimum requirements fixed by the Ministry of the Interior.

Measures to give effect to the provisions of Convention No. 47 are not likely to be taken until further industrialisation has taken place.

Tunisia

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Hours of work in all non-agricultural activities are governed by the provisions of the 1966 Labour Code and by a number of special orders relating to certain branches of activity.

The system of a 40-hour working week, introduced by a decree of 4 August 1936, has gradually been put into effect in certain branches of activity by means of implementing orders. In the interests of increased production, however, the general standard fixed by the Labour Code is that of a 48-hour working week.

Normal hours of work may be extended to 60 in the week, but they may not exceed ten per day. Hours worked in excess of the normal limit of 48 or 40 per week are regarded as overtime and give entitlement to an increased rate of remuneration.

The increased rate for overtime is time-and-three-quarters. However, for branches of activity coming under the 40-hour working week system, it is time-and-a-quarter from the 41st to the 48th hour and time-and-a-half thereafter.

Since the main concern of the Government is to increase production—if necessary by extending hours of work—ratification of the Conventions under review does not seem advisable.

Turkey

CONVENTION No. 1

Article 1 of the Convention. The Labour Code contains a definition of industrial activities which is in line with the definition given in this Article but the Code does not apply to establishments which normally employ fewer than ten workers or to workers whose activity is of a purely intellectual nature.

Article 2. Section 35 of the Code prescribes weekly hours of work of 48, distributed in accordance with the requirements of clause (b). A half-hour rest period is compulsory where less than eight hours a day are worked, and a one-hour rest period is compulsory where daily hours of work are eight or more. The performance of overtime work may be preceded by a short break.

Article 3. These provisions are embodied in section 38 of the Code.

Article 4. With regard to continuous work performed by successive shifts, as defined in section 52 (b) of the Code, no regulations have as yet been issued and the general standard of a 48-hour working week applies in this case. However, section 43 (4) of the Code stipulates how day and night shifts shall be rotated.

Article 5. Working hours are not calculated over periods longer than one week and therefore weekly hours of work are never more than 48.

Article 6. The Code, as well as Regulations No. 2/20739 of 3 November 1943 and the amendments thereto concerning preparatory or complementary work or cleaning operations, provide that such work, which must necessarily be performed outside of the general working hours of the undertaking, may be done either by workers specially recruited for the purpose, or by the regular staff of the undertaking as extra work not included in their normal duties. In the first case the general rules governing hours of work are applied. In the second case the work is considered as overtime, to be performed within the prescribed limits of two hours a day at the prescribed higher rate (paragraph 1 (a)). Section 37 of the Code mentions exceptional cases in which hours of work may, for short periods, be extended beyond the maximum laid down in the legislation (paragraph 1 (b)).

Section 37 of the Code, supplemented by the regulations concerning overtime, meets the requirements of paragraph 2 of this Article. Overtime work may be performed subject to administrative authorisation and to the consent of the workers; it is restricted to three hours a day and may not exceed 90 days a year. In some cases special provisions of the Code impose a reduction in hours of work on grounds of health or safety, either by prohibiting any extension of normal hours of work or by prescribing an actual reduction in hours of work.

Article 8. Act No. 275 of 15 July 1963 respecting collective agreements, strikes and lockouts, makes it compulsory for employers bound by a collective agreement to post up an officially endorsed timetable of hours of work (paragraph 1 (a) and (b)). Section 37 of the Code stipulates that any overtime authorised must be recorded in a special register (paragraph 1 (c)).

Article 14. The Code provides that the Council of Ministers may increase hours of work up to the maximum capacity of the workers for reasons of national security. Section 6 of Act No. 79 of 10 September 1960 permits the Council of Ministers, for reasons of national security, to increase hours of work during the day and at night by up to three hours a day. The provisions concerning weekly rest may also be suspended. In these cases wages are paid in accordance with the provisions of section 37 of the Code.

The Council of Ministers and the Ministry of Labour are responsible for enforcing the provisions relating to hours of work.

A new Labour Code is soon to be promulgated and its entry into force will facilitate the ratification of certain international Conventions.

CONVENTION NO. 30

Article 1 of the Convention. Act No. 5/180 clarifies the provisions of the Labour Code by indicating that administrative offices and shops come within its purview. The establishments listed in paragraph 2 (a) to (c) and the persons mentioned in paragraph 3 of this Article are excluded from the scope of the national general regulations by the provisions of Regulations No. 2/20738.

Article 2. These provisions are embodied in section 40 of the Code.

Article 3. An eight-hour working day and a 48-hour working week are the fundamental standards established by the national legislation and apply to work in industry, shops and offices.

Article 5. The legislation contains no provision allowing hours of work lost in case of general interruptions of work in shops and offices to be made up.

Article 7. See under Convention No. 1. In shops and offices recourse is had to overtime work or the engagement of supernumerary workers mainly for purposes of stocktaking, preparation of balance sheets, winding up of accounts, etc.

Article 8. No regulations of the kind provided for in Articles 6 and 7 have as yet been formulated.

Article 11. See under Convention No. 1 (Chapter VI of the Code).

Article 12. Penalties are provided for by the Code.

The Council of Ministers and the Ministry of Labour are responsible for enforcing the provisions relating to hours of work.

Ratification is at present impossible but will be greatly facilitated by the entry into force of the new Code, which will have the effect, in particular, of abolishing the distinction between manual and essentially intellectual work and will have a wider scope extending to establishments which employ only one worker.

See also under Convention No. 1.

CONVENTION NO. 47

No legislative, administrative or other measure has been taken in favour of the principle of a 40-hour working week, as required by the Convention. Section 36 of the Labour Code provides for certain exceptions by means of which statutory hours of work may be reduced on grounds of health. A very small number of collective agreements provide for hours of work of less than 48 a week. They apply only to non-manual workers in certain establishments such as water, gas and electricity services, health services, the wholesale and retail trades and banks.

RECOMMENDATION NO. 116

Paragraphs 1 to 10 of the Recommendation. No special legislation exists applying the principles set forth in these Paragraphs.

Paragraph 11. Normal hours of work are prescribed by the Labour Code (section 35 (a) and section 37).

Paragraphs 12 and 13. Although this principle is stated in the Code (section 52), regulations have not as yet been made to apply it.

Paragraph 15. The Code stipulates (section 37) that permission for the performance of overtime work may be granted by the local authority only to meet a real need.

Paragraphs 16 to 19. These principles are stated in section 37 of the Code.

Paragraph 20. Every three months the ministries concerned hold separate consultations with employers' and workers' representatives to discuss matters of concern to them. Questions relating to the application of the Recommendation may be raised.

The Council of Ministers and the Ministry of Labour are the authorities responsible for enforcing the above-mentioned legislation.

See also under Conventions Nos. 1 and 30.

Uganda

CONVENTION No. 1

The term "industrial undertaking" as used in section 2 of the Employment Rules is in line with the definition given in Article 1 of the Convention. Section 22 (1) of the rules provides for a 48-hour working week. Section 22 (3) implements Article 3 of the Convention.

Employers in remote areas tend to disregard the legislation cited above, but efforts are being made by the Ministry of Labour to secure observance through vigilant inspection and an increase in the inspectorate staff.

The Labour Commissioner is entrusted with the supervision of the implementation of the above-mentioned legislation.

Every encouragement is given to workers' and employers' organisations to set up well-run and effective machinery for voluntary negotiation of general conditions of work, including normal working hours, and they are provided with the necessary advice in this connection. As a result of such voluntary negotiation a 45-hour working week is common and in some cases a shorter working week has been recommended.

It is proposed to extend the application of section 22 of the Employment Rules to every form of employment when these rules are amended, but the adoption of further legislation is not envisaged.

See also under Recommendation No. 116.

CONVENTION No. 30

There are no provisions dealing with any of the Articles of the Convention. In practice, however, normal working hours in the private sector are 48 a week in trading establishments and 40 a week in commercial offices. In the public sector the normal working week for offices is 37¼ hours. Longer hours of work are observed in small private enterprises and some commercial offices in small towns and trading centres.

Although no legislative provisions exist, employers in both commercial establishments and offices are advised by the general labour inspectorate staff not to require their employees to work more than 48 hours a week, in harmony with section 22 of the Employment Rules applying to industrial undertakings. Such advice is generally well received and hours of work performed in excess of 48 in any one week are paid at the normal overtime rate of time-and-a-half.

In the event of a breakdown or general interruption of work workers may be required to work beyond the normal hours cited above and the overtime rate is usually paid in all cases.

CONVENTION No. 47

There are no legislative provisions or administrative measures or collective agreements respecting any of the matters dealt with in the Convention.

See also under Recommendation No. 116.

RECOMMENDATION No. 116

Under section 22 of the Employment Rules normal working hours in industrial undertakings are 48 a week, and are usually spread over six days. Weekly hours in industrial undertakings and other establishments are fixed by collective bargaining between employers and workers. As a result, in some commercial establishments,

offices and industrial undertakings normal weekly working hours range from 39 to 45, and are sometimes spread over five instead of six days.

Section 22 (3) and section 22 B of the Employment Rules are considered to deal adequately with the questions of exceptions to normal hours of work and overtime payment. Overtime work performed in excess of the 48 statutory hours is paid for at the rate of time-and-a-half. However, workers' organisations are endeavouring to secure better terms where the basis of calculation is 45 hours of work or less per week as against the statutory 48 hours.

The Government considers that the progressive reduction of normal hours of work should be a matter for collective bargaining between workers' and employers' organisations. It is felt that it would not be conducive to rapid national economic growth for the Government to secure the observance of the Recommendation through legislation. Such action would create a situation which, in the absence of increased productivity, would result in a reduction of the real income of the workers.

Consideration is nevertheless being given to extending the average of a 48-hour working week to all forms of employment.

Ukraine

CONVENTION No. 1

CONVENTION No. 30

RECOMMENDATION No. 116

Maximum hours of work are normally seven per day for workers in general, six per day for persons working underground and six-and-a-half or five, or even four, for persons working in unhealthy or arduous conditions.

The working day preceding a public holiday is reduced by one hour for all workers coming under the seven-hour system. Compensatory leave is granted to workers who, on account of their employment in continuous work, are unable to take advantage of this measure.

The Labour Code lays down a working day of four hours for apprentices and workers aged from 15 to 16 years and of six hours for those aged from 16 to 18 years.

Hours of work are normally calculated by the day. The Order of the Council of People's Commissaries of the U.S.S.R. dated 24 September 1929, however, authorises the calculation of hours of work on the basis of a period not exceeding one month in undertakings and institutions operating continuously.

Managements of undertakings and institutions are responsible for the application of the standards relating to hours of work and holidays.

Overtime, the actual duration of which must not exceed 120 hours in a year and four hours in any period of two consecutive days, can be required of workers only by decision of the works trade union committee or the local trade union committee and then only in exceptional circumstances—for example in case of disaster or public danger, or when it is obviously necessary for the proper functioning of public services, for the completion of a job the interruption of which might involve damage to the work or the machines employed, or for the repair of equipment the faulty functioning of which might cause a stoppage of work for many workers. Overtime is also authorised for loading and unloading in transport undertakings.

Workers aged under 18 years, women after their fourth month of pregnancy, nursing mothers and workers suffering from a certain degree of invalidity may on no account be called on to work overtime.

An order of the All Union Central Council of Trade Unions of the U.S.S.R., dated 29 July 1934, prohibits the granting of leave as compensation for overtime. Payment must be in cash and at the rate of at least time-and-a-half for the first two hours and double time thereafter.

The management of each undertaking must keep a special register for overtime and enter in it full information on the times at which work begins and ends and the payment drawn for overtime.

In each undertaking works rules concerning conditions of work and schedules must be drawn up in agreement with the trade union committee and posted up in conspicuous places.

Supervision of the enforcement of the labour legislation is the responsibility of the Trade Union Council, which acts through the technical inspectors of the trade unions. Supervision within the undertaking rests with the works trade union committee or the local trade union committee.

Infringements of the provisions concerning hours of work may entail either a disciplinary or administrative sanction or a penal sanction.

U.S.S.R.

CONVENTION No. 1

CONVENTION No. 30

RECOMMENDATION No. 116

There has been a steady reduction in hours of work since the decree of 29 October 1917 laid down normal hours of work as eight in the day and 48 in the week. There has also been an increase in the average wage owing to measures designed to increase productivity.

Article 119 of the Constitution has now established a seven-hour working day for wage earners and salaried employees and has provided for the reduction of the working day to six, or even four hours, in occupations with difficult conditions of work. Legislation has established a maximum working week of 41 hours, but a considerable number of wage earners and salaried employees already work less than 41 hours a week and over 10 million persons work less than seven hours per day, i.e. less than 40 hours per week. These include all wage earners and salaried employees engaged in occupations with difficult conditions of work; young persons, whose working day under a decree of 1956 may not exceed six hours; teachers at various levels who work three, four or six hours; and physicians, who work five-and-a-half or six-and-a-half hours a day. A six-hour working day and a 36-hour working week are laid down for all workers engaged in underground operations. Persons successfully combining productive labour with studies are also entitled to a reduced working week, applied in the form of additional free days or a shorter working day. The working day is reduced to six hours on days preceding public holidays and days of rest. The average working week was 40 hours for industrial workers and 39.4 hours for all wage and salary earners in 1964.

The reduction of hours of work to seven or six per day has permitted action to be taken with a view to introducing a five-day week in industrial undertakings. Textile undertakings, in particular, now have a five-day working week. The five-day working week normally involves a system of shift work, under the most common of which the average working week is reduced to 40.6 hours and the average number of night shifts per worker is reduced to two per month. Another experimental system has permitted the reduction of weekly hours of work to 39.7 and has released two-

thirds of production workers from the performance of night work. Over 500 undertakings employing more than 1.7 million workers are now working a five-day week, under various systems of shift work. Extensive preparatory work is currently being carried out with a view to switching wage earners and salaried employees to a five-day working week during the period 1966-70 without affecting existing hours of work. This switch is being undertaken by the Government acting in close contact with the trade union organisations and with their active participation. Cultural and welfare services are being prepared further to improve workers' living standards and to ensure rational utilisation of the extra free time.

The statutory normal working week of 41 hours is applied in three ways as follows: (a) five days of seven hours and a sixth day of six hours; (b) over a period of eight weeks (seven weeks consisting of five eight-hour days and the eighth week consisting of six eight-hour days); (c) in the case of continuous production, by means of a four-shift roster, each shift lasting eight hours. The work schedule is decided by the management in conjunction with the trade union organisations. A non-standardised working day is applied to management, administrative, technical and economic personnel, who are remunerated at a higher rate and granted additional holidays of up to 12 working days per year.

Overtime work is permitted only in exceptional cases which are defined by the Labour Code of the R.S.F.S.R. and which are more restrictive than those envisaged in the Recommendation. Overtime work, even in cases provided for by law, is subject to the permission of trade union committees, and may not exceed four hours in the course of any two successive days or 120 hours in the course of one year. The rate for the first two hours is time-and-a-half and for every successive hour double time. Piece workers performing overtime work are paid, in addition to their piece-rate earnings, 50 per cent. of the time-based wage rate in respect of each of the first two hours of overtime and 100 per cent. for each successive hour. A strict record of all overtime is maintained at every undertaking, in accordance with the Labour Code. In 1965 overtime accounted for only 0.3 per cent. of the total time worked by industrial production workers.

The application of the legislation concerning hours of work and workers' production is supervised by the Procurator-General, whose department performs its functions independently of local authorities. The activities of the various ministries and central offices in connection with labour and wages matters are supervised by the State Labour and Wages Committee of the Council of Ministers, while the ministries and central offices supervise the enforcement of labour legislation in the undertakings coming under their authority. The labour inspection authorities of the trade unions perform an important role in supervising the observance of labour legislation by management. They may institute proceedings against any person violating the provisions of the legislation or submit evidence of such violation with a view to the institution of criminal proceedings under the various Criminal Codes of the U.S.S.R. Unauthorised overtime is a violation of labour legislation and of the worker's rights and the courts may apply disciplinary or criminal sanctions.

United Arab Republic

CONVENTION No. 47

RECOMMENDATION No. 116

Normal maximum hours of work are fixed by the 1959 Labour Code at 48 in the week. Act No. 133 of 1961, however, provides that in certain undertakings to be

specified by the Ministry of Industry hours shall be 42 in the week, not including breaks for meals and rest, and that the reduction shall involve no loss of wages for the worker.

Six orders have been issued specifying over 300 industries to which the 42-hour week shall apply. Officials coming under Act No. 46 of 1964 normally work 36 hours per week.

Since trends in law and practice concerning hours of work go hand in hand with those in national economic and social conditions, it may be hoped that the 40-hour week will be universally applied in due course.

United Kingdom

CONVENTION No. 1

CONVENTION No. 47

See under Recommendation No. 116.

CONVENTION No. 30

In some cases hours of work in commerce and offices are governed by collective agreements—for example in the public sector—while in others they are governed by individual contracts of employment. Orders made under the wages councils legislation require overtime rates to be paid for work performed in excess of a certain number of hours a week, but the councils have no power to limit hours of work in accordance with the requirements of Articles 3 and 4 of the Convention.

See also under Recommendation No. 116.

RECOMMENDATION No. 116

There is no national policy for the progressive reduction of normal hours of work, but the Government has regulated hours of work for some classes of workers and established minimum conditions of employment within certain industries. Hours-of-work questions are generally regarded as best settled by collective bargaining, which has resulted in progressive reductions in many fields of employment. Under statutory provisions an agreement covering a substantial proportion of workers may be extended to the whole industry concerned.

In connection with the national policy on productivity, prices and incomes a norm of 3 to 3½ per cent. has been laid down as the average rate of annual increase of money incomes per head. This norm takes into account not only increases in wages but also other increases in costs, including reductions in working hours without loss of pay.

Under the provisions of the Wages Councils' Acts 57 wages councils in Great Britain cover more than 3.5 million workers in various industries and trades, and in Northern Ireland the corresponding figures are 18 and 48,000. The wages councils fix minimum rates of remuneration and overtime rates for work in excess of a certain number of hours a week. Basic weekly hours of work have frequently been the subject of negotiations in recent years and reductions have almost invariably resulted. According to an appendix attached to the Government's report basic weekly working hours under wages councils' orders as at 1 February 1966 varied mainly between 40 and 42, compared with 44 and 46 as at 1 February 1960.

As regards normal hours of work, with a few major exceptions the present round of reductions has resulted in the establishment of a 40-hour working week in a number of important sectors. The peak of the first general round of reductions since 1956 occurred in 1960-61 and the second round began in the second half of 1964 and was likely to be completed during 1966. Statistical tables accompanying the Government's report show that the number of manual workers covered by collective agreements and statutory orders for whom normal working hours were reduced during the ten-year period 1956-65 was 26.5 million. Average normal hours of work dropped from 44.6 in 1956 to 40.9 in 1966 and the average of weekly hours actually worked dropped from 46.8 to 45 (but women rarely work more than the standard hours and often less). Only in the past two years has there been a steady reduction in hours actually worked.

An appendix to the Government's report gives a list of over 100 agreements and statutory orders in Great Britain and about 30 in Northern Ireland under which a 40-hour normal working week for manual workers was in operation in February 1966. The list covers heavy and light industries, public industries and services and other manufacturing trades and services. Another appendix gives a list of about 30 agreements and orders under which the 40-hour week was due to come into operation at subsequent dates, mostly later in 1966. It is estimated that 45 per cent. of all manual workers had a 40-hour working week by the end of February 1966 and that under agreements and orders already made the proportion will increase to 55 per cent.

The normal maximum number of working hours a week is fixed by legislation for certain categories of workers. Under the Shops Acts the maximum for shop assistants in Great Britain is 48 for those over 16 years and 44 for those under 16, and in Northern Ireland the corresponding figures are 44 and 40 respectively. The Factories Acts (Part VI) fix normal maximum weekly working hours of 48 for women workers and young persons (44 for workers under 16 years of age) and normal maximum daily working hours of nine, or of ten in a five-day working week. Special or general exemptions from the Acts may be authorised by the Ministries of Labour or Health, in the public interest, and after consultation with workers' and employers' representatives. Many industrial agreements provide for a shorter working week, and the periodic surveys of working hours published by the Ministry of Labour show that the average of the hours actually worked by women and young persons are well below the maximum permitted under the Acts.

With regard to public employees, most groups of staff in the non-industrial civil service have had a reduction in their normal working hours since the middle of 1964. Office staff have a normal working week of 36 hours in London and 37 elsewhere, and it is unusual for the normal working hours of other non-industrial staff to exceed 40. Prison officers in Great Britain are subject to an 84-hour fortnight, but these hours were due to be reduced to 80 as from 5 June 1966; in Northern Ireland the question of a similar reduction in hours is under consideration. For industrial civil servants normal working hours were reduced from 42 to 40 a week in 1965 in accordance with the "fair wages" principle of reflecting what had already taken place in industry generally. Departmental grades of workers in the General Post Office are subject to various standards, ranging from 37 hours of work per week (telephonists and telegraphists) to 41 (radio operators). The weekly hours of work of rank-and-file grades in post office engineering have been 40 since July 1965. In the National Health Service normal weekly working hours are now either 40 or less for the great majority of staff in the administrative, professional, technical, clerical and manual grades, and there has been a progressive reduction, virtually completed by 1 January 1966, from 88 to 84 hours in the working fortnight of nurses and midwives. The working fortnight of dieticians has also recently been reduced from 84 to 82 hours. There are no normal hours of work for doctors and dentists or for certain managerial staff in the

Service, who are expected under their conditions of service to work whatever hours are necessary.

Collective agreements generally lay down minimum scales of payment for overtime and some agreements limit the amount of overtime which may be worked over a specified period. Wages councils' orders prescribe payment for overtime at not less than one-and-a-quarter times the hourly general minimum rate. Under the Shops Acts no overtime work is permitted to be performed by workers under the age of 16 years. Under the provisions of the Factories Acts concerning the working hours of women and young persons, overtime may not exceed 100 hours a year or six hours a week and may not take place during more than 24 weeks in the year. Limits to daily working hours are also set when overtime is worked. Non-industrial civil servants in the lower grades and General Post Office workers are paid by the hour for all authorised overtime at the rate of time-and-a-quarter up to 54 hours per week and at the rate of time-and-a-half thereafter (in Northern Ireland the rates are time-and-a-quarter up to the 51st hour, time-and-a-half from the 52nd to the 57th hour and double time thereafter); other staff are paid at the plain time rate for overtime or receive a lump-sum payment. Manual workers in the National Health Service are paid at the rate of time-and-a-quarter for the first three hours of overtime work and at the rate of time-and-a-half thereafter; other staff are paid in whole or in part at plain time rates or are granted time off. The performance of overtime work by workers under 18 years of age is considered undesirable.

Provision is made for the enforcement of the legislation by government or local authority inspection services and the Industrial Court is competent to adjudicate on collective agreements.

It is not intended to take measures to give further effect to the Recommendation.

Aden

CONVENTION NO. 1

CONVENTION NO. 30

CONVENTION NO. 47

RECOMMENDATION NO. 116

Hours of work are limited to eight a day or 48 a week for workers in the retail trade and industrial undertakings. Hours worked in excess of these amounts are considered as overtime and must be remunerated accordingly. The minimum overtime rate is time-and-a-quarter for the first 12 hours per week or, in the case of workers paid for a shorter period than a week, for the first two hours per day. Thereafter, the overtime rate is not less than time-and-a-half. In factories adult workers may not work more than 54 hours a week (56 hours in continuous processes).

Supervision of the application of the legislation is the responsibility of the Ministry of Labour and Welfare. Employers and workers co-operate through the intermediary of the Trades Union Congress and the Confederation of Employers.

There has so far been no modification of the existing legislation or practice respecting hours of work. The introduction of a new Factories Ordinance is at present under consideration. It is not proposed at this stage to introduce legislation for the reduction of hours of work; it is considered that the matter should be left to collective bargaining.

Collective agreements have reduced normal hours of work from 48 to 44 in a variety of industries, from 44 to 41 in commerce, hotels and the retail trade, to 42 in

transport (non-industrial grades), to 36½ in banking and to 33½ in government services (non-industrial grades).

Antigua

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

No legislative measures have been taken for the application of the provisions of the Conventions and the Recommendation. However, these provisions are largely applied in practice, either under the terms of collective agreements or by custom.

Most industrial workers are covered by collective agreements concluded between the Employers' Federation and the Trades and Labour Council. Employers who are not members of the Federation also adhere to the basic principles of these agreements. The normal hours of work in industry are 44 a week spread over five-and-a-half days. The working of overtime is not compulsory, but workers co-operate with management so that overtime is worked whenever there is an emergency and, in other cases, after reasonable notice (24 hours) has been given. The rates for overtime are 150 per cent. of normal rates of remuneration for the first four hours worked in excess of the normal working day, and 200 per cent. thereafter; and 200 per cent. for the first eight hours worked on Sunday or on a public holiday and 250 per cent. thereafter. All work done during the lunch hour is paid at double time.

In commerce and offices a normal working week of 39 hours spread over five-and-a-half days is generally observed. The usual overtime rates are 150 per cent. for the first three hours worked in excess of normal daily hours and 200 per cent. thereafter; and 200 per cent. for up to seven hours worked on Sundays and public holidays and 300 per cent. thereafter.

In the civil service normal hours of work are 36 a week and overtime work is remunerated at higher rates than work performed during normal working hours.

Appropriate measures are taken to ensure proper administration of the provisions concerning hours of work. Records of normal hours worked, plus overtime, are kept, and information concerning normal working hours, rest periods and so on is posted in a conspicuous position in each establishment.

Bahamas

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

In industry hours of work are fixed by collective agreement or by custom and there are no legislative provisions in this connection. The normal working hours fixed under collective agreements range from 45 per week in the building and construction industry to 43 per a week in telecommunications. The working hours of workers not covered by collective agreements follow the same pattern. All hours worked in excess of the agreed limit give entitlement to overtime pay, which is, in the main, at the rate of time-and-a-half.

It is not intended to adopt measures to give effect to those provisions of Convention No. 1 which have not yet been applied, mainly because an absolute limitation of working hours to 48 a week would not be welcomed by those workers who wish to earn overtime pay.

There is no legislation prescribing normal hours of work in commerce and offices, but the general practice has been to conform with the government regulations applying to public offices, which have fixed hours of work at 43 a week. A collective agreement covering hotel and catering workers provides for a maximum normal working week of 48 hours. As no representations have been made by organisations of either employers or workers for the application of Convention No. 30, it is not at present proposed to adopt measures to give effect to the provisions of this instrument.

The principles laid down by Convention No. 47 are not at present applicable in the Bahamas, given the existing situation of full employment and, in some cases, shortage of workers. Nor would it be practicable to implement the provisions of Recommendation No. 116 in view of the need for overtime work. Furthermore, the economy of the territory is mainly dependent on the tourist trade and there are few industries which involve heavy physical or mental strain or health risks such as would make it important to reduce the working hours of the workers concerned.

Basutoland¹

CONVENTION No. 1

There are no provisions concerning hours of work in industry. Normal working hours are from 7, 7.30 or 8 a.m. to 4.30 or 5 p.m. with lunch and tea breaks. Legislation is being considered, but there may be some delay before any is enacted. If legislation did exist, responsibility for the supervision of its application would rest with the Minister of Economic Development, Commerce and Industry.

CONVENTION No. 30

Hours of work in commerce are to some extent controlled by a regulation prohibiting the transaction of business under a wholesale trader's licence or a general trader's licence on any public holiday between 5 p.m. on any weekday and sunrise the following day, or between 1 p.m. on Sunday and sunrise on Monday (section 3 (1) of the Trading Regulation made under Proclamation No. 72 of 1951). Supervision of the application of this regulation is the responsibility of the Minister of Economic Development, Commerce and Industry. New legislation on hours of work and overtime is being considered, but it may not be enacted for some time.

CONVENTION No. 47

There are no laws, regulations or collective agreements providing for a 40-hour working week. Normal working hours are 39½ per week in trade and 40 to 42½ per week in other sectors. Legislation on hours of work is now being considered. Any draft that may be prepared will be submitted for comment to the National Advisory Committee on Labour, which consists of equal numbers of employers' and workers' representatives. If legislation is enacted, responsibility for the supervision of its application will rest with the Minister of Economic Development, Commerce and Industry.

¹ This territory became independent on 4 October 1966 under the name of Lesotho.

RECOMMENDATION No. 116

Application of the provisions of the Recommendation would be impracticable at the present stage of development of the country.

See also under Conventions Nos. 1, 30 and 47.

Bermuda

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

There are no legislative or administrative provisions relating to hours of work, which are for the most part regulated by collective agreements. The competent authority has not as yet formulated a national policy having as its principal object the progressive reduction of hours of work, but several collective agreements provide for a normal working week of less than 48 hours. Thus public transport workers have a 45-hour working week, electricity supply workers have a 40-hour working week and dockworkers have a 42-hour working week. In the building industry an agreement for a two-year period providing for a 45-hour week spread over five days was being negotiated at the end of 1965. Present trends, therefore, indicate that the aim of Recommendation No. 116 is gradually being achieved.

The Government does not at present intend to adopt any measures to give effect to those provisions of Convention No. 1 or of Convention No. 30 which are not yet implemented in practice. The main obstacle to ratification of the former instrument is the obligation to limit the amount of overtime which may be worked, as such action would run counter to the wishes of the workers. For example, it is the desire of public transport workers to work more than 48 hours in the week, if possible, provided that overtime rates are paid: this is the custom and practice.

British Honduras

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

The Labour Ordinance, 1959, which applies to workers in all the types of industrial undertakings enumerated in Article 1 of Convention No. 1, stipulates that no worker shall be obliged to work on more than six days in any week or for more than nine hours in any day or 48 hours in any week. In respect of shift work the ordinance allows these normal limits to be exceeded without payment of overtime, provided that the average number of hours worked over a period of three weeks or less does not exceed nine a day or 48 a week. There is no statutory limitation of the amount of overtime which may be worked, except that the ordinance prescribes a nightly rest period of nine consecutive hours. The statutory rate of payment for overtime is time-and-a-half as a minimum.

Hours of work in the establishments enumerated in Convention No. 30 are regulated by the Labour Ordinance, the Shops Ordinance and, in respect of government

employees, by government general orders and government workers' rules. Under the relevant legislation the normal hours of work of most office workers are a maximum of 48 a week and nine a day. The normal hours of work of established public servants do not exceed 39½ a week and seven a day. The Shops Ordinance sets normal working hours at a maximum of eight a day and an aggregate of 45 a week. The statutory overtime payment rate is a minimum of one-and-a-half times the normal rate of remuneration.

The Labour Department, through its inspection services, is responsible for enforcing all the labour laws of the country and maintains close collaboration with workers' and employers' organisations in order to ensure observance of the provisions of national laws and regulations.

In view of the level of economic development of the country, and the need to promote economic growth and the development of new industries while at the same time maintaining a competitive position in international trade, the Government does not consider it appropriate at the present time to adopt the principle of a progressive reduction of normal hours of work so as to reach the social standard indicated in Recommendation No. 116. The Government believes that, under present conditions, a reduction in hours of work would not lead to more employment opportunities but would merely create longer leisure hours at a time when there is a national need to work harder in order to produce more. Nevertheless, the Government does not hinder or discourage any attempt by workers to obtain shorter working hours through voluntary collective bargaining. However, there has been no marked desire on the part of workers to have the normal hours of work reduced, and collective agreements in industry generally adhere to the normal working hours of nine a day and 48 a week prescribed in the Labour Ordinance. As exceptions to this general rule, there are two collective agreements which provide for a 45-hour week.

Existing legislation appears adequate to ensure the application of all of the provisions of Convention No. 30 and most of the provisions of Convention No. 1. With regard to the latter instrument, the competent authorities do not consider it appropriate to adopt any further measures in order to ensure strict conformity with the terms thereof.

Brunei

CONVENTION No. 1

CONVENTION No. 30

Under Labour Enactment No. 11 of 1954 no worker may be required to work for more than eight hours a day or on more than six days a week or on a prescribed holiday.

Work performed in excess of eight hours in any one day, except for that performed by piece workers, must be remunerated at a rate of not less than time-and-a-half. The minimum rates for all work performed on the weekly rest day and on prescribed holidays are time-and-a-half and double time respectively.

Supervision and control of the application of the regulations are the responsibility of the Commissioner of Labour. The Government states that Articles 1 to 6 of the Convention are fully applied.

CONVENTION No. 47

RECOMMENDATION No. 116

The provisions of both the Convention and the Recommendation are applied to a certain extent. While government workers paid by the day have a 42-hour week,

government clerical employees work less than 40 hours (actual man-hours per week are 37½). Employees of various commercial firms also have a 42-hour week. The hours of work of immigrant industrial and service workers are generally based on legislation. Employers are required to keep records, which are subject to examination by officers of the Labour Department.

The Government sees no difficulty in ratifying the Convention or applying the provisions of the Recommendation.

Dominica

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Section 5 of the Factories Ordinance, 1941, empowers the competent authority to make rules for the purpose of regulating hours of employment in factories. The Wages Councils Ordinance, 1953, empowers the competent authority to set up a wages council to regulate, by means of wages council orders, the remuneration and conditions of employment of workers in industries or activities in respect of which it would seem expedient for such matters to be regulated. However, no such rules or orders have been made in respect of workers in industry because in practice normal working hours do not exceed eight a day or 48 a week. Overtime work is remunerated at the rate of at least time-and-a-half. It has not been considered necessary to make regulations providing for exceptions to the normal hours of work in respect of preparatory or complementary work. However, the Government is considering the adoption of measures to make the keeping of records of hours and the posting of notices obligatory, in conformity with Article 8 of Convention No. 1, even though the provisions of this Article are already largely applied in practice.

The definition of "shop" in the Shop Hours Ordinance, 1937, includes all commercial establishments except those licensed for the sale of intoxicating liquor, and all the establishments covered by the definition comply with the terms of the Wages Regulation (Shop Assistants) Order, 1959, which fixes normal working hours at not more than eight a day or 48 a week. The normal working hours in government departments are 36 a week spread over five-and-a-half days. The application of Convention No. 30 does not give rise to any difficulties since all the provisions which are not implemented by legislation are applied in practice.

Falkland Islands

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Hours of work in both industry and commerce are regulated by collective agreements. Representatives of employers (the Government in its capacity of an employer and the Falkland Islands Company) and of workers (the General Employees' Union) hold annual meetings with a view to reaching agreement on terms of employment, including working hours. This procedure is entirely satisfactory to

both sides and the greatest goodwill and amity exists. In such a small territory personal contact and co-operation between individuals are both real and effective, so that no legislative measures are considered necessary.

In industry the normal working week is already not more than 45 hours, while in commerce and offices it is less than 48 hours and, in some cases, as little as 36½ hours.

None of the provisions of either Convention No. 1 or Convention No. 30 gives rise to any difficulties of application as they are all implemented in practice. It is not, therefore, necessary to take any measures in order to ensure conformity with the provisions of these two instruments.

No date can be set for acceptance of the principle of a 40-hour working week. Considerable study is necessary before it would be possible to commit the territory to a statement that the present high standard of living would not be reduced by an over-all reduction of the working week to 40 hours. However, as already indicated, the normal working week in most undertakings varies at present between 37 and 45 hours and the situation is constantly under review.

Fiji

CONVENTION No. 1

The Employment Ordinance, 1964, empowers the Government to prescribe maximum hours of work but working hours are satisfactorily determined by collective agreement. In the building and civil engineering trades, which are covered by a wages council, overtime rates must be paid for hours worked in excess of either eight or nine, depending on whether the particular undertaking works a five or a five-and-a-half day week.

The normal working hours of certain categories of manual workers, as given in the annual report of the Labour Department, 1965, are as follows: dockworkers—ten-hour day (two hours of which are paid at overtime rates); mining (surface) workers and sugar mill workers—48-hour week; factory workers and building and civil engineering workers—45-hour week; government unestablished workers and mining (underground) workers—44-hour week.

At the end of 1965 there were 13 joint negotiating bodies, covering some 13,510 workers, in addition to wages councils, which covered approximately 5,000 workers. The Government expected that wages councils for the hotel and catering trades and the road transport industries would begin operations early in 1966.

In the absence of industrial disputes or other reason the Government does not propose to introduce legislation giving effect to the provisions of the Convention.

CONVENTION No. 30

The Shop (Regulation of Hours and Employment) Ordinance, 1964, which applies to shops in the main centres of Fiji, restricts the working hours of shop assistants to ten in any one day, requires one half day off each week, and prohibits (except under certain conditions) work on Sundays. In practice working hours of shop assistants seldom exceed eight per day and 45 per week and are only 42½ per week in the larger stores.

In wholesale and retail establishments, including all shops, a wages regulation order requires payment of time-and-a-half for work exceeding eight hours on a normal day and five hours on early closing day, and double time for work performed on Sundays and public holidays. Wages regulation orders are enforced by the Commissioner of Labour and his staff.

The working week in offices is usually between 36 and 42½ hours; in government offices it is 36 hours spread over five-and-a-half days.

Since the hours of work in commerce and offices are, in its view, generally satisfactory, the Government does not propose to enact any legislation in this matter.

CONVENTION No. 47

There are no legislative or administrative provisions reflecting the requirements of the Convention.

See also under Convention No. 1.

RECOMMENDATION No. 116

The only legislative provisions concerning the subject of the Recommendation are the Shop (Regulation of Hours and Employment) Ordinance, 1964, and the wages regulation orders for the wholesale and retail trade and the building and civil engineering industry. Similar orders are expected to be formulated by the wages councils due to be set up for the hotel and catering trades and the road transport industry early in 1966. Government policy is to encourage the determination of conditions of employment by collective agreement.

Although Part III of the Employment Regulations, 1965, requires employers to keep registers of wage payments containing details of overtime, no statistics are available showing the amount of overtime actually worked.

Enforcement of the relevant legislation and of wages regulation orders is the responsibility of the Commissioner of Labour and his staff.

In view of the present economic position of Fiji the Government considers it more appropriate to continue its policy of encouraging direct negotiations between employers and workers rather than to implement the Recommendation by law.

For information on normal working hours see under Conventions Nos. 1 and 30.

Gibraltar

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

The international standards established by the Conventions have influenced the general approach to the question of hours of work, but government policy is to encourage the fixing of standards by collective agreements. Except in the cases mentioned below no legislation in this matter exists or is contemplated at present.

An order made under the Regulation of Wages and Conditions of Employment Ordinance prescribes maximum weekly working hours of 60 for the retail trade. In shops and warehouses hours of work for young persons under 18 years of age are limited by ordinance to 48 in the week, and provision is made for meal breaks. Regulations on closing hours for shops provide for one early closing day per week and result, with rare exceptions, in maximum weekly working hours of 48 and often of much less. The posting up of notices, which must show the total number of hours worked by each employee, is required by law.

Although there is no legislation governing the working hours of office workers, a working week of between 36 and 42 hours, spread over five-and-a-half days, is usual for this type of worker.

Because of the intensity of industrial activity, particularly in the building industry, coupled with a shortage of labour, there is no intention of limiting overtime except by encouraging the payment of increased rates of remuneration for hours worked in excess of the normal working week, which in most cases is 42 hours spread over five days.

Minimum overtime rates prescribed in the retail trade for hours worked in excess of 48 in any one week are not less than one-and-a-quarter times the regular rate.

For reasons of public safety, regulations limit the normal hours of work of bus drivers and conductors to 48 a week and their overtime to 12 hours over a period of 14 days.

Supervision of the application of the legislation is the responsibility of the Director of Labour and Social Security. Employers and workers are represented on an equal footing on the Regulation of Wages and Conditions of Employment Board, which meets under the chairmanship of the Director of Labour and Social Security.

Gilbert and Ellice Islands

CONVENTION NO. 1

As at 31 December 1965 the only legislation which had any relevance to the Convention was the Labour Ordinance, 1951, but it contains no specific provisions relating to hours of work in industry. More relevant legislative and administrative provisions have, however, been included in Employment Ordinance No. 6 of 1965, which was enacted on 15 September 1965 but which had not been brought into operation by 31 December 1965.

The various Articles of the Convention will be given effect by the Employment Ordinance, 1965, which was expected to be brought into operation during April 1966. Part III of the ordinance relates to wages and hours of work, and section 10 thereof provides, *inter alia*, that the Commissioner of Labour may specify days and hours of work in any particular industry. Part XIII makes provision for the enactment of regulations to give effect to any Articles of the Convention which are not specifically covered by the ordinance.

With the coming into operation of the Employment Ordinance, 1965, the Commissioner of Labour was to be entrusted with the supervision of the application of the legislation and of the regulations made thereunder. Under section 10 of the ordinance he is required, in determining hours of work, to consult with representatives of both workers' and employers' organisations.

The Employment Ordinance, 1965 has been designed to supersede and repeal the provisions of the Labour Ordinance, 1951, in order to facilitate the application of the provisions of the Convention.

No difficulties are anticipated in the application of the provisions of the Convention by the Employment Ordinance, 1965; priority consideration could be given to the drafting of new legislation should such legislation be required.

CONVENTION NO. 30

RECOMMENDATION NO. 116

See under Convention No. 1.

CONVENTION No. 47

It is normal administrative practice to limit the hours of work of persons employed by the Government and in industry and commerce to 40 per week.

See also under Convention No. 1.

Grenada

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

The Government does not consider it necessary to pursue a national policy for the reduction of hours of work since the principle of a 40-hour week is accepted in almost all branches of economic activity and the large majority of workers have a normal working week of 40 hours or less. Exceptions are workers in the construction industry and in quarrying, certain transport workers, domestic workers and the staff of the Labour Department and the Police Department, who all have a normal working week exceeding 40 hours. There are no legal barriers to prevent organised workers from seeking further reductions in working hours.

The Wages Regulation (Minor Industrial Undertakings) Order, 1961, fixes normal hours of work in the garment-making, straw, cigarette and printing industries at 39 a week, spread over five-and-a-half days. These normal hours of work are also observed—mainly by custom but also in some cases under the terms of collective agreements—in the majority of other industries. Exceptions are the construction industry and quarrying, which observe a normal working week of 44 hours, spread over five-and-a-half days, and passenger transport services, where daily working hours amount to approximately 12 but where actual working time is only about four hours a day.

The Shops (Hours) Ordinance limits normal weekly hours to 39, spread over five-and-a-half days, with a daily maximum of ten hours. In other branches of commerce and in offices normal hours of work are also 39 a week.

It would not be possible at present to give effect to those provisions of Convention No. 1 which are not yet applied either by legislation or in practice, the main difficulty being that the work of the employees of passenger transport services, which is essentially intermittent, does not lend itself to a limitation of 48 hours a week, and a reduction in their normal daily hours could not be effected without either reducing their standard of living or increasing the cost of their services to such an extent that unemployment would result. The provisions of Convention No. 30 are fully applied and no further measures in this respect are required.

Guernsey

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Normal hours of work in all major industries, and in commerce and offices, are fixed by collective agreements at 44 per week, spread over five-and-a-half days.

Seasonal overtime, the limitation of which seems impracticable, is remunerated at a higher rate.

No statistics are available on hours actually worked.

The procedure for settling industrial disputes includes reference to a tribunal on which organisations of employers and workers are represented.

Since voluntary action has progressively reduced hours of work—some industrial workers having already achieved a 40-hour working week and many office workers a 36-hour working week—no further measures are deemed necessary.

Hong Kong

CONVENTION No. 1

While there are a number of collective agreements which include provisions relating to hours of work, legislation on the subject—the Factories and Industrial Undertakings Regulations, 1955, as amended in 1958—covers only women and young persons. The regulations limit the normal hours of work of women and of young persons aged over 16 years to ten a day and 60 a week. Overtime work may be carried out during 25 weeks of the year but may not exceed six hours a week and 100 hours a year. Young persons under 16 years of age may not work more than eight hours in the day and 48 hours in the week and may not perform overtime work. Night work is prohibited for all women and young persons and a weekly rest day is obligatory for such workers. Employers must post up notices showing the hours of work of women and young persons. In undertakings with a predominantly female work force male workers generally work the same hours and are granted a weekly rest day.

There is no accurate information on the hours of work of all workers, but a substantial number of industries do generally observe an eight-hour working day, among them the cotton spinning, weaving and building industries, public utilities and public transport, which together employ some 200,000 persons out of the estimated 500,000 to whom the Convention would apply. The working week, however, is in many cases 56 hours because, except in the case of women and young persons, a weekly rest day is not customary. Furthermore, agreements regarding hours of work usually set no limits on overtime. Government-operated industrial enterprises generally adopt working hours which conform to the provisions of Article 2.

Workers' organisations are more concerned with wages than with hours of work, and have been reluctant to take action for shorter hours partly because of their numerical weakness and partly because of the fear that reduced working hours would mean reduced earnings. Nevertheless, their possible role in improving hours of work is emphasised in the Labour Department's trade union education programme. The Labour Department, in addition to bearing the responsibility for enforcing the relevant regulations, is willing to assist workers or their organisations in negotiating new contracts and securing the fulfilment of existing ones. As part of a sustained effort to persuade employers to adopt a policy of progressive reduction of hours of work, it set up in May 1965, under the chairmanship of the Commissioner of Labour, a working party composed of representatives of employers' organisations to consider further reductions in the hours of work of women and young persons. The report of the working party is in course of preparation.

The legislation covering women and young persons was intended as a first step towards progressive improvements giving effect to some provisions of the Convention. Certain employers have also reduced hours of work with this same motive.

The Government appreciates the desirability of applying the provisions of the Convention and intends to adopt such measures as are compatible with the development of industry and full employment.

CONVENTION NO. 30

There is no legislation relating to the subject-matter of the Convention but its provisions are to some extent applied in practice. Many commercial and trading establishments, for example, work a seven-and-a-half-hour or an eight-hour day, excluding the lunch break, on six days of the week. However, many small establishments, and most retail shops, which employ the majority of the working population, work much longer hours—in some cases as many as 12 per day on seven days of the week. A small number of large shops work eight or nine hours a day spread over five-and-a-half days a week.

Public service employees, under government establishment regulations, normally work 39 hours a week but may be required to work longer when necessary. In these exceptional cases the lower grades may receive overtime pay for work performed in excess of 43 hours a week. For outside staff the working week is 42 hours, exclusive of the meal break.

So far there have been no modifications in the law or practice with a view to giving effect to the Convention. While recognising the need to regularise and reduce working hours when circumstances permit, the Government is unable to formulate any measures until it has available more information on current practice, which it hopes to obtain after a planned expansion of the Labour Department.

CONVENTION NO. 47

There are no legislative or other provisions concerning a 40-hour working week. In view of the limited progress made so far towards a 48-hour working week the Government does not consider the application of the Convention to be practicable.

See also under Recommendation No. 116.

RECOMMENDATION NO. 116

The Government accepts the principle of progressive reduction of hours of work, but, as the normal working week generally exceeds 48 hours, the immediate aim is a 48-hour working week. A 40-hour working week is regarded as a desirable ultimate aim which is impracticable in the foreseeable future.

Existing legislation on hours of work covers women and young persons in industry, and the further statutory reductions in working hours envisaged for these workers will affect an appreciable number of male workers employed in the same undertakings (see under Convention No. 1).

The annual report of the Commissioner of Labour gives statistics of hours worked in selected industries in 1964-65.

In communications, transport, electricity supply services and the dockyards hours of work appear to have been eight per day on 26 days per month. In the construction trades there was an eight-hour working day but the working month could vary from 26 to 30 days. Government and commercial staff normally worked eight hours a day spread over a five-and-a-half day week.

In manufacturing industry the working month normally varied from 26 to 30 days (26 for women) and working hours varied from industry to industry and within

industries, according to types of employees. Broadly speaking, cotton spinning mills and the larger weaving establishments operated on the basis of three eight-hour shifts (but some worked two ten-hour shifts). The manufacture of garments, plastics and metal-ware was normally organised on the basis of a single ten-hour shift, but 11, 11½ or even 12 hours could be worked (in the rubber footwear industry).

Overtime work is normally performed in industrial undertakings when business is good, but in some industries it is performed throughout the year. It is prohibited for young persons aged from 14 to 16 years and is subject to restrictions in the case of women and of young persons aged from 16 to 18 years. These restrictions allow overtime work to be performed up to a maximum of 100 hours a year during not more than 25 weeks in the year.

Overtime work following on normal hours of work is sometimes paid for at the rate of time-and-a-quarter, but the normal rate is time-and-a-half. Double time is the usual rate for overtime work performed on public holidays and on non-statutory rest days, or after midnight. Salaried employees in industrial and commercial firms rarely receive overtime pay and only subordinate grades of government employees are entitled to such pay.

See also under Conventions Nos. 1 and 30.

Jersey

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Although there are no legislative provisions dealing with the subject of reduction of hours of work and there is no authority which would be responsible for enforcing any future legislation, a high degree of application of the provisions of the Recommendation has been achieved through direct negotiations between employees and employers or their respective organisations.

The eight-hour working day and the 48-hour working week prescribed by Convention No. 1 having been attained some time ago, workers' organisations are now concentrating on establishing a 40-hour working week, as prescribed by Convention No. 47, in all industrial undertakings. The latter standard already obtains for some workers, such as those handling goods at the docks and those employed at the electric power stations and the gas works. In the building industry a collective agreement made in 1964 provided for a gradual reduction of hours of work so as to reach 42 in 1966, with further negotiations the following year. Collective agreements have also been the means by which the provisions of the Recommendation concerning shift work and overtime have been substantially applied. The minimum overtime rate in industry is time-and-a-quarter, with increases in certain circumstances—for instance in the case of hours worked in excess of a specified number, on Sundays and on bank holidays.

Similarly, the standards laid down by the Recommendation have been substantially achieved in commerce and offices. Hours of work in the civil service, for example, are normally 39 a week, and employees in certain private professional offices work even shorter hours.

In both industry and commerce progress is being made towards a 40-hour working week through free negotiations between the parties concerned, due regard being had to the financial considerations peculiar to a small-island economy.

Isle of Man

CONVENTION No. 1

Practically all workers covered by the Convention work a 40-hour week. A few, however, still work 41 hours per week.

The Lieutenant-Governor is the authority under whom organisations of employers and workers may be called upon to co-operate. Since collective agreements and territorial practice provide satisfactorily for hours of work, the Government has not found it necessary to adopt measures with a view to giving effect to the provisions of the Convention.

CONVENTION No. 30

Collective agreements in commerce and offices provide for a 40-hour working week. A five-day working week generally obtains in shops in the main shopping centre. Office staff all work 40 hours or less per week.

See also under Convention No. 1.

CONVENTION No. 47

The only major industry not covered by a collective agreement providing for a 40-hour working week is catering. Since much of the activity in this industry, which is vital to the island's economy, is concentrated in the short holiday season, progress towards that standard will be difficult. The Government is therefore directing its efforts to the introduction of a basic wage related to a 40-hour week. It has approached the organisations concerned about setting up a joint industrial council for the industry.

The Lieutenant-Governor is the authority under whom organisations of employers and workers may be called upon to co-operate. The Government has found no need for modifications in practice with a view to giving effect to the provisions of the Convention.

RECOMMENDATION No. 116

In recent years collective agreements have shown that there is a trend towards a progressive decrease in normal hours of work. Most employees now work a 40-hour week. The principal exception is the catering industry, which employs a large number of workers for long hours during a season lasting about three months. Although the Government has recently approached the appropriate organisations about setting up a joint industrial council for the industry, it points out that, considering the importance of the industry to the island's economy, the desire of most employees to earn extra money during the short busy season, and the large number of small establishments in the industry, it would be difficult to enforce rigid conditions of employment.

See also under Convention No. 47.

Mauritius

CONVENTION No. 1

The basic legislation on hours of work and overtime, section 14 of the Employment and Labour Ordinance, provides for a maximum normal working day of eight hours and a maximum normal working week of six days, including one five-hour day with a full day's pay. Work performed in excess of the daily limit is remunerated at the rate of time-and-a-half. Double time is paid for up to eight hours of work performed

on Sundays and holidays, and triple time is paid for work in excess of eight hours performed on such days. These overtime provisions do not apply to shift workers whose average working time over an agreed period does not exceed the limit and to employees whose normal wage arrangement allows for extra work. Any agreement contravening the provisions of this section is void, and no temporary exceptions are permitted.

Section 14 of the Employment and Labour Ordinance does not apply where wages regulation orders have provided for hours of work or overtime rates. Such orders are made after consultation with employers' and workers' organisations, and those in force, with two exceptions, prescribe a normal working week of 45 hours.

In the baking and road passenger transport industries the normal working week is 48 hours, and in both of these industries overtime rates must be paid for work performed in excess of eight hours in any one day. Certain drivers in the sugar industry receive a flat rate covering up to 57 hours of work a week, if performed.

Various regulations exist in regard to notification and record-keeping—for example in the road passenger transport industry duty schedules must be posted up at least a week in advance, and in the sugar industry employers must keep an employment card for each worker, which the worker may inspect, showing hours of overtime.

Enforcement of the regulations and of collective agreements is the responsibility of the inspectorate service of the Ministry of Labour.

When necessary, workers' and employers' organisations are consulted through the national Labour Advisory Board.

No modifications have been made in the national law or practice with a view to giving effect to the provisions of the Convention.

CONVENTION NO. 30

Additional regulations for shop assistants (section 3 of the Shops Ordinance) and for workers in the distributive trades (wages regulation order, 1963) require that on at least one week-day in each week such employees shall not work after 1.30 p.m. and that a notice shall be posted up indicating which is the short day for each employee.

In the distributive trades employers must also post up notices showing the terms of the relevant wages regulation order and must keep records of hours worked in excess of the normal hours of work.

Enforcement of the regulations and of collective agreements is the responsibility of the inspectorate service of the Ministry of Labour.

Workers' and employers' organisations are consulted through the national Labour Advisory Board.

No modifications have been made in the national law or practice with a view to giving effect to the provisions of the Convention.

For the provisions of the basic legislation on hours of work and overtime (section 14 of the Employment and Labour Ordinance), see under Convention No. 1.

CONVENTION NO. 47

There are no legislative or other provisions concerning the 40-hour week.

RECOMMENDATION NO. 116

There are no legislative or other provisions concerning reduction of hours of work. As a source of information on hours of work, the Government cites the annual reports of the Ministry of Labour.

The inspectorate service of that Ministry is responsible for enforcing the regulations and collective agreements.

Employers' and workers' organisations are consulted through the national Labour Advisory Board.

Although employers and workers may of course agree on shorter hours than the maximum prescribed by law, any further legislative reduction must depend on economic circumstances.

Montserrat

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

There are no legislative provisions regulating hours of work in industry, but a collective agreement concluded between the Government, the Trades and Labour Union and the heads of various private industries has established a normal working week of 40 hours, spread over five days, in public and private industrial undertakings. Overtime work, remunerated at increased rates, is resorted to on the rare occasions when accidents or urgent tasks make this necessary.

The Shops Regulation Ordinance, 1941, stipulates that no shop assistant may work for more than 45 hours in any one week. Employees may be required to work an additional period of five hours in any one week in a year for purposes of stocktaking. These provisions do not apply to establishments in which only members of the employer's family are employed.

St. Helena

CONVENTION No. 1

The only industrial undertakings are five small establishments concerned with simple processes in shipping, scutching and baling flax, the workshops of the Public Works Department and a small electricity undertaking. The hours of work in these undertakings are 42½ a week for government employees and 45 a week for non-government employees. The overtime rate is time-and-a-half and applies to workers other than supervisory and managerial staff paid by the month. Because the customary hours of work are already less than the maximum laid down by the Convention, no regulations have been made under the Factories Ordinance.

The Factories Board established under the Factories Ordinance, working in conjunction with the General Workers' Union, is responsible for the supervision of the application of the legislation. There are no representative organisations of employers.

CONVENTION No. 30

The only legislation regulating hours of work in commerce and offices is the Shops (Hours of Opening and Closing) Ordinance, 1953. The regulations made under the ordinance limit hours of work in shops to a maximum of 46 a week except on special occasions. Otherwise, hours of work range from 34 a week in government offices to 40 a week in commercial establishments. The Labour Officer and the Social Welfare Officer are responsible for supervising the application of the ordinance.

CONVENTION No. 47

See under Conventions Nos. 1 and 30.

RECOMMENDATION No. 116

The present normal hours of work are the result of a progressive reduction over the past ten years from a maximum of 52 to a maximum of 45 hours a week. The ordinary overtime rate of time-and-a-half is increased to double time for work performed on Sundays and public holidays.

It is not considered possible at present to reduce working hours to a standard 40-hour week without adversely affecting the economy of the island and, as a corollary, the living standards of the workers.

See also under Conventions Nos. 1 and 30.

St. Lucia

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Although no consideration is being given to the adoption of legislative measures to implement Convention No. 1, the practical application of this instrument does not give rise to any difficulties, since collective agreements covering the majority of industrial undertakings give effect to most of its provisions.

It is not yet intended to take further measures to give effect to those provisions of Convention No. 30 not yet implemented by either legislation or practice. The Shops (Hours) Ordinance, which covers persons employed in both wholesale and retail trade and the provisions of which, in practice, are also extended to persons employed in offices and other commercial establishments, provides for a normal working week of 41 hours and a normal working day of not more than eight hours. The Wages Regulations (Clerks) Order establishes rates of time-and-a-half for overtime worked on ordinary working days and of double time for overtime worked on Sundays and public holidays.

The trade unions have always sought to bring about the progressive reduction of normal hours of work without any reduction in wages and over the past five years normal weekly working hours have been reduced by collective negotiations from 48 to 44 for workers employed on public works, in port services and municipal services and to 40 for workers employed in electricity supply services.

St. Vincent

CONVENTION No. 1

CONVENTION No. 47

RECOMMENDATION No. 116

The question of ratifying Conventions Nos. 1 and 47 and applying the provisions of Recommendation No. 116 has not yet been considered by the competent authority.

Except in respect of shopworkers there are no legislative provisions regulating hours of work. In private industrial undertakings normal weekly hours of work range from 44 down to 34, spread over five-and-a-half days. One collective agreement concluded in 1964, and still in force, provides for a normal working week of not more than 40 hours, spread over five days. In a state-owned stone-crushing plant normal weekly hours are 48 with a daily maximum of nine hours.

Various orders made under the Shops (Hours of Opening and Employment) Ordinance, 1942, prescribe a normal working week of 44 hours for shop assistants.

The Labour Commissioner, any police officer or any person authorised in writing by the Labour Commissioner have statutory power to enforce the provisions of the legislation referred to above.

No machinery exists to allow participation of organisations of employers and workers in the application of the legislation, but they do co-operate.

Seychelles

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

There is no legislation concerning hours of work, but the minimum wage law is based on a 45-hour working week, which generally obtains in industry. It should be noted, however, that this territory is predominantly agricultural.

Normal weekly working hours are 36½ in public offices and 39 in private offices. Daily hours of work are from 7.30 a.m. to 6 p.m., with a one-hour break for lunch, in shops and from 7 a.m. to 4 p.m., with one hour for lunch, in other undertakings, such as garages.

In the present state of development of the territory a reduction of hours of work is not feasible.

Solomon Islands

CONVENTION No. 1

CONVENTION No. 30

CONVENTION No. 47

RECOMMENDATION No. 116

Under section 10 of the Labour Ordinance no worker may be required to work for more than six consecutive hours or for more than eight hours a day or on more than six days a week or on a public holiday. Work performed in excess of eight hours in any one day, except that performed by piece workers, must be remunerated at the rate of time-and-a-half. The minimum rates for all work on the weekly rest day and on public holidays are time-and-a-half and double time respectively.

There are two relevant collective agreements, one between the B.S.I. Ports and Copra Workers' Union and the B.S.I. Ports Authority, the other between the B.S.I. Building and General Workers' Union and the Government. The former provides for a normal working day of eight hours from Monday to Friday (with maximum daily

working hours, including overtime, of 14) and of five hours on Saturday, making a 45-hour working week. The latter also prescribes a 45-hour working week but permits total working hours to be distributed over either five or six days. All private employers of labour observe a 45-hour working week distributed over five or six days.

Government officers work a 36-hour week consisting of six-and-a-half hours a day from Monday to Friday and four hours on Saturday. The staff of commercial houses work similar hours. The hours of work in shops are now being studied.

The few employees who work on Sundays or who perform shift work are entitled to either overtime or equivalent time off.

Supervision of the application of the Labour Ordinance is the responsibility of the Commissioner of Labour and his subordinates. The Government is considering modifying section 10 of the ordinance, but it does not contemplate any change until fully representative organisations of employers and workers have developed.

Swaziland

CONVENTION No. 1

There are no legislative or other provisions concerning hours of work in industry. Wages councils, which will undoubtedly consider hours of work, have, however, been planned for the sugar (milling) industry and the building and construction trades.

Hours of work per week in selected industries are as follows: mining and quarrying—from 45 to 48; building and construction—from 45 to 50; electricity and water—40; railways—48. Government industrial workers have a five-day, 45-hour week.

The subject of hours of work lies within the competence of the Labour Department, which maintains close co-operation with trade unions and employers' organisations.

No modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention, although the Government maintains that the requirements of the Convention are partially being met.

CONVENTION No. 30

The only provisions concerning hours of work in commerce and offices are those contained in a wages regulation order for the retail and wholesale distributive trades. This order is already in force in certain areas and will shortly be applied throughout the territory. Hours of work in commerce, apart from the retail and wholesale distributive trades, range from 45 to 52 per week; in the telegraph services they range from 38½ to 40 per week.

See also under Convention No. 1.

CONVENTION No. 47

There are no legislative or other provisions concerning a 40-hour working week. If such legislation did exist, it would be administered by the Labour Department, which maintains close co-operation with trade unions and employers' organisations.

No modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention, nor are any contemplated. The Government does not consider it appropriate at this stage of the territory's development to apply the Convention.

RECOMMENDATION No. 116

There are no legislative or other provisions concerning the reduction of hours of work. The Government does, however, intend to continue its policy of establishing in various sectors wages councils, which will undoubtedly deal with hours of work.

See also under Conventions Nos. 1 and 30 for information on hours of work in selected trades.

United States

CONVENTION No. 1

CONVENTION No. 47

RECOMMENDATION No. 116

The first federal Eight-Hour Law was passed by Congress nearly 100 years ago, in 1868. It was revised in 1892, and further major amendments were adopted in 1912. The standard eight-hour working day and 40-hour working week were incorporated in the Walsh-Healey Public Contracts Act of 1936, which covers persons employed on United States government contracts exceeding \$10,000 in value. The Fair Labor Standards Act of 1938 is the federal law of broadest applicability. It covers all employees engaged in inter-state or foreign commerce, or in the production of goods for such commerce. Employees subject to this Act must be paid overtime compensation of at least one-and-a-half times their regular rate of pay for all hours worked in excess of 40 in any working week. The Work Hours Act of 1962 provides that, with regard to all contracts of the federal Government, hours of work performed in excess of an eight-hour day and a 40-hour week must be compensated at the rate of one-and-a-half times the basic rate of pay.

Employees of the federal Government are generally compensated for overtime at the rate of time-and-a-half for hours worked in excess of 40 in a working week. Other federal provisions, applying to the transportation field, regulate hours of work of employees in the interest of public safety. Working hours of employees of common carriers by railroad are regulated by the Act of 4 March 1907. The Inter-State Commerce Commission is authorised to regulate the maximum working hours of employees of common carriers by motor vehicle. The federal Aviation Agency prescribes maximum hours of service for airmen.

Under the constitutional system the question of reduction of hours of work comes, to a large extent, within the jurisdiction of state governments. Forty-two states and the District of Columbia have laws regulating the number of daily and/or weekly hours of employment of women in one or more industries. Standards in three states are applicable to both men and women.

The reduction of hours of work over the years has been achieved not only by federal and state legislation but also by private collective bargaining agreements. The standard of an eight-hour working day and a 40-hour working week has been generally applied in United States economic life for some considerable period of time.

Upper Volta

Section 119 of the Labour Code of 1962 lays down that statutory hours of work of all workers, whether on time or piece rates, in all public and private establishments, may not exceed 40 a week. In agricultural undertakings hours of work are based on 2,400 a year. Hours worked in excess of the statutory hours are required

to be remunerated at increased rates. The orders laying down the methods of applying the statutory hours of work provide for permanent exceptions for preparatory and complementary work and for temporary exceptions to deal with abnormal pressure of work. The statutory hours of work may also be extended in cases of accident, *force majeure*, urgent work and of continuous shift work.

Sections 153 and 161 of the Labour Code provide for supervision of the application of the hours of work provisions by the Inspectorate of Labour and Social Laws.

Uruguay

CONVENTION No. 47

RECOMMENDATION No. 116

Normal hours of work are 48 a week in industry and 44 a week in commerce, except as regards unhealthy occupations, in which there is a working week of 36 hours in the case of day work and 30 hours in the case of night work.

There has not been further progress as regards the 40-hour working week except in the case of certain categories of workers (public officials, bank employees). In banking the statutory working week is five days.

Zambia

CONVENTION No. 1

Collective agreements giving effect to some or all of the provisions of the Convention exist in respect of the mining, railway, road transport, civil engineering, building and brewing industries.

Regulation 19 of the Apprenticeship Regulations stipulates that no apprentice shall work for more than 48 hours a week. Under Regulation 21, however, an apprentice of three years' standing may be permitted or required to work up to 56 hours in a week.

In practice the provisions of the Convention are generally applied in industrial undertakings.

The Controller of Apprenticeship and the inspectors of apprentices are entrusted with the supervision of the application of the Apprenticeship Ordinance and they are in regular contact with employers' and workers' organisations.

Employees generally work not more than 48 hours a week. However, the adoption of legislation to this effect would involve a loss of flexibility, which is very important in developing countries.

No modifications have been made in the national legislation or in practice and no special measures are envisaged with a view to giving effect to the provisions of the Convention.

CONVENTION No. 30

Section 3 of the Shop Assistants Ordinance provides that no shop assistant may be employed for more than 47½ hours in a week; however, under section 6 of the ordinance a maximum of 50 additional hours may be worked in a year for the purpose of stocktaking or emergency operations which cannot be undertaken during normal working hours.

The working hours of European and Asian shop workers were limited to 45 per week, and those of African shop workers to 47½ per week, by their respective wages councils. Both these wages councils have now been abolished and replaced by a new non-racial council, which has not yet made a wages decision.

The Shop Assistants Ordinance and all wages decisions are enforced by officials of the Department of Labour, who maintain regular contact with employers' and workers' organisations.

Employees generally work less than 48 hours a week. In some cases more than 48 hours are worked in the national interest, but it would be undesirable to legislate against this in the country's present stage of development.

No modifications have been made in the national legislation or in practice and no special measures are envisaged with a view to giving effect to the provisions of the Convention.

CONVENTION No. 47

In practice a substantial number of workers, mostly office workers, civil servants and some local authority employees, work 40 hours or less per week. During the currency of the Preservation of Public Security (Employers and Employees) Regulations, 1965—which were, however, revoked in 1966—certain shift workers in prescribed industries and shop workers in low-density housing areas were restricted to a 40-hour working week.

Officials of the Department of Labour maintain regular contact with employers' and workers' organisations.

With emphasis being placed on the implementation of a new and imaginative development plan it is not considered appropriate to legislate on a national basis or adopt measures of a permanent nature in favour of a 40-hour working week. Besides, any rigid application of a 40-hour working week would prevent voluntary arrangements being made regarding working hours in certain industries now covered by collective agreements.

RECOMMENDATION No. 116

Certain principles contained in the Recommendation are applied by the Shop Assistants Ordinance and by the Minimum Wages, Wages Councils and Conditions of Employment Ordinance. Under the latter ordinance wages boards and wages councils may determine normal hours of work for workers coming within their jurisdiction, and the manner in which these bodies are constituted ensures that the interests of both employers and employees are represented on them.

Various wages decisions applying to Africans were in force on 31 December 1965. A 48-hour working week was prescribed in 1963 and 1965 by the Wages and Conditions of Employment Board; in 1963 wages councils for Africans prescribed a 48-hour working week for Africans employed in the building industry, a 60-hour working week for Africans employed in hotels, clubs and restaurants and a 47½-hour working week for Africans employed in shops.

In 1963 also the wages council for European and Asian shop workers stipulated a normal working week of 45 hours for such workers. General Notice No. 950 of 1961, which gives effect to a wages regulation order for Europeans in the motor trading industry, prescribes a normal working week of 47½ hours for day shift workers; while Government Notice No. 269 of 1963, which gives effect to a wages regulation order covering all employees in the civil engineering industry within a prescribed area, prescribes a 48-hour normal working week for such employees.

The Government intends to reconstitute all statutory wage-fixing bodies on a non-racial basis so that all future wages decisions prescribing, *inter alia*, wages and

hours of work will apply to all employees, irrespective of race. The hours of work of a large number of workers are already governed either by wages decisions or collective agreements, and an appendix to the Government's report indicates the standard working week in several industries.

Officials of the Department of Labour maintain close contact with employers and employees, and important matters affecting labour legislation are discussed by the tripartite Labour Consultative Council.

It is not intended to take immediate action to give effect to all of the provisions of the Recommendation. The question of hours of work is, however, automatically discussed at any meeting of a wages board or wages council at which an existing wages decision is being reviewed.

While the principle of reduction of excessive hours of work is acceptable it is considered that the economic needs of a developing country are of paramount importance and complete adoption of the terms of the Recommendation will be a long-term policy objective.

1967
51st SESSION
III (III)

REPORT III
(PART III)

International Labour Conference

FIFTY-FIRST SESSION

GENEVA, 1967

Third Item on the Agenda

**Information and Reports on the Application
of Conventions and Recommendations**

**SUMMARY OF INFORMATION RELATING TO THE
SUBMISSION TO THE COMPETENT AUTHORITIES OF
CONVENTIONS AND RECOMMENDATIONS ADOPTED
BY THE INTERNATIONAL LABOUR CONFERENCE**

(Article 19 of the Constitution)



GENEVA
International Labour Office
1967

Price: 25 cents or 1s. 9d.

03661/3

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 49th Session, held in Geneva from 2 to 23 June 1965.

The period of one year provided for the submission to the competent authorities of these instruments expired on 23 June 1966, and the period of 18 months on 23 December 1966.

The present report also contains a summary of additional information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 31st to 48th Sessions (1948 to 1964). The information summarised in this report consists of communications which were forwarded to the Director-General of the International Labour Office after the close of the 50th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 9 to 22 March 1967, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 49th Sessions

31st Session (1948).

Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised) (No. 90).

Employment Service Recommendation (No. 83).

Protection of Migrant Workers (Underdeveloped Countries) Recommendation
(No. 100).

39th Session (1956).

Vocational Training (Agriculture) Recommendation (No. 101).
Welfare Facilities Recommendation (No. 102).

40th Session (1957).

Abolition of Forced Labour Convention (No. 105).
Weekly Rest (Commerce and Offices) Convention (No. 106).
Indigenous and Tribal Populations Convention (No. 107).
Weekly Rest (Commerce and Offices) Recommendation (No. 103).
Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958).

Seafarers' Identity Documents Convention (No. 108).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).
Ships' Medicine Chests Recommendation (No. 105).
Medical Advice at Sea Recommendation (No. 106).
Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).
Social Conditions and Safety (Seafarers) Recommendation (No. 108).
Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

Plantations Convention (No. 110).
Discrimination (Employment and Occupation) Convention (No. 111).
Plantations Recommendation (No. 110).
Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959).

Minimum Age (Fishermen) Convention (No. 112).
Medical Examination (Fishermen) Convention (No. 113).
Fishermen's Articles of Agreement Convention (No. 114).
Occupational Health Services Recommendation (No. 112).

44th Session (1960).

Radiation Protection Convention (No. 115).
Consultation (Industrial and National Levels) Recommendation (No. 113).
Radiation Protection Recommendation (No. 114).

45th Session (1961).

Final Articles Revision Convention (No. 116).
Workers' Housing Recommendation (No. 115).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 49th Session (Geneva, 1965) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 48th Sessions (1948 to 1964)

AFGHANISTAN

Since there are no translators available to render the texts into Pushtu and Dari, it is impossible to submit these instruments to the competent authorities.

ARGENTINA

The Executive, exercising its legislative power, has, as the competent authority, taken note of the instruments adopted by the Conference at its 49th Session. With respect to Convention No. 123, the national legislation expressly prohibits the employment of women and young persons under the age of 18 years in stone quarries and underground work and its ratification is not proposed. Once the national legislative provisions are brought into full conformity with the provisions of Convention No. 124, its ratification will be proposed. There is no necessity to legislate in respect of Recommendation No. 125. The provisions of Recommendation No. 123 are in conformity with national legislation.

AUSTRALIA

The texts of the instruments adopted by the Conference at its 49th Session were tabled in the Commonwealth Parliament in October 1966 as an appendix to the report of the Australian delegates to the Conference. A statement on the Conventions and Recommendations adopted at the 45th Session was also tabled in Parliament on 22 September 1966. In view of the current revision of the Model Radioactive Substances Act and Regulations no definite decision can be made at this stage as to the ratification of Convention No. 115 or on giving effect to Recommendation No. 114, but the matter will be kept under review. The principles embodied in Recommendation No. 113 are followed closely by the Commonwealth and there are no objections to their acceptance by the states.

AUSTRIA

The texts of Convention No. 121 and Recommendation No. 121, as well as of those instruments adopted by the Conference at its 49th Session, have been submitted to the Council of Ministers and to the National Council. The ratification of Convention No. 121 was opposed by certain ministries. The texts of Convention No. 120 and Recommendation No. 120 were submitted to the Council of Ministers, which decided that the competent federal ministers and the institutions in the territories should be invited to consider the extent to which internal regulations and legislation were in conformity with the instruments, and to discuss possible adaptation with a view to the ratification or acceptance of these instruments.

CHAD

The report of the Minister of Labour in respect of the instruments adopted by the Conference at its 46th and 49th Sessions was submitted to the Council of Ministers on 22 July 1966. The Minister of Labour invited the Council to ratify Convention No. 117 at a later date and to further examine Convention No. 118 and Recommendation No. 116. The ratification of Conventions Nos. 123 and 124 or the acceptance of Recommendations Nos. 123, 124 and 125 could only be envisaged after the general collective agreement now being prepared has been signed.

CHILE

The Minister of Labour has requested the Secretary of State to submit to the National Congress the instruments adopted by the Conference at its 48th Session. It was proposed that Conventions Nos. 120 and 121 should not be ratified and that Recommendations Nos. 120, 121 and 122 should not be accepted, since the national legislation in force was not in conformity with these instruments. Convention No. 122 could be ratified.

CHINA

Recommendations Nos. 123, 124 and 125 were submitted to the Legislative Yuan on 11 September 1965 and Conventions Nos. 123 and 124 were communicated to the Executive Yuan on 11 July 1966 for transmission to the Legislative Yuan with the suggestion that they be ratified.

Recommendation No. 112 was submitted to the Legislative Yuan in 1959. Conventions Nos. 91 and 104, having been approved by the Legislative Yuan, are being submitted to the President for ratification. Conventions Nos. 87, 94, 103 and 106 are being considered by the Executive Yuan, and Conventions Nos. 88, 89, 92, 96, 97, 101, 102 and 110 are being re-examined by the Ministry of Interior at the request of the Executive Yuan. Convention No. 93 was submitted to the Legislative Yuan for consideration.

CONGO (BRAZZAVILLE)

The texts of the instruments adopted by the Conference at its 49th Session and appended to the report of the Congolese delegation to the Conference were submitted to the Executive as well as to the President of the Republic, and were communicated to the President of the National Assembly for information.

CONGO (KINSHASA)

Convention No. 122 and the Recommendations adopted by the Conference at its 46th, 47th, and 48th Sessions will shortly be submitted to Parliament. Draft decrees, requiring the President's signature and approving Conventions Nos. 123 and 124, adopted at the 49th Session, will also be referred to Parliament as soon as possible.

COSTA RICA

The instruments adopted by the Conference at its 49th Session, as well as Recommendations Nos. 118 and 119, were submitted to the Legislative Assembly on 25 January 1966. Recommendations Nos. 88, 96, 97 and 98 were also submitted to the Legislative Assembly on 6 September 1966.

The Council of Ministers is the competent authority to deal with matters pertaining to Conventions and Recommendations and full details of each instrument are given to the public through the press and radio.

FINLAND

Parliament has decided to adopt Convention No. 118 and consents to the Government's taking appropriate measures for the ratification of the Convention. Parliament has decided that Convention No. 117 shall not be ratified and that Recommendations Nos. 116 and 117 do not give rise to any further measures for the present. Parliament has also decided to adopt Convention No. 119 and that, in the development of occupational safety, the provisions of Recommendation No. 118 should be taken into account. Appropriate measures will be taken to implement the provisions of Recommendation No. 119.

FRANCE

The instruments adopted by the Conference at its 49th Session have been communicated to the Committee on Cultural, Family and Social Affairs of the National Assembly. The International Labour Office will be informed in due course of the manner in which these instruments are applied in law and practice, and of any action that may be taken in relation to them.

GABON

The instruments adopted by the Conference at its 48th Session were submitted to the competent authorities—the Council of Ministers and the legislative authorities. It has been decided not to ratify or accept these instruments, although the authorities are in principle in favour of ratifying Convention No. 121 once a Social Welfare Code has been drawn up; expert assistance for this purpose is awaited.

FEDERAL REPUBLIC OF GERMANY

In December 1966 the federal Government submitted to the Lower and Upper Houses of Parliament the instruments adopted by the Conference at its 49th Session, together with its comments on the action proposed to be taken on these instruments. Convention No. 123 could be ratified if the minimum age for admission to employment in mining industries were fixed at 16 years and the Government intends to arrange this shortly. Convention No. 124 cannot be ratified in the near future. It is proposed to apply Recommendations Nos. 123, 124 and 125 as far as possible.

GHANA

The Conventions and Recommendations adopted by the Conference at its 49th Session were, on 30 March 1966, submitted to the National Liberation Council, the legislative authority, together with the Government's report on the position of the national law and practice in relation to the matters dealt with in the instruments. The instruments have not yet been ratified or accepted but they are being studied by the respective departments with a view to such action.

GREECE

The instruments adopted by the Conference at its 49th and 48th Sessions were communicated to Parliament on 5 February and 18 May 1966 respectively. It is hoped

IRAN

In May 1966 Conventions Nos. 117, 118, 119, 120, 121, 122, 123, 124 and Recommendations Nos. 117, 118, 119, 120, 121, 122, 123, 124, 125 were submitted to the Senate and were recommended for approval.

The Minister of Labour and Social Affairs is responsible for the formulation of regulations relating to ratified Conventions, taking into account national conditions, and for the implementation of those regulations following their approval by the Council of Ministers.

IRELAND

The texts of the instruments adopted by the Conference at its 48th Session were submitted to both Houses of Parliament in October 1966, together with a government paper analysing each instrument and containing proposals on the action to be taken in relation to them. The Government considered that it was not in a position to ratify Convention No. 120 or to accept Recommendation No. 120. Until the Social Welfare (Occupational Injuries) Act, 1966, comes into force and the regulations required to give effect to it are made, the Government will not be in a position to decide on the question of ratification of Convention No. 121 or on the question of acceptance of Recommendation No. 121. The Government proposes to ratify Convention No. 122 and to accept Recommendation No. 122, as well as to ratify the Instrument of Amendment (No. 1) of 1964, but it is unable to support the Instrument of Amendment (No. 2) of 1964 and does not propose to ratify it.

ISRAEL

The Conventions and Recommendations adopted by the Conference at its 49th Session were submitted to Parliament, accompanied by a memorandum on the action proposed to be taken with regard to these instruments.

With respect to Conventions Nos. 123 and 124, the Ministry of Labour is examining the measures, including legislation, which should be taken to permit their ratification. Recommendations Nos. 123, 124 and 125 have been brought to the attention of the departments concerned for guidance in their activities.

ITALY

The procedure for the submission to Parliament of the instruments adopted by the Conference at its 48th Session is in progress. It is proposed to ratify Conventions Nos. 120 and 122 and to accept Recommendations Nos. 120 and 122.

IVORY COAST

The instruments adopted by the Conference at its 49th Session were submitted to the National Assembly in May 1966.

The Government stated that, in order to permit the ratification of Convention No. 123, regulations for the implementation of the Labour Code would have to include the provisions laid down by the Convention. The Government proposed that ratification of Convention No. 124 should be postponed until the requirements of the Convention are met by the national legislation; the employers' and workers' organisations will be consulted as regards measures for bringing the national provisions into conformity with those of the Convention so as to permit its ratification.

workers which calls for medical inspections up to the age of 21 years; once this Bill is passed, there will be nothing to prevent adoption of Convention No. 124. The provisions of Recommendation No. 125 do not lend themselves to application in the national territory.

MALAGASY REPUBLIC

Recommendations Nos. 115 to 119 have been submitted to the Government, which is the competent authority under the Constitution to give effect to these instruments. The instruments adopted by the Conference at its 48th Session have been submitted to the President of the Republic, who is the sole authority competent under the terms of the Constitution to approve the ratification of international treaties. Conventions Nos. 120 and 122 have been ratified. The ratification of Convention No. 121 is considered inopportune. Recommendations Nos. 120, 121 and 122 have been submitted to the Government.

MALAWI

The instruments adopted by the Conference at its 49th Session have been placed before the Cabinet, which is the competent authority in this connection. Conventions Nos. 123 and 124 and Recommendations Nos. 123 and 124 are not applicable, as there are no mines. Consideration will be given to the provisions of Recommendation No. 123 in the course of the current review of the Women, Young Persons and Children Ordinance.

MALTA

The Conventions and Recommendations adopted by the Conference at its 49th Session, together with the Government's proposals on the action to be taken on these instruments, were submitted to Parliament in November 1965.

It is not intended to apply Recommendation No. 123 or to introduce legislation whereby some of its provisions would be applied; but it will be kept in mind in case future developments justify a revision of policy.

As there are no mines, Conventions Nos. 123 and 124 and Recommendations Nos. 124 and 125 are not applicable, and no action is therefore indicated.

MEXICO

The Labour Department has prepared reports with a view to the submission to Congress of Conventions Nos. 123 and 124; Recommendations Nos. 123, 124 and 125 were brought to the attention of the departments concerned.

The Secretary of Labour has proposed the ratification of Conventions Nos. 123 and 124. It was recommended that Recommendations Nos. 123, 124 and 125 should be implemented under national legislation.

MOROCCO

The instruments adopted by the Conference at its 49th Session were submitted to the King in July 1966.

NETHERLANDS

The texts of Conventions Nos. 106, 108, 117, 119, 120, 123, 124 and of Recommendations Nos. 113 to 121 have been communicated to both Chambers of Parliament. Conventions Nos. 112, 115 and 122 have been ratified.

The provisions of Recommendation No. 116 are substantially embodied in the existing legislation. It has been decided not to register the formal acceptance of Recommendation No. 117 at present.

NORWAY

The instruments adopted by the Conference at its 49th Session were submitted to the Storting (Parliament) in February 1966. The Government cannot recommend the ratification of Conventions Nos. 123 and 124; the ministries concerned will be requested to take the two instruments into account in connection with the next revision of the relevant legislation. The acceptance of Recommendations Nos. 123 and 124 was recommended. The acceptance of the provisions of Recommendation No. 125 was proposed; some provisions were considered to have no relevance to national conditions.

PAKISTAN

The instruments adopted by the Conference at its 49th Session are still under examination by the Government. Information on the action taken or proposed to be taken on these instruments will be communicated as soon as possible.

PERU

The Conventions and Recommendations adopted by the Conference at its 49th Session have been submitted to the National Congress for consideration.

PHILIPPINES

The instruments adopted by the Conference at its 48th Session were submitted to Congress in May 1965 for consideration and possible adoption of appropriate legislation. The instruments adopted at the 49th Session have been communicated to the President for submission to Congress.

POLAND

The Council of State decided to ratify Convention No. 112, to postpone ratification of Conventions Nos. 89, 93, 97, 106, 109 and 114 and not to ratify Conventions Nos. 104, 107, 110 and 117. The Council of Ministers considered that the provisions of Recommendations Nos. 85, 86, 93, 94, 104, 105, 106, 108, 109, 116, 118, 119 and 120 were already being applied and that Recommendations Nos. 84, 86, 92, 100, 104, 107 and 110 were inapplicable. The texts of these instruments, together with the resolutions of the Council of State and the Council of Ministers, were communicated to the Presidium of the Diet. Preparatory work for the submission to the competent authorities of the remaining instruments adopted by the Conference as its 31st to 48th Sessions is already finished.

PORTUGAL

The texts of the Conventions and Recommendations adopted by the Conference at its 49th Session have been submitted to the National Assembly.

RUMANIA

The Conventions and Recommendations adopted by the Conference at its 49th Session were submitted to the competent authorities in June 1966. The Council

THAILAND

The Conventions and Recommendations adopted by the Conference at its 37th to 47th Sessions were brought before the Constituent Assembly in its capacity of competent authority in November 1966.

TUNISIA

Conventions Nos. 123 and 124 have been ratified.

Recommendations Nos. 123, 124 and 125 have been submitted to the competent authorities with a view to the drafting of the requisite legislative texts and other necessary action.

TURKEY

The instruments adopted by the Conference at its 49th Session were submitted to the National Assembly in February 1966. The Government proposed that ratification of Conventions Nos. 123 and 124 should be considered following the enactment of a new draft Labour Law and the formulation of regulations on industrial health.

UGANDA

The instruments adopted by the Conference at its 47th, 48th and 49th Sessions were transmitted to the National Assembly in December 1966. The Government proposes to ratify Conventions Nos. 122, 123 and 124. Recommendations Nos. 123, 124 and 125 were accepted.

Convention No. 119 and Recommendation No. 118 were not accepted. However, the question of ratification of Convention No. 119 will be reviewed after a period of five years, during which time the Government will arrange for gradual implementation of the provisions of both of these instruments through the amendment of the existing legislation. Since the objectives of Recommendation No. 119 would best be achieved through negotiation with employers' and workers' organisations, the Government does not propose to accept this instrument. The Government does not propose to accept Recommendations Nos. 119 and 120. It is not proposed to ratify Convention No. 121 or to accept Recommendation No. 121, but the Government intends to adopt and apply measures in compliance with these instruments.

UKRAINE

The instruments adopted by the Conference at its 49th Session were submitted to the Presidium of the Supreme Soviet in March 1966 for consideration.

U.S.S.R.

The texts of the instruments adopted by the Conference at its 49th Session were submitted to the Presidium of the Supreme Soviet of the U.S.S.R. in February 1966 for consideration.

UNITED KINGDOM

The instruments adopted by the Conference at its 49th Session were submitted to Parliament in 1966. The relevant parliamentary paper contains an analysis of the provisions of these instruments and proposals concerning the action to be taken in relation to them. The Government stated that it proposed to ratify Convention

Conventions Nos. 123 and 124, since existing legislation complies almost entirely with their provisions. Minor amendments, which are being prepared, will, however, be necessary. Recommendation No. 123 is not appropriate to national circumstances and, although the proposals are generally acceptable in principle, their practical application must be regarded as a long-term policy aim. Neither Recommendation No. 124 nor Recommendation No. 125 can be accepted at present.

**Communication of Copies of Reports to Representative Organisations
(Article 23, Paragraph 2, of the Constitution)**

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: *Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Kinshasa), Costa Rica, Cyprus, Dahomey, Denmark, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, India, Iraq, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Luxembourg, Malagasy Republic, Malaysia, Malta, Mauritania, Mexico, Morocco, New Zealand, Niger, Norway, Pakistan, Peru, Philippines, Senegal, Sierra Leone, Singapore, Somalia, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Zambia.*

The Governments of *Bulgaria, Poland* and *Rumania* have indicated that copies of their reports have been sent to the Central Council of Trade Unions in their respective countries.

The Governments of *Byelorussia* and the *U.S.S.R.* have stated that copies of their reports have been sent to the Central Council of Trade Unions and to the directors of different undertakings in their respective countries.

The Government of *Cuba* has stated that copies of its reports have been sent to the Cuban Workers' Union and to the managements of industrial and transport undertakings.

The Governments of *Guatemala* and *Portugal* have stated that copies of their reports have been sent to the representative employers' and workers' organisations in their respective countries.

The Government of *Hungary* states that copies of its reports have been communicated to the National Council of Trade Unions.

The Government of *Spain* has stated that copies of its reports have been sent to the National Organisation of Spanish Trade Unions.

The Government of the *Ukraine* has stated that copies of its reports have been sent to the Trade Union Council and to the directors of numerous economic associations.

REPORT III
(PART IV)

International Labour Conference

FIFTY-FIRST SESSION
GENEVA, 1967

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
1967

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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 States Members of the International Labour Organisation on the action taken with regard to Conventions and Recommendations held its 37th Session in Geneva from 9 to 22 March 1967. The Committee has the honour to present its report to the Governing Body.

2. The Committee learned of the resignation of Mr. Sture PETRÉN from membership of the Committee, and his election as Judge of the International Court of Justice. While it was a loss to the Committee it congratulates him on his appointment and expresses its great appreciation of his contribution to the work of the Committee. Since the Committee's last meeting the Governing Body has appointed Mr. Marcel GRÉGOIRE (Belgium) 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, C.M.G., Q.C. (Barbados),

former Prime Minister of the West Indies;

delegate to the United Nations General Assembly, 1948.

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; President of the Peruvian Red Cross Society; Secretary-General of the Permanent Committee for Fishing of the South Pacific (Chile, Ecuador, Peru).

Mr. Marcel GRÉGOIRE (Belgium),

former Minister of Justice; Advocate at the Court of Appeal; President of the Belgian Institute of Political Science.

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.

Begum Raána Liaquat Ali KHAN (Pakistan),

former Ambassador to Italy and to Tunisia; former Ambassador to the Netherlands; former Professor of Economics at the Indrapastha 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; Professor of Private International Law at Moscow University.

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. 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 Yugoslavia Mission to the United Nations; former Ambassador to India.

4. 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.

5. In accordance with its terms of reference, the Committee was called upon to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified ¹;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories ¹;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action ²;
- (d) reports from governments under article 19 of the Constitution on unratified Conventions and on Recommendations, selected by the Governing Body.³

6. In pursuance of these terms of reference the Committee examined this year some 3,000 reports: 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 a Recommendation and information concerning submission of the instruments adopted by the International Labour Conference to the competent authorities. The result of the examination and assessment of these reports is summed up in the present report and in its appendices.

II. General

Progress of International Labour Legislation

7. The work of the Committee is affected by the continuing increase in the number of States Members, in the number of Conventions and Recommendations adopted, and in the number of ratifications and declarations of application. Thus, the membership of the International Labour Organisation rose in the course of 1966 to 118. During the same year two new Conventions and two new Recommendations were

¹ I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (Part I), to the 51st Session of the International Labour Conference (Geneva, 1967).

² Idem: *Summary of Information on the Submission to the Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference*, Report III (Part III), to the same session.

³ Idem: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III (Part II), to the same session.

adopted by the Conference and two Conventions came into force. This increase in the number of States and the number of instruments has been accompanied by an extension in the total number of ratifications from 3,099 on 1 January 1966 to 3,249 on 31 December 1966.

Technical Co-operation Activities Related to Labour Standards

8. The Committee noted that efforts have been actively pursued to facilitate the implementation of labour standards through various methods available as part of the I.L.O.'s operational activities. One form of assistance which is becoming a regular feature involves the holding of regional seminars for government officials on national and international labour standards. The latest such seminar took place in Lima (Peru), in October 1966 for officials from 15 countries in Latin America. As the main purpose of these seminars is to help governments which encounter difficulties in meeting their obligations under the Constitution and under ratified Conventions the Committee is glad to observe that there has been a noticeable improvement this year in the supply of reports by those countries which took part in the Lima seminar. This encouraging development appears to confirm that first-hand contacts with government officials in their own countries or regions, can help materially in promoting a greater measure of awareness and action by member States as to the implications and implementation of I.L.O. standards. The Committee welcomes therefore the Office's intention to continue to hold further seminars of this kind in other parts of the world in the years to come.

9. Another form of collaboration, in which the Committee has already had occasion to express its interest, is the direct assistance to governments in the drafting of labour laws or codes. It learned that during 1966, a number of countries sought this type of advice, either through special experts sent out for this purpose or through the central I.L.O. services and that it was often possible in this way to provide general guidance regarding the application of ratified Conventions and the implementation of other instruments.

International Action in the Field of Human Rights

10. The Committee learned with particular interest of the unanimous adoption by the United Nations General Assembly in December 1966 of two Covenants, one on economic, social and cultural rights, the other on civil and political rights. It recognises the adoption of these Covenants as an event of outstanding importance in the sphere of the international protection of human rights and deems it significant therefore that both instruments, and especially the one dealing with economic, social and cultural rights, contemplate very close co-operation between the United Nations and the specialised agencies concerned in the implementation of their provisions. The Committee will follow with attention the future developments in this connection, particularly after the entry into force of the Covenants.

11. As already noted by the Committee in its report last year, the United Nations has designated 1968 as the International Year for Human Rights. The Committee was informed that the I.L.O. is to collaborate fully in this celebration and that the main theme of the Director-General's Report to next year's session of the International Labour Conference will be the role of the Organisation in the general field of human rights. The Committee recalls that it will be called upon to place before the same session a general survey of the effect given to the Conventions concerning forced labour, based on the reports due this year from all member States in pursuance of articles 19 and 22 of the Constitution.

12. The Committee also learned that the I.L.O. continues to take an active part in the seminars on human rights organised by the United Nations and that the I.L.O.'s activities were repeatedly referred to in the course of these seminars.

Collaboration with Other Organisations in the Implementation of International Standards

13. The Committee was interested to learn of the entry into force of the European Social Charter, in the drafting of which the I.L.O. had participated. The committee of independent experts provided for in article 25 of this Charter held its first meeting in 1966 and an I.L.O. representative took part in the deliberations in a consultative capacity, in accordance with article 26 of the Charter. The Committee welcomes the creation of this new supervisory body which has the task of examining the reports presented by members of the Council of Europe on the application of the provisions of the Charter. The co-operative arrangements thus initiated should contribute materially in promoting the implementation of standards framed by the Council of Europe and by the I.L.O. and in co-ordinating the efforts made to that end by both organisations.

14. The Committee is pleased to note that its present session has further confirmed the practical working of the procedure under which the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation are associated in promoting and securing the application of those provisions of the Indigenous and Tribal Populations Convention, 1957 (No. 107) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) falling within their respective spheres of competence. Under this procedure, the organisations concerned receive and comment on the relevant portions of the governments' reports and also have an opportunity to participate in the Committee's consideration of these reports. These arrangements have operated since 1961 in respect of Convention No. 107 and have now also begun to function in respect of Convention No. 117.

Application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

15. The Committee noted the suggestion made by the Conference Committee at the 50th Session (June 1966) ¹ that it consider the possibility of giving some general indications on the present position with regard to the information received on the application of this Convention (on which detailed reports were due to be supplied by governments for examination this year). The Committee has also borne in mind the emphasis placed by the Governing Body on several occasions on the contribution which the reporting and supervision procedures might make, having regard to the particular aims of this Convention, to the general promotional activities undertaken by the I.L.O. in the field of equality of opportunity and treatment in respect of employment and occupation. The Committee already has at its disposal a fairly large amount of information supplied by a number of countries, particularly in reply to its previous requests. Indications concerning the information supplied can be found in the summary of reports contained in Report III (Part I) presented to the Conference. The Committee is again this year addressing direct requests to most of the countries which have ratified the Convention, with a view to obtaining certain additional information which appears particularly desirable so as to enable it, at a later session, to give a sufficiently complete picture of the measures taken to promote equality of opportunity and treatment in respect of employment and occupation.

¹ Para. 14 of the report of the Conference Committee, 1966.

16. In this connection, it may be useful to recall the possible need to approach the problem dealt with in the Convention from several angles depending on national circumstances and on the various criteria of distinction under consideration (such as race or colour, religion, sex, social origin, national extraction or political opinion). Thus, it is necessary to abolish or prevent inequality of treatment—whether it be the result of action by the public authorities or of people's attitudes (for example, manifestations of prejudice, intolerance, etc.). It is also necessary to promote effective equality of opportunity, not only by eliminating factors which may impair such equality, but also by providing facilities to ensure its enjoyment in practice (for example, by persons belonging to different ethnic groups or with different social backgrounds, or by women). The Committee wishes to draw governments' attention to the importance of bearing both these approaches in mind in their analysis of situations and their search for ways and means of abolishing—or preventing—inequality in respect of employment and occupation.

17. The Committee hopes that all governments will strive in subsequent reports to supply the information necessary to continue to contribute in this manner to the general activities of the I.L.O. in relation to the exchange of information among countries, comparison of experience, international co-operation and promotional measures in this field.

18. In a case which previously had been the subject of observations because of the discussions at the Conference to which it had given rise (Portugal), the Government declared in its report that it continued to await the establishment of a commission of inquiry to examine in full freedom the application of the Convention on the whole of its territory, as it had requested at the 160th Session of the Governing Body (November 1964). While taking note of the existence of this request, on which it is not competent to express an opinion, the Committee has addressed, in this case as well, a new direct request to the Government.

III. Fortieth Anniversary of the Committee

19. Exactly 40 years have elapsed since the appointment by the Governing Body of the original members of the Committee of Experts. The Committee held its First Session in May 1927 and has since met regularly every year except during the height of the Second World War (1941-44). During these four decades of operation the Committee's tasks have increased due both to the extension of the I.L.O.'s standard-setting activities and to new responsibilities arising from constitutional amendments. While the Committee's size, composition and procedures have changed in line with these long-range developments, its basic purposes and principles have remained essentially unaltered over the years.

Functions of the Committee

20. The Conference resolution of 1926 which led to the establishment of the Committee described its purpose as "making the best and fullest use" of the reports on ratified Conventions and as "securing such additional data as may be provided for in the forms approved by the Governing Body and found desirable to supplement that already available". The findings of the Committee were to be placed before the Conference through the Governing Body, which the resolution also made responsible for initiating the Committee's operation. Subsequently, when the constitutional amendments of 1946 broadened the scope of reporting to include information on

the submission of newly adopted Conventions and Recommendations to the competent national authorities, on the effect given to unratified Conventions and to Recommendations and on the application of ratified Conventions in non-metropolitan territories, the Governing Body extended the terms of reference of the Committee of Experts. In consequence the Committee is called upon since 1948 "to examine:

- (a) the annual reports under article 22 of the Constitution on the measures taken by Members to give effect to the provisions of Conventions to which they are parties, and the information furnished by Members concerning the results of inspections;
- (b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (c) information and reports on the measures taken by Members in accordance with article 35 of the Constitution."

21. The findings of the Committee take the form of comments made to governments and of surveys of the effect given to the standards in respect of which the Governing Body has called for reports in a given year, under article 19 of the Constitution. Under an arrangement decided upon by the Governing Body, the Committee includes in these surveys, since 1956, a comprehensive picture of the position in both non-ratifying and ratifying countries.

22. In addition to these regular functions the Committee has been called upon, as occasion arises, to advise the Governing Body on such matters as changes in the forms of report, the periodicity of detailed reporting, the association of other United Nations agencies in the supervision of the application of specific Conventions, etc.

Composition of the Committee

23. The report of the Conference Committee which proposed the establishment of a committee of experts in 1926 endorsed a suggestion that the members of this body "should be persons of independent standing". In making the original appointments, the Governing Body followed the principle that the experts "should be chosen on the ground of their technical competence alone, that they should be completely impartial and that they should be in no sense considered as representatives of governments". The members of the Committee are thus appointed in their personal capacity, on the proposal of the Director-General, for an original period of three years. Their term of office is renewable for successive three-year periods and the Governing Body generally takes advantage of this possibility to draw on the cumulative experience of the Committee's members in order to ensure a maximum of continuity and uniformity in assessing the extent to which member States comply with their international obligations.

24. Since the original Committee of eight members was set up in 1927, this task of supervision has grown steadily along with the expansion of the I.L.O.'s standard-setting activities and the extension of the Committee's terms of reference. As more and more States have joined the Organisation and as the number of instruments has increased, the total of ratifications has risen from some 200 in 1927 to over 3,200 today. In addition to examining the reports thus received on ratified Conventions, the Committee is now also called upon, as indicated above, to consider the information due from governments in the submission of newly adopted instruments to the competent authorities and on the effect given to unratified Conventions and to Recommendations. To cope with these ever-expanding tasks the Committee's membership was gradually brought to the present figure of 19. Along with this increase in size the

geographical composition of the Committee has come to reflect the I.L.O.'s expanding membership. Originally the experience of its members was based almost entirely on conditions in Europe, but experts from the western hemisphere and from Asia had been designated by the end of its first decade. Since then this trend has been greatly accentuated and the Governing Body has included in the Committee persons from every part of the world possessing first-hand experience of different legal, economic and social systems. As a result of this policy the Committee of Experts is now composed of five members drawn from Western Europe, four from Asia and the Middle East, three from Eastern Europe, three from Latin America, two from Africa and one each from North America and the Caribbean.

Fundamental Principles

25. The basic principles which have guided the Committee over the years are inherent in the concept of a technical body of independent experts stressed since its inception. On the occasion of the 30th anniversary of its establishment, the Committee stated that it "has always believed that its functions consist in pointing out in a spirit of complete independence and entire objectivity the extent to which it appears to the Committee that the position in each State is in conformity with the terms of the Conventions and the obligations which that State has undertaken in virtue of the Constitution of the International Labour Organisation". After the lapse of a further decade the members of the Committee again wish to emphasise that they have continually borne in mind the fact that they are appointed in their personal capacity and that they must endeavour to accomplish their task in complete independence as regards all member States. Thus impartiality and objectivity must be the fundamental rules of conduct which the Committee has to observe in performing its work. The conclusions it reaches have represented traditionally unanimous agreement amongst all its members.

Methods of Work

26. Within the framework of the terms of reference laid down by the Governing Body, it is for the Committee of Experts to decide on the practical methods to be followed in discharging its tasks. The Committee has thus gradually evolved a number of specific procedures designed to enable it to cope with its various functions despite its greatly increased workload.

27. For this purpose it assigns to each of its members the initial responsibility for a group of Conventions or for a given subject. Under its normal practice the reports and information received by the Office in sufficient time are circulated to the members concerned in advance of the Committee's session. The documentation available to the Committee in its examination includes the information supplied by governments in their reports or in the Conference Committee on the Application of Conventions and Recommendations, the texts of legislation, collective agreements or court decisions directly relevant to the implementation of standards, comments made by employers' and workers' organisations, conclusions of other I.L.O. bodies (such as commissions of inquiry and the Freedom of Association Committee of the Governing Body) which have often been formally transmitted to the Committee of Experts, the results of technical assistance, etc.

28. During the past two decades, in particular, the Committee initiated a series of measures aimed at ensuring that in the case of ratified Conventions its examination should continue to be as thorough as possible, while assuming at the same time the further responsibilities due to the constitutional amendments of 1946.

29. Thus, in 1949 it originated the practice of giving special and searching attention to the first reports received after ratification (which now number between 150 and 200 every year) and asked the Office to prepare a careful comparative analysis of the national position.

30. In addition to entrusting the task of preliminary examination of reports to individual members, the Committee has begun in recent years to appoint small working parties to deal with matters of special complexity as well as with the comprehensive surveys of the reports under articles 19 and 22 of the Constitution which it has been making since 1956, as indicated above. All the findings which emerge from such prior scrutiny by one or several members are considered by the Committee in plenary sitting and the conclusions are either incorporated in its report or communicated directly to governments.

31. The Committee was also instrumental in developing other measures designed to simplify the tasks of reporting and examination and to focus attention on major issues without, however, sacrificing anything essential.

32. In 1957 the Committee decided to adopt a simplified procedure in the case of requests for supplementary information or of observations on minor points: instead of including these in its report, as hitherto, they are now communicated directly to the governments concerned, and cases of this kind are merely listed in the Committee's report.

33. In 1959 the Committee put forward the idea that detailed reporting be placed on a two-yearly basis, subject to the safeguards required in certain cases. This system was approved by the Governing Body and the Conference Committee on Application and has been in operation since then.

34. Under another procedural innovation introduced in 1961 the Committee asks the Office to ascertain, upon receipt of a report, whether it takes account of any previous comments made by the supervisory committees; if not, the Office is responsible for drawing the government's attention to the need for a reply, without however entering in any way into the substance of the matter.

35. Finally, in 1963, the Committee undertook a close review of the practical application of ratified Conventions, dealing in particular with the incorporation of these standards in internal law and with the data available for assessing their effective implementation. Since then the Committee has pursued this matter and has drawn attention to cases where governments have failed to supply the statistical and other information on practical application called for in the forms of report.

36. The Committee may well find it necessary, in the years to come, to continue to adapt its methods of work to current needs and circumstances. In doing so it would, as in the past, have full regard to its terms of reference, thus combining a desire for maximum efficiency with strict adherence to its traditional functions and principles.

37. Considerations of two kinds may thus lead the Committee to envisage adaptations in its procedures in the years to come.

38. On the one hand, there is the constant increase in the number of reports to be examined. This may make it necessary for the Committee to study further measures designed to enable it to deal with its growing workload without impairing the effectiveness of its work. The Committee continues to bear this question in mind, but, in view of the measures already taken, it raises a number of complex problems. If further measures to this end appear desirable and feasible to the Committee, it will in due course put forward appropriate proposals.

39. On the other hand, certain questions of a rather different nature call for consideration. The Committee's present procedures are based essentially on the examination of reports from governments and of legislation. The Committee has frequently been aware that, on account of the absence of direct contact with the governments concerned or of direct study of the situations under consideration, it might be felt that governments did not have sufficient opportunity to explain fully all aspects of a question or the Committee to appreciate fully all the facts involved. This has given rise to controversies which have continued over a number of years and to cases in which hardly any positive change has occurred in the positions adopted. Such cases have arisen both in regard to intrinsically important questions and in regard to questions which, while in themselves of less importance, have acquired special significance with the passage of time. The Committee has thus been led to consider whether certain, more varied procedures might not make possible a fuller examination of certain questions and a more fruitful dialogue with governments. It has wondered, for example, whether in cases of a certain importance it might not be desirable, before making a specific observation, to draw the attention of the governments concerned to the fact that the case might give rise to questions to which not only the Governing Body and the Conference but also the government itself would attach special importance and that accordingly, before making specific comments, the Committee wished to examine the matter more fully and especially to provide an opportunity to the government, if it so desired, to place before the Committee fuller particulars of its views on the matter. If a government wished to make use of this possibility, various means of proceeding could be envisaged, which it may be premature to examine in detail at this stage. However, in a preliminary way, one might consider in appropriate cases the possibility of an examination of the factual situation for the information of the Committee, made at the government's invitation. Such procedures—whose adoption would depend on the nature of the case and on the attitude of governments—would in no way modify the character of the functions to be carried out by the Committee in accordance with its terms of reference, namely to examine the conformity of national law and practice with ratified Conventions. The procedures would merely be designed to give an opportunity to governments, before the Committee stated any definite view, to explain certain situations more fully and more directly, and to enable the Committee to reach its conclusions with due regard to all relevant considerations and to contribute to a positive solution of the problems encountered rather than to have to make fruitless criticism ending in deadlock. Recourse could evidently be had to these procedures both in cases which might arise in the future and in cases which have already been under consideration by the Committee but which remain outstanding.

40. While the Committee would still wish to consider the above suggestions in greater detail, it has deemed it desirable to mention them so as to be able to take into account all comments which governments, the Governing Body or the Conference might wish to make at this stage.

Results Achieved

41. Without attempting to make an over-all assessment of the effectiveness of its work, the Committee has taken the initiative in recent years of listing the cases where governments, in response to its earlier comments, have introduced changes in their law and practice in order to give fuller effect to ratified Conventions. During the past four years close to 300 such instances of progress came to the Committee's attention and this has helped to confirm the earlier impression that in a substantial majority of cases the Committee's observations and requests to governments tend to have the desired effect.

42. However, the Committee is considering in a general way further improvements of its methods and would welcome any comments or suggestions in this connection.

IV. Supply and Examination of Reports on the Application of Ratified Conventions

43. 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 1964 to 30 June 1966 and concerned 51 Conventions.¹ 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 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 1965 to 30 June 1966. The Committee also examined a number of reports received too late last year for examination at its previous session.

44. The number of reports requested from governments on the situation in their countries amounted to 1,562.² At the end of the present session of the Committee 1,330 reports had been received at the Office. A table 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 by the prescribed date, in time for the session of the Committee and in time for the session of the International Labour Conference. This table shows that the number of reports received, one of the main elements in the Committee's over-all workload, has risen again to the point where it is very close to the level reached before the introduction of the two-yearly system of detailed reporting mentioned above.

45. Under the two-yearly procedure, 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.³ These reports enabled the Committee to take note of such changes without delay despite the two-yearly procedure.⁴

46. It will be noted from the statistical appendices that the proportion of detailed reports received thus far is 85.1 per cent. Of the 117 States from which such reports had been requested, 76 have supplied all those which were due. On the other hand, no reports at all have so far been received for the current reporting period from the following 12 countries: Albania, Burundi, Congo (Brazzaville), Guinea, Haiti,

¹ The Conventions concerned are the following: Nos. 1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 39, 40, 43, 47, 49, 50, 58, 59, 60, 62, 64, 67, 68, 84, 86, 87, 97, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 112, 119, 120.

² The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in paragraph 57 below.

³ Australia, Belgium, Cyprus, Denmark, Finland, Federal Republic of Germany, India, Malaysia, New Zealand, Nicaragua, Panama, Portugal, Sierra Leone, Singapore, Switzerland, Trinidad and Tobago, Ukraine, United Arab Republic, United Kingdom, Uruguay.

Indonesia, Lebanon, Libya, El Salvador, Republic of South Africa, Thailand, Viet-Nam. The Committee deeply regrets this failure to discharge the fundamental obligation, under the Constitution, to supply reports on ratified Conventions. It must point out moreover that some of the above countries have failed to do so for the second and even the third year in succession, as indicated in the General Observations below (Part Two, section 1, of the report).

47. As regards the date of receipt of the reports, the Committee finds that in the great majority of cases they continue to arrive after the date prescribed (15 October), sometimes even with a delay of several months. Because of the constant increase in its workload, as noted above, the Committee must emphasise that the task of examination which involves the translation, analysis and evaluation of more and more reports, cannot be performed satisfactorily unless the reports are made available on time. Thus once again this year the Committee was compelled to defer examination of a number of late reports till its next session. It therefore urges governments to supply all their future reports by the date requested.

48. The task of examination is particularly important in the case of the first report after the ratification of a Convention. The Committee regrets that some first reports have not been received as yet. In certain cases these have been due since 1965: Afghanistan (Conventions Nos. 105, 106), Kuwait (Convention No. 117), Tunisia (Conventions Nos. 112, 113, 114), Viet-Nam (Convention No. 81); or even since 1964: Ecuador (Conventions Nos. 37, 39, 103, 105, 111), Lebanon (Conventions Nos. 14, 26, 45, 52, 81, 89, 90). The Committee trusts that the governments concerned will do all in their power to make the reports in question available for examination at its next session.

49. In examining 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.

50. 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. In accordance with its usual practice, the Committee had asked the International Labour Office, in its capacity as the secretariat of the Committee, to ascertain upon receipt of a government's 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 examining of the application of Conventions and to facilitate in this respect the work both of governments and of the Committee. The Committee had also asked the Office to get in touch immediately with the governments concerned, when 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 provide the necessary information without delay.

51. Under this procedure the International Labour Office communicated with 22 governments, ten of which have since supplied the information required. In the

remaining cases the Committee has no alternative but to repeat the observations and requests previously made. It finds itself in exactly the same position when governments fail to report on Conventions in respect of which the Committee had also raised certain points in the past. As a result of this failure to reply, or even to report, no information is available from the following ten countries as regards all or most of the observations or requests to which a reply was due this year: Burundi, Guatemala, Guinea, Haiti, Liberia, Libya, El Salvador, Tanzania (Zanzibar), Upper Volta, Viet-Nam. The Committee must express its serious concern that this absence of response to its previous comments regarding the application of a number of Conventions¹ jeopardises the task of supervision entrusted to it and to the Conference Committee. It trusts that all governments will henceforth assist it in the performance of this task by furnishing reports and by replying to earlier observations and requests.

52. The Committee feels all the more confident that governments will respond increasingly to this appeal because once again this year it is in a position to list a very sizable number of cases in which governments have taken account of its earlier comments and made the necessary modifications in their national law or practice. Part Two of this report contains details of such cases where the Committee was able to voice its satisfaction at the measures taken in 39 countries (30 States Members and nine non-metropolitan territories). The list of the more than 60 such instances is as follows:

Countries	Conventions Nos.
Algeria	42
Argentina	77, 78, 79
Burundi	4, 89
Canada	14
Colombia	1, 3, 5, 13, 17
Czechoslovakia	29, 43, 49
Denmark	94
Finland	30
France	3
Gabon	13
India	14
Israel	102
Japan	98
Liberia	110
Luxembourg	30
Malta	32
Morocco	81
Netherlands	68
Nicaragua	11, 13, 28
Niger	87
Peru	99
Sierra Leone	105
Spain	62
Syrian Arab Republic	1, 30, 106
Tanzania	15
Tunisia	62, 106
Uruguay	103
Venezuela	3
Yugoslavia	14, 106
Zambia	50, 117

* * *

¹ Burundi: Nos. 17, 19, 29, 42, 94; Guatemala: Nos. 26, 30, 87, 97, 98, 99, 100, 106, 108, 110, 111, 112; Guinea: Nos. 4, 5, 6, 18, 26, 29, 81, 95, 98, 111; Haiti: Nos. 1, 5, 30, 81, 98, 100, 106; Liberia: Nos. 29, 55, 58, 87, 98, 105, 111, 113, 114; Libya: Nos. 29, 98, 100, 105, 111; El Salvador: Nos. 104, 105, 107; Tanzania (Zanzibar): Nos. 5, 7, 15, 26, 50, 58, 97, 98; Upper Volta: Nos. 5, 11, 14, 26, 33, 87, 97, 98; Viet-Nam: Nos. 6, 14, 29.

Countries	Conventions Nos.
France:	
Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).	3
French Somaliland	6
United Kingdom:	
Bahamas.	84, 95
British Honduras	64
Brunei	81
Hong Kong	50, 64, 86
Seychelles	5, 82
Solomon Islands	5, 7, 64
Swaziland	82

53. The Committee places on record its special appreciation of the positive action taken by so many countries in all parts of the world to ensure fuller compliance with their obligations under ratified Conventions. It has found, moreover, that in numerous additional instances similar measures are sufficiently advanced—be they governmental consultations, draft legislation pending before parliaments or social measures initiated in other ways—to hold concrete promise for further progress of this kind in future.

V. Practical Application

54. The Committee is primarily concerned with questions of legislative conformity, but it has made an attempt in recent years to obtain a maximum of information on the extent to which ratified instruments are given effect to in every-day practice. The principal basis available for this purpose is the information provided by governments in their reports under article 22 of the Constitution, in response to the various questions included in the forms of report which the Governing Body adopts for each Convention in force. Depending on the nature of the individual instruments, the data asked for pertain to such matters as the results of labour inspection, the number of workers covered by the protective standards, statistics of occupational accidents and diseases, wage data, social security payments, etc.

55. The Committee found that this year some 40 per cent. of the reports on Conventions for which such particulars are specifically requested by the Governing Body actually contained data of this nature. This proportion represents a marked improvement over the degree of response noted during the past few years and the Committee appreciates the effort thus made by many governments to provide a full, sometimes a very full, picture of the manner in which ratified Conventions are implemented in actual practice. The Committee must point out however that certain countries have failed to supply any information of this kind in their reports: Burma, Central African Republic, Congo (Kinshasa), Honduras, Hungary, Kuwait, Malagasy Republic, Pakistan, Panama, Philippines, Rumania, Senegal, Yugoslavia. The Committee urges all governments to attempt in future to reply as fully as possible to the various points on practical application which appear in the forms of report.

56. As in the past, the Committee has also studied with special interest the cases where governments have reported on court decisions involving questions of principle connected with the implementation of a ratified Convention. Evidence of this kind, which was included in some 20 reports, enabled the Committee to realise more clearly

the doubts and difficulties encountered in giving effect to certain Conventions. Such difficulties are also referred to on occasion by representative organisations of workers or employers when they comment on the application of Conventions in their countries. The forms of report refer specifically to this potentially significant source of information and the Committee therefore examined with particular care the comments made this year by organisations in Austria (Convention No. 89), in Finland (No. 100), in the Federal Republic of Germany (No. 100), in Greece (No. 105), in Jamaica (No. 98), in Norway (No. 100), in the Syrian Arab Republic (No. 1) and in the United Kingdom territory of Mauritius (Nos. 26 and 99). The relatively small number of comments thus available would seem to show that once again the representative organisations have seized to a limited extent only this possibility for workers and employers to inform the supervisory organs of the I.L.O. of difficulties encountered in their countries in giving effect to ratified Conventions.

VI. Application of Conventions in Non-Metropolitan Territories

Declarations concerning the Applicability of Conventions

57. Since the Committee's last session 56 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 declarations related to the application or acceptance of Conventions without modification and referred to territories for whose international relations the following States are responsible: Australia (two declarations); France (four); Netherlands (two) and the United Kingdom (12). Thirteen declarations (all by the United Kingdom) related to the application or acceptance of Conventions subject to modifications. The remaining 23 declarations (also by the United Kingdom) indicated that a decision was reserved concerning the application of the particular Convention to the territory concerned. It may be noted that seven of the 20 declarations of application or acceptance without modification replaced earlier declarations under which the Convention concerned had been applicable subject to modifications.

58. At present the total number of declarations concerning the applicability of Conventions in non-metropolitan territories is 2,170, including 1,046 declarations of application or acceptance without modification and 132 declarations of application or acceptance with modifications. It may be of interest to note that the total of declarations of application or acceptance without modification is substantially the same as five years ago (when it was 1,072) although the number of territories to which this total relates has during the intervening five years fallen from 74 to 52. The average number of such declarations per territory has thus risen since 1962 from 14.5 to 20.

Reports Examined

59. 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 and following of article 35;

(c) in respect of the same territories, pursuant to article 35, paragraph 8, of the Constitution, on Conventions not accepted on behalf of such territories.

60. A total of 1,112 reports was due for the relevant reporting period in respect of the application of Conventions in non-metropolitan territories. Nine hundred and forty-eight (or 85.2 per cent.) of these reports have been supplied. Australia, France and the United States have supplied all the reports requested. On the other hand, for the third year in succession no reports have been received from Denmark in respect of the application of Conventions in the Faroe Islands and Greenland. Reports concerning the application of Conventions in South West Africa were also not available.

61. The Committee notes that, while information on the practical application of Conventions was given in a considerable number of reports relating to non-metropolitan territories, the reports of certain territories did not contain all the necessary particulars in this connection. Thus, as regards Conventions in respect of which the report forms call for specific data concerning practical application, the reports of the following territories did not contain such information—France: French Somaliland, St. Pierre and Miquelon; Netherlands: Surinam; United Kingdom: Bahamas, Brunei, Falkland Islands, Gibraltar, Gilbert and Ellice Islands, Montserrat, Seychelles, Solomon Islands. The Committee hopes that the efforts already made in a number of territories to provide more ample information on practical application will also lead to the supply of such information by the territories mentioned above.

62. The Committee notes that the number of ratifications or acceptances of the instrument of amendment of the Constitution adopted by the Conference in 1964 (to provide for the deletion of article 35 and the insertion of new provisions in article 19 concerning the application of Conventions to territories for whose international relations member States are responsible) has now reached 45. While the conditions required for the entry into force of this instrument have not yet been met, the Committee continues to bear in mind the need which will arise in due course to review the present procedures for the examination of reports on non-metropolitan territories in the light of the constitutional changes concerned.

VII. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

63. 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 49th (1965) Session, namely: the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123), the Minimum Age (Underground Work) Convention, 1965 (No. 123), the Minimum Age (Underground Work) Recommendation, 1965 (No. 124), the Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124), and the Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125);

- (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 48th (1964) Session (Conventions Nos. 87 to 122 and Recommendations Nos. 83 to 122);
- (c) replies to the observations and direct requests made by the Committee at its 1966 Session.

49th Session

64. The Committee has noted with particular interest that the governments of the 49 member States listed below have stated that they have submitted to the competent authorities all the instruments adopted by the Conference at its 49th Session: Argentina, Australia, Austria, Brazil, Bulgaria, Byelorussia, Cameroon, Canada, Chad, China, Congo (Brazzaville), Costa Rica, Cyprus, Denmark, Ethiopia, France, Federal Republic of Germany, Ghana, Greece, Guinea, Haiti, India, Iran, Israel, Ivory Coast, Japan, Kuwait, Luxembourg, Malawi, Mali, Malta, Morocco, New Zealand, Niger, Norway, Peru, Philippines, Portugal, Rumania, Sweden, Switzerland, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Kingdom, Venezuela, Zambia.

65. Moreover, the governments of six countries have submitted to the competent authorities certain of the instruments adopted at the 49th Session of the Conference, or have ratified at least one of the Conventions adopted at that session: Congo (Kinshasa), Cuba, Jordan, Netherlands, Senegal, United States.

66. 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.

31st to 48th Sessions

67. The Committee has noted with satisfaction that since its last session the following 12 countries have submitted the instruments adopted at the 48th Session of the Conference, bringing the total number of countries having fulfilled this obligation in regard to the said instruments to 53: Bulgaria, Ethiopia, Gabon, Greece, Guatemala, Guinea, Ireland, Malagasy Republic, Mali, Nigeria, United States, Upper Volta.

68. The Committee has noted, moreover, that several countries have now supplied information concerning the submission to the competent authorities of various instruments adopted by the Conference since its 31st Session: this is the case particularly with regard to China (the majority of the instruments adopted since the 32nd Session), Cuba (several instruments adopted since the 42nd Session), Ethiopia (all the instruments adopted between the 41st and 49th Sessions), Netherlands (Conventions Nos. 106, 108, 112, 119 and Recommendations Nos. 113 to 121) and Poland (several instruments adopted at the 38th to the 47th Sessions).

69. 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

70. 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 having regard to the obligation laid down in article 19 of the Constitution. 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, despite its repeatedly having drawn the attention of governments to the need to reply to the observations and requests made, many member States concerned have failed to do so.

71. The Committee recalls that, in order to have available on time the replies to the observations and requests addressed to governments as regards submission to the competent authorities, 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 and to contact the governments concerned if the information requested has not been supplied.

72. The Committee is pleased to note that, with a view to ensuring that this procedure works effectively, the Office has adopted in this case the practice already followed for reports on the application of ratified Conventions, i.e. to remind those governments which have not replied after a certain period to the Committee's comments to do so, and that, in pursuance of this procedure, replies were received from 11 governments. The Committee hopes that the other governments concerned will make every effort to supply the information in reply to its previous comments.

73. The Committee notes that, although there was some progress made this year, the over-all situation with regard to the obligation of member States to submit to the competent authorities the instruments adopted by the Conference continues to give the Committee serious cause for concern. Out of a total of 114 States which were Members of the Organisation at the time of the 49th Session, only 49 have submitted to the competent authorities, within the prescribed time limits, all the instruments adopted at that session. In addition, six States have indicated that they have submitted some of the instruments adopted at that session to the competent authorities.

74. Consequently, the Committee is obliged once more to draw the attention of governments to the fundamental importance of the obligation incumbent upon them, by virtue of article 19 of the Constitution, to submit, within the prescribed time limits, the Conventions and Recommendations to the competent authorities. It deems it highly regrettable that so many governments continue to disregard this obligation which they have undertaken on becoming Members of the Organisation. The Committee expresses the firm hope that these governments will spare no effort to take the necessary steps as soon as possible to submit to the competent authorities the instruments in respect of which such action has not yet been taken.

75. On the other hand, the Committee is pleased to note that certain governments (Brazil, China, Cuba, Guinea, Netherlands, Poland, Sudan, Syrian Arab Republic, Thailand, Turkey and Venezuela) have made considerable progress in submitting to the competent authorities several instruments adopted by the Conference at previous sessions.

76. As regards the nature of the competent authority, the Committee notes with regret that certain governments still do not submit Conventions and Recommendations to the national legislative bodies. On this point, the Committee recalls that the authorities to which Conventions and Recommendations should be submitted in all cases are normally those which are vested with the power to legislate. As was pointed out by the Conference Committee in 1966, it is of course for the national Constitu-

tion of each country to determine which authority possesses this competence, but the power in question is a legislative one, and not an executive or administrative power; and even where the government does not consider that the implementation of a Convention or a Recommendation would require legislative action, it is desirable that the instruments in question be also submitted to the legislature at least for information. In this regard, the Committee is glad to learn that the Government of Thailand, which had apparently experienced some uncertainty in this respect, now considers the national legislative body to be the competent authorities within the meaning of article 19. In the same connection, it is interesting to mention that the Government of Rumania, in addition to submitting the instruments adopted at the 49th Session to the Council of State, also submitted them to the competent committees of the National Assembly for examination. The Committee is also pleased to note the case of Congo (Brazzaville) where the instruments adopted at the last two sessions of the Conference have been submitted to the National Assembly for information, although the Government considers that the subject-matter of these instruments falls solely within the competence of the executive branch.

77. These examples are encouraging, and the Committee expresses the hope that those governments which until now did not consider it necessary to submit the Conventions and Recommendations also to the national legislative body will reconsider their position in this matter.

78. As regards the form of submission, the Committee notes that several governments continue merely to indicate that the instruments adopted by the Conference have been submitted to the competent authorities, without stating the nature of the said authorities and without supplying the information and documents specified in the Memorandum adopted in this connection by the Governing Body. The Committee feels bound once more to emphasise the importance which attaches to governments supplying such information and documents, since it would be unable, in their absence, to make a full assessment of the extent to and the manner in which the obligations under article 19 of the Constitution have been fulfilled.

79. The Committee trusts that, in the light of the foregoing considerations as regards submission to the competent authorities, further progress will be made towards full compliance with this basic constitutional obligation by all the Members of the I.L.O.

VIII. Reports Submitted by Governments on Three Unratified Conventions and on One Recommendation

80. The reports which governments were requested by the Governing Body to supply under article 19 of the Constitution related to four instruments dealing with hours of work: the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Forty-Hour Week Convention, 1935 (No. 47), and the Reduction of Hours of Work Recommendation, 1962 (No. 116).

81. The number of reports received from States Members, under article 19 of the Constitution, on these instruments reached 310 out of a total of 436 reports requested, i.e. 71.1 per cent., somewhat less than the corresponding figure last year. Moreover, 108 reports were supplied in respect of non-metropolitan territories. A table showing the reports supplied by various governments will be found at the end of Part Three of this report.

82. The Committee's conclusions arising from the examination of the reports on the instruments mentioned in paragraph 80 above will be found in Part Three of this report. As usual, the general survey takes account not only of the reports supplied under article 19 of the Constitution, but also of the reports supplied under article 22 by countries which have ratified the Conventions.

83. 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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84. 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, 22 March 1967.

(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 Government's report is limited to a statement that the labour law is before the legislature and that a Directorate of Labour Inspection has been established. As this draft labour law has been under consideration for a number of years, the Committee trusts that it will be adopted in the near future so as to give full effect to the various Conventions ratified by Afghanistan.

The Committee notes, moreover, that the report does 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.

Albania. 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.

Argentina. The Committee had observed last year that there was no evidence of progress in giving effect to its numerous observations. The Committee is glad to note therefore that action has since been taken to implement several Conventions as indicated below under the instruments concerned.

The Committee notes, on the other hand, that in the case of a large number of other Conventions (Nos. 8, 13, 20, 22, 23, 27, 35, 36, 42, 68, 81, 87, 88, 98, 107) the reports do not contain any information in reply to its previous observations and requests. The Government indicates, however, in a general note sent with the reports that the necessary statistical and other information is being assembled and that the changes required must be viewed in the light of existing circumstances. While taking due note of this general reply the Committee can only reiterate the hope that measures will soon be adopted to give full effect to all the Conventions ratified by Argentina including in particular those enumerated above.

Burma. 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 for the second successive year 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.

Congo (Brazzaville). The Committee notes with regret that the reports due, including one first report (Convention No. 119), 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.

Ecuador. The Committee notes that only one of the five reports received indicates that 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 in future all reports will indicate whether copies thereof have been so communicated.

Ethiopia. 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.

Guatemala. The Committee notes with regret that only 3 of the 17 reports due have been received and these arrived in the course of its session. It hopes that the Government will not fail in future to discharge its obligation to report, by the date requested, on the application of all ratified Conventions.

Guinea. The Government indicates that as the revision of the national legislation has not been completed, it is not in a position to supply the reports due and to reply to the previous observations and requests. The Government adds that effect will be given to these comments in the legislative texts which are shortly to be published and communicated to the I.L.O. The Committee recalls that no reports were supplied last year and trusts that the necessary information will soon be forthcoming and will indicate the measures taken to ensure compliance with ratified Conventions.

Haiti. The Committee notes with regret that the reports due have not been received. The Committee hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Indonesia. The Committee notes 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.

Jordan. 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.

Lebanon. For the third year in succession the first reports due on the seven Conventions ratified by this country have not been received. The Committee noted the Government's statement in the Conference Committee in 1966, that its failure to supply reports was due to administrative difficulties in connection with the reorganisation of ministries.

The Committee regrets that once again these first reports have not been supplied so that it is unable to ascertain whether Lebanon is securing the observance of the Conventions it has ratified. It urges the Government to take all necessary measures to discharge its reporting obligation.

Libya. The Government states that in the absence of any new legislation relating to ratified Conventions, its reports would be the same as last year, but that it will supply any new information in future and in time. As the Committee had previously raised certain points regarding a number of Conventions, it regrets the Government's failure to provide the relevant particulars and expresses the hope that the reports and the replies to its requests will be supplied in future.

Mexico. With reference to its previous observation, the Committee notes with interest the December 1965 issue, Nos. 3-4, of the *Revista Mexicana del Trabajo*

(published by the Department of Labour and Social Welfare) which contains, under the title "Important Provisions of Some Conventions Ratified by Mexico", certain self-executing provisions of Conventions Nos. 8, 13, 22, 42, 43, 49, 52 and 90 which by virtue of Article 133 of the national Constitution have acquired force of law in the country as a result of their ratification. These provisions are followed by the relevant provisions of the Federal Labour Act which, though not yet expressly repealed or amended, have been automatically superseded in pursuance of the above-mentioned constitutional principle.

While recognising the undeniable value of such measures publicising the provisions of Conventions in order to "dissipate any doubt regarding the effective application of the Conventions in Mexico"—as the Government had previously stated—the Committee trusts that the Government will use all other opportunities available to give such publicity, particularly when the Federal Labour Act is published in any official document or review, and of expressly amending the legislation in question when occasion arises. Consequently, the Committee requests the Government to be good enough to keep it informed of any measures it may take to this effect.

Furthermore, the Committee must recall that as regards certain provisions of Conventions Nos. 13, 22, 43, and 49, whose application requires the adoption of special legislative provisions or regulations, there remain certain discrepancies to which attention is drawn separately in connection with each of these four Conventions and which the Committee hopes will be eliminated in the near future.

Panama. 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.

El Salvador. The Committee notes with regret that, for the third year in succession, none of the reports due have been received. The Committee hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

Republic of South Africa. The Committee notes with regret that the reports due have not been received. The Committee hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

Spain—African Provinces. The Committee noted with interest the information supplied by the Government in answer to the general request made in 1966 with a view to assessing how the Conventions ratified by Spain are applied in these provinces.

Ifni and Sahara. The Committee noted that an Order of 20 October 1966 provides for the application of the general labour legislation of Spain in those two provinces, and that its provisions may be invoked as a legal basis for having recourse to the competent judicial and administrative bodies. The same Order provides that within three months of its publication the Governors of Sahara and Ifni shall submit to the Executive a list of the provisions dealing with social matters that are applicable in those provinces and the special provisions called for in those spheres which necessarily require different legal treatment. Within the following three months the Executive shall with the technical advice of the Ministry of Labour proceed to issue the corresponding texts and provisions on social matters for publication in the Official Bulletins, thus giving them immediate executory force.

In these circumstances, the Committee trusts that the Government will be able to state in its future reports what general or special legislative provisions give effect, in Sahara and Ifni, to the provisions of each of the Conventions ratified by Spain:

Fernando Po and Rio Muni. On 25 October 1966, the Spanish Government sent a communication to the General Commissioner for Equatorial Guinea (Fernando Po and Rio Muni) instructing him to ask the autonomous bodies (Assembly and Council of the Government) to study and adapt the social provisions of Spanish law to the territories of these provinces, along the same lines as in Ifni and Sahara.

In these circumstances, the Committee would be glad if the Government would be so good as to supply detailed information on the measures taken in Fernando Po and Rio Muni in a similar way as for Ifni and Sahara, and to specify what provisions of the general or special legislation give effect in these provinces to the provisions of each of the Conventions ratified by Spain.

* * *

The points on which the Committee drew attention to discrepancies between the special legislation covering the African provinces and the provisions of ratified Conventions are dealt with in requests concerning the individual Conventions addressed directly to the Government.

Sudan. 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.

Tanzania (Zanzibar). The Committee notes that once again this year the reports received relate only to the application of Conventions in Tanganyika. As no reports have been supplied for Zanzibar since the creation of Tanzania, the Committee is unable to ascertain whether the Conventions applicable in Zanzibar are effectively observed there. The Committee trusts that the relevant reports will be supplied in future.

Togo. 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.

U.S.S.R. For several years past the Committee had expressed the wish that the Government provide the text of the new Labour Codes of the various republics of the Union as soon as they have been adopted, and, pending their adoption, the text of the Codes currently in force. In the absence of any further information, the Committee can only point out once again that it does not have available the Codes of the majority of these republics.

Upper Volta. In 1966 the information supplied by the Government had been limited to a statement that it was examining the Committee's previous comments with a view to amending the legislation so as to bring it into conformity with ratified Conventions. The Committee notes with regret that once again this year the Government merely refers to its previous reports and indicates that there have been no changes in the application of Conventions. In these circumstances no information is available in response to the observations and requests made by the Committee in the past, nor has the Government stated whether copies of its report have been communicated to the representative organisations of employers and workers in accordance with article 23, paragraph 2, of the I.L.O. Constitution.

The Committee urges the Government to draw up its future reports in the manner laid down in the forms of report approved by the Governing Body and to indicate whether copies thereof have been communicated to the representative organisations.

Viet-Nam. The Committee notes with regret that the reports due, including three first reports (Conventions Nos. 81, 98, 111), have not been received. The Committee hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Nicaragua, Norway, Peru.*

B. INDIVIDUAL OBSERVATIONS

Convention No. 1 : Hours of Work (Industry), 1919

Canada (ratification: 1935). The Committee notes with interest the decision of the meeting of the provincial Deputy Ministers of Labour in October 1966 that each jurisdiction should undertake to explore the steps required to bring Canada fully into line with the Convention, and refers in this connection to the detailed request addressed directly to the Government.

The Committee is also glad to note, in this connection, that following its previous comments action is being taken to ensure the wider application of the Convention, e.g. in Manitoba, where the geographic scope of the relevant legislation was extended in 1966.

Colombia (ratification: 1933). The Committee notes with satisfaction that following its previous comments, Act No. 73 of 1966 amended various sections of the Labour Code, thus ensuring fuller application of Articles 4, 6 and 8, paragraph 1 (c), of the Convention.

Dominican Republic (ratification: 1953). The Committee notes, from the Government's reply to its previous remarks, that the revision of the Labour Code now under consideration will give effect to the Convention. It trusts that the new legislation will be enacted very soon and that it will give full effect to the provisions of the Convention, particularly as regards the following points:

Article 4 of the Convention. Recourse to the exception contemplated under this Article may be had only in the case of "processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts". The working hours allowed in such cases may not exceed 56 in the week on the average. The Committee again points out in this connection that section 148 of the Code, which allows working hours to be increased by one hour a day for shift workers in undertakings where work is carried on continuously, is not in conformity with the Convention.

Article 6, paragraph 2. The Government had stated in its report for 1960-62 that Act No. 5929 of 1962 prohibited overtime work. Since, according to *Gaceta oficial*, No. 8677 of 1 August 1963, this law does not concern hours of work, the Committee must reiterate its request that the Government communicate with its next report the text of the law restricting maximum additional hours of work and, should no such text be in force, take steps to lay down appropriate restrictions.

Haiti (ratification: 1952). The Committee notes with regret that the report for 1964-66 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

Article 1 of the Convention. The Committee notes that the Government recognises the need to modify section 104 of the Labour Code in order to eliminate any possible doubt (application of the Code to certain undertakings including land transport, covered by the Convention), but that the necessary modification is not to be made in the immediate future. The Committee hopes nevertheless that, in view of the importance of the undertakings excluded, action will be taken at an early date to introduce the necessary modification and ensure compliance with Article 1 of the Convention.

Article 6. The Committee notes with regret that the Government supplies no information in regard to the application of this provision of the Convention. It must, therefore, point out once again that section 100 of the Labour Code, which permits up to 20 hours overtime per week, is an insufficient safeguard against excessive recourse to overtime as it would permit workers to be employed on a 68-hour week over extended periods. It hopes, therefore, that the Government will take measures to fix the maximum number of additional hours permitted over a period of several months or a year.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Nicaragua (ratification: 1934). The Committee notes that the amendment of various sections of the Labour Code to bring them into line with the provisions of the Convention (particularly Articles 2 and 8) is still under consideration by the legislature. The Committee hopes that the draft amendment of the Code will be adopted shortly and that it will give effect to the Convention.

Articles 3 and 6 of the Convention. The Committee also notes from the information contained in the Government's report that the proposed new wording of section 56 of the Code appears to provide for no other exception than those permitted by Article 3 of the Convention (accident, urgent work). The Committee would be glad to know whether the Government is not also contemplating other measures with a view to permitting recourse to temporary exceptions in the cases referred to in Article 6, paragraph 1 (*b*), of Convention No. 1 and Article 7, paragraph 2 (*c*) and (*d*), of Convention No. 30 (exceptional pressure of work, the preparation of balance sheets, stocktaking, etc.) and prescribing the conditions to be attached to such exceptions as specified in Article 6, paragraph 2, of Convention No. 1 and Article 7, paragraphs 3 and 4, of Convention No. 30.

The Committee also refers to its earlier comments in connection with Article 6, paragraph 1 (*a*), of the Convention, and hopes that it will be possible when the Code is revised to delete the clause contained in section 49(1) of the Code which permits the exclusion of persons who perform duties which owing to their nature cannot be kept within a fixed working day, as this clause is not consistent with the provisions of the Convention.

Peru (ratification: 1945). The Committee notes that the drafting of the Labour Code is nearing completion. Recalling that this draft was announced in 1952, it hopes that the new text will be adopted very soon and that it will give effect to the numerous observations addressed to the Government over the last few years, particularly with regard to the application of Articles 3, 4, 5 and 6 of the Convention (exceeding the limit of normal hours of work).

Portugal (ratification: 1928). The Committee takes due note of the Government's statement that the proposed revision of the legislation regarding hours of work will give effect to the Convention and will satisfy previous requests made on this subject. It hopes that the amending instrument will be adopted very shortly and that it will take into account particularly the following points:

Article 1 of the Convention. The Committee hopes that the revised text will (i) clearly include mines, quarries, etc., in its scope, in accordance with paragraph 1 (a) of this Article, and (ii) be fully applicable to all workers employed in the establishments listed in paragraphs 4 to 6 of section 1 of Legislative Decree No. 24.402, without any possibility of exemption.

Article 2. The Committee notes that the two collective agreements communicated by the Government and applicable to road and rail transport provide for a 48-hour week. It hopes therefore that the revised text will eliminate the 56-hour week permitted by Legislative Decree No. 22.500 with regard to transport undertakings.

The Committee recalls that Article 4 of Legislative Decree No. 24.402 is contrary to the Convention because it permits the extension of hours of work by ministerial decision under exceptional circumstances and when necessary in the public interest. The Committee therefore trusts that the revised text will remove this divergency with the Convention.

Article 4. The Committee recalls that sections 11 and 18 of Legislative Decree No. 24.402 are not specific with reference to hours of work in processes which are necessarily carried on continuously and hopes that the revised text will contain express provisions in that connection.

Article 5. The Committee trusts that the revised legislation will contain provisions to prohibit in collective agreements any clause permitting the weekly average of 48 hours prescribed by the Convention to be exceeded.

Article 6. The Committee trusts that the revised text will remove the discrepancies with the Convention pointed out by the Committee in connection with section 14 of Legislative Decree No. 24.402 and section 10 of Legislative Decree No. 22.500, that recourse to overtime work will be restricted to the circumstances and requirements prescribed in the Convention and that a maximum will be fixed to the number of additional hours permitted. The Committee recalls that these measures should be taken after consultation with the organisations of employers and workers concerned.

Lastly, the Committee hopes that the revised text will be extended to the overseas provinces in order to ensure the uniform application of the Convention in all the provinces of Portugal.

Rumania (ratification: 1921). The Committee has noted the information supplied in reply to its direct request in 1963. On the other hand, the Committee notes that the Government's report does not reply to all the points raised in requests and observations made since 1960 concerning the following:

The last paragraph of section 57 of the Labour Code which provides that the Council of Ministers may authorise the maximum of additional hours, as fixed in the same section, to be exceeded, is not in conformity with Article 6, paragraph 2 of the Convention, which requires a maximum number of additional hours to be fixed. As the Committee recalls that a Government representative stated in 1961 before the Conference Committee that no use had been made of this provision recently, it hopes that it will be possible to repeal this provision in order to achieve conformity with the Convention not only in practice, but also in the legislation. Another solution would be for the Government to adopt a provision limiting the number of additional hours which might be permitted under decisions of the Council of Ministers. The Committee hopes that the Government will take appropriate measures to this end.

Furthermore, the Committee would be glad if the Government would indicate if use has been made of section 130 of the Labour Code which provides that special conditions of employment may be fixed by decisions of the Council of Ministers in the case of workers engaged on seasonal work, construction work, etc., and, if so, if it would supply the texts of the relevant decisions.

Spain (ratification: 1929). The Committee notes with interest from the information supplied by the Government to the Conference Committee in 1966 and repeated in its last report that, in order to remove any doubt, the Ministry of Labour is preparing the promulgation of an interpretative text stating the priority of the Act respecting maximum hours of work in any case where another provision on this subject contained in a particular labour regulation or collective agreement, might be less favourable to the workers. The Committee trusts that this text will be promulgated very shortly.

The Committee refers further to the draft general labour law, mentioned by the Government since 1958, and reiterates the hope that this text will be adopted soon and that doubtful points and divergencies concerning the application of Conventions Nos. 1 and 30 will thus be removed.

Syrian Arab Republic (ratification: 1960). The Committee notes with satisfaction that following its earlier comments, Order No. 265 of 14 May 1966 prescribes the maximum number of additional hours and the keeping of a register pertaining thereto (Article 6, paragraph 2 and Article 8, paragraph 1 (c) of Convention No. 1 and Article 7, paragraph 3 and Article 11, paragraph 2 (c) of Convention No. 30).

Uruguay (ratification: 1933). The Committee notes the information supplied by the Government in reply to its previous observations.

Article 4 of the Convention. The Committee notes from the Government's statement that a list of necessarily continuous processes has not been drawn up and that the special hours provided for by section 22 of the Decree of 29 October 1957 have been authorised for the past 30 years in the case of the Rio Negro hydro-electric installations. The Committee requests the Government to indicate whether recourse has been had in other cases to the special system in question (an average of 56 hours per week) and, if so, to supply a list of the processes or undertakings for which this system is authorised.

Article 6. The Government's report states that during the period under review no regulations have been made authorising the exceptions provided for in section 15 of the Decree of 29 October 1957, and that limits on additional hours are fixed by section 14 of the same Decree.

The Committee notes that section 14 only provides for exceptions in the case of special work such as stocktaking, the preparation of balance sheets, settlement days, etc. (Article 7, paragraph 2 (c) of Convention No. 30), and that, therefore, the limitation on overtime only applies in these cases. On the other hand, it would appear to the Committee that it might be difficult in practice not to have recourse occasionally to overtime, particularly in cases of abnormal pressure of work (Article 6, paragraph 1 (b) of Convention No. 1 and Article 7, paragraph 2 (d) of Convention No. 30). It requests the Government accordingly to state whether in practice recourse is not had to the exceptions provided for by section 15 of the Decree and to indicate the measures taken or contemplated to fix a maximum of additional hours in this case, in accordance with Article 6, paragraph 2 of Convention No. 1 and Article 7, paragraph 3 of Convention No. 30.

Venezuela (ratification: 1934). The Committee notes the information supplied by the Government in reply to its previous observations.

Article 1 of the Convention. The Committee has taken due note of the explanations given by the Government concerning section 6 of the Labour Act, to the effect that certain salaried employees of national, state or municipal authorities are governed by a régime of public law and are public employees even if their work is essentially

manual, but that on the other hand, all manual workers employed by state undertakings and autonomous institutions are covered by the Labour Act.

Article 2. The Committee notes with interest that the Government is examining the situation with a view to taking steps as soon as possible to repeal section 56 of the Labour Regulations, which exclude members of the employer's family, whereas the Convention allows an exception only for undertakings in which only members of the same family are employed. It hopes that the Government will be able to indicate in its next report the measures taken to this end.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Burma, Canada, Chile, Colombia, Czechoslovakia, Greece, Haiti, India, Iraq, Kuwait, Pakistan, Peru, Spain, Syrian Arab Republic, United Arab Republic.*

Convention No. 2 : Unemployment, 1919

Chile (ratification: 1933). Following its previous observations, the Committee notes with interest that a recent draft plan for the reorganisation of the Labour Department envisages to establish a system of public employment agencies and to appoint advisory committees, as provided for by Article 2 of the Convention. The Committee trusts that measures can thus be taken in the near future to give effect to the Convention.

Colombia (ratification: 1933). Further to its previous observations, the Committee notes with interest from the report for 1963-65 that the Government has requested I.L.O. technical assistance in the field of employment service organisation. Having learned that an I.L.O. expert has been in the country since the beginning of 1967, the Committee hopes that the Government will be able soon to establish a system of public employment agencies, as required by Article 2 of the Convention.

Uruguay (ratification: 1933). Following its previous observations, the Committee notes with interest that section 9 of the Bill for the creation of a national employment service has been changed in order to give effect to Article 2, paragraph 1, of the Convention. The Committee hopes that the Government will take the necessary measures to ensure the creation of the national employment service in the near future, and that the next report will supply all information on the progress achieved in this connection.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ecuador, Venezuela.*

Convention No. 3 : Maternity Protection, 1919

Argentina (ratification: 1933). Article 3 (*a*) and (*b*) of the Convention (maternity leave). Following its previous observations, the Committee notes with interest the Bill attached to Presidential Message No. 4362/66, section 1 of which amends section 1 of Act No. 11933, bringing it into line with the Convention by fixing maternity leave at 45 days before and 45 days after confinement. The Committee hopes that the Bill will be passed in the near future.

Article 3 (*c*) (maternity benefit). In its previous observations and requests, the Committee had also drawn the Government's attention to the fact that the national

legislation did not seem to give full effect to this Article of the Convention in connection with the following points: (i) women who do not meet the qualifying period requirements laid down by section 35 of Decree No. 80229 regulating the application of Act No. 11933; (ii) the maternity benefit rate. Act No. 11933 in fact fixes such benefit at a maximum of 200 pesos per month which, even taking into account the 600 pesos grant established by Legislative Decree No. 5170 of 1958, seems a very low figure in comparison with the minimum wage rates in force in Argentina (an unskilled worker with no dependants receives over 9,000 pesos a month or, if he has dependants, over 14,000 pesos) and therefore cannot be considered as "sufficient for the full and healthy maintenance" of the woman and her child in accordance with the Convention.

As the Government's report contains no reply to the above points, the Committee is bound to repeat its previous request and trusts that (i) measures will be taken to insert a formal provision confirming the judicial decisions under which payment of maternity benefit was not subject to any qualifying period and (ii) the next report will indicate how the application of the Convention is secured in practice as regards the maternity benefit rate (state, for example, whether there have been further adjustments since 1958 and indicate the correct rate of maternity benefit payable to women workers).

Bulgaria (ratification: 1933). Referring to its previous observation and requests concerning Article 3 (a) of the Convention (compulsory nature of leave after confinement) and Article 3 (c) (payment of maternity benefit to women who have not completed the qualifying period prescribed by the national legislation), the Committee notes the Government's statement to the effect that the Labour Code is now being entirely revised and that pending such revision the questions raised by the Committee are dealt with by applying the legislation in force.

The Committee trusts that this revision will take into account the remarks made by the Committee, in view of the fact that the legislation in force, and in particular section 44, paragraph III of the regulations under Part III of the Labour Code, to which the Government again refers, excludes from entitlement to maternity benefit women who have not completed the prescribed qualifying period, whereas according to the Convention all women to whom its provisions apply must receive benefit provided either by means of a system of insurance or, if they do not qualify, out of public funds.

As regards the application of Article 3 (d) of the Convention (nursing periods), the Committee notes the Government's reply to the effect that the legislation in force leaves women workers free to choose between two one-hour interruptions a day and a single pause lasting two hours, for the purpose of nursing.

Chile (ratification: 1925). In reply to the previous observations of the Committee concerning the application of Article 4 of the Convention (absolute prohibition of dismissal), the Government had already stated in 1964 that a revision of the Labour Code was under consideration to suspend the effect of sections 9 and 164 thereof (justifiable grounds for dismissal) in respect of women workers on maternity leave.

Since the report for 1964-66 contains no information on this subject, the Committee trusts that this revision, which is to bring the national legislation fully into conformity with the Convention, will take place in the near future and that the Government will not fail to indicate in its next report the progress made in this direction.

Colombia (ratification: 1933). Following its observations formulated in previous years, the Committee notes with satisfaction that Act No. 73 of 1966 (whose provisions were incorporated in the Labour Code by Decree No. 13 of 4 January 1967) has

amended sections 238 and 241 of the above-mentioned Code, bringing them into conformity with Article 3 (*d*) (nursing periods) and Article 4 (prohibition of dismissal) of the Convention.

The Committee hopes that the Government will also be able to bring the national legislation into harmony with the Convention as regards the other points raised in previous observations, namely Articles 3 (*a*) and (*b*) (12 weeks' maternity leave) and 3 (*c*) (payment of maternity benefit when prenatal leave is extended as a result of a mistake of the medical adviser in estimating the date of confinement).

France (ratification: 1950). Referring to its previous observations on the subject of Article 4 of the Convention (prohibition of dismissal), the Committee notes with satisfaction that Act No. 66-1044 of 30 December 1966 concerning security of employment in case of maternity, which has replaced section 29 of Book I of the Labour Code, provides that in case of pregnancy and confinement the termination of the employment contract by the employer may not take effect or be signified while the contract is suspended (i.e. during the 14 weeks of maternity leave and any extension thereof on account of medical complications).

Federal Republic of Germany (ratification: 1927). 1. Article 3 (*c*) of the Convention (maternity benefits for women workers whose earnings exceed the ceiling fixed by the insurance scheme). In reply to the previous observations of the Committee, the Government stated that under the new Maternity Protection Act of 24 April 1965, all women, whether covered by the insurance scheme or not, are entitled to maternity benefit payable by the State but that, for budgetary reasons, these provisions would not come into force before 1 January 1967. Under these circumstances, the Committee would be glad if the Government would indicate whether women salaried employees whose monthly salary exceeds DM 900 are also entitled to such benefit payable out of public funds and not by the employer, and if so, by virtue of what formal provision.

2. Article 4 (prohibition of dismissal). The Committee notes the Government's statement that the new Act has not modified section 9 of the 1952 Act but that women who are dismissed while pregnant are now entitled to maternity benefit under section 13, paragraph 2, of the new Act and section 200 (*a*) of the Social Insurance Code. The Committee also notes that dismissal is authorised only in exceptional circumstances and that no dismissals were reported during the period under consideration. The Committee would however be glad if the Government would indicate the measures contemplated to bring national legislation fully into harmony with the Convention on this point.

Nicaragua (ratification: 1934). Article 3 (*a*), (*b*), (*c*) and (*d*) of the Convention. Referring to its observations and requests made in previous years, the Committee notes from the Government's reply that (*a*) the proposed partial revision of the national Constitution increasing the total period of maternity leave to 12 weeks, in accordance with the Convention, and (*b*) the Bill amending section 129 of the Labour Code so as to bring it into harmony with the Convention as regards the extension of prenatal leave and the payment of maternity benefit when the date of confinement is wrongly estimated, have not yet been adopted. The Committee trusts that this legislation will be promulgated in the near future and hopes that the proposed modification of the Labour Code will also provide for two half-hour rest periods for nursing to be granted during the working day in accordance with the Convention and with the statements made by the Government in its reports received in 1965.

As regards the extension of the social security scheme to cover all women workers in the country, the Committee notes that this extension is progressing rapidly and

would be grateful if the Government would indicate in its next report what progress has been achieved in this connection.

Article 3, paragraph 1 (scope). The Government states that section 119 of the Labour Code excludes family undertakings from its scope of application, defining them as undertakings in which only members of the same family are employed, and that this is how the exception established concerning certain members of the employer's family by the decree of 1955 respecting social security should be interpreted. The Committee notes this statement and hopes that it will prove possible to insert a formal provision conforming to the Convention in this decree whenever it is next revised.

Article 4 (prohibition of dismissal). The Government again refers to sections 116 and 129 of the Labour Code and states that by virtue of these provisions and those of the social security legislation no woman worker may be dismissed while absent on maternity leave or sick leave taken as a result of pregnancy or confinement. The Government adds that, according to the interpretation given to these provisions, the period of notice for dismissal may not commence until after the woman has returned to her employment and that her absence may be extended to a maximum of six months. The Committee takes due note of this statement and hopes that it will be possible to introduce a formal provision corresponding to this Article of the Convention into the national legislation so as to bring it fully into harmony with the Convention on this point.

Spain (ratification: 1923). Article 2 of the Convention. In its reply to the previous requests and observations of the Committee concerning the payment of maternity benefit to all women workers covered by the Convention, regardless of their nationality, the Government states that according to the Act of 1963 which establishes the principles governing social security, all women workers who are nationals of countries other than those expressly enumerated in the Act are also covered by the social security scheme provided that their countries have concluded bilateral agreements with Spain or ratified the Convention and that they grant Spanish nationals equality of treatment with their own nationals.

The Committee points out in this connection that, contrary to certain other international labour Conventions, Convention No. 3 does not establish any condition of reciprocity but applies to all women wage earners in industry and commerce, whatever their nationality. In these circumstances, it hopes that it will be possible to bring the national legislation into full conformity with the Convention on this point and that the instruments to be issued under the basic law mentioned above will make formal provision for this principle in accordance with the intention expressed by the Government in its report for 1964-66.

Venezuela (ratification: 1944). Referring to its previous observations and requests, the Committee notes with satisfaction that the new Social Insurance Act, which came into force on 1 January 1967, has extended the scope of the system of compulsory social insurance to all persons bound by a contract of employment, whatever may be the amount of their remuneration, and has thus removed the ceiling of earnings fixed by the previous legislation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Chile, Colombia, Cuba, France, Gabon, Greece, Ivory Coast, Luxembourg, Mauritania, Panama, Spain, Venezuela, Yugoslavia.*

Information supplied by *Rumania* in answer to a direct request has been noted by the Committee.

Convention No. 4 : Night Work (Women), 1919

Afghanistan (ratification: 1939). See General Observation.

Austria (ratification: 1924). See under Convention No. 89.

Burundi (ratification: 1963). See under Convention No. 89.

Guinea (ratification: 1959). Further to its previous observations regarding certain discrepancies between the provisions of national legislation and those of Conventions Nos. 4 and 6, the Committee notes with interest that Guinea has recently ratified the revised Conventions Nos. 89 and 90 which, according to section 146 of the Labour Code of 1960, govern the night work of women and young persons in industry. In these circumstances, the Government may wish to consider denouncing Conventions Nos. 4 and 6, by which otherwise Guinea will continue to be bound.

Nicaragua (ratification: 1934). In reply to the previous observation in respect of section 50 of the Labour Code (which defines "night" as a period covering only ten hours), the Government refers to the provisions of Article 7 of Convention No. 4 and Article 3 of Convention No. 6, under which the night period in tropical countries may be shorter than the period of 11 consecutive hours provided for in the Conventions. In this connection, the Committee wishes to point out that the above-mentioned Articles, while permitting the reduction of the night period "in countries where the climate renders work by day particularly trying to the health", provide for the granting of compensatory rest during the day. The Committee hopes that the Government will take this point into account in modifying the legislation with a view to giving effect to Conventions Nos. 4 and 6.

At the same time, the Committee must observe that the Government's report indicates no progress in enacting the draft amendments to sections 125 and 126 of the Labour Code to which the Government referred in its previous report and which was designed to prohibit night work by women and young persons in industrial undertakings and, thus, to implement the basic provisions of Conventions Nos. 4 and 6. The Committee trusts that these amendments will be enacted at an early date so as to ensure the application of these Conventions ratified more than 30 years ago.

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In addition, a request regarding certain other points is being addressed directly to *Burundi*.

Convention No. 5 : Minimum Age (Industry), 1919

Bolivia (ratification: 1954). Article 2 of the Convention. The Committee notes with interest that the recently approved Minors' Code has fixed the minimum age for admission to apprenticeship at 14 years and that the Labour Code which, according to the Government, contains the same provision is being adopted. The Committee therefore trusts that these two texts will be promulgated very soon in order to prohibit the employment in industry of all children under the age of 14 years. It would be grateful if the Government would supply the texts of the Minors' Code and the Labour Code with its next report.

Colombia (ratification: 1933). Following its previous observations, the Committee notes with satisfaction that section 4 of Decree No. 13 of 4 January 1967 prohibits the work of children under the age of 14 years in industrial undertakings and makes it compulsory for the employer to keep a register of all persons under the age of 18 years and of the dates of their birth in accordance with Articles 2 and 4 of the Convention.

Denmark (ratification: 1923). Article 4 of the Convention. The Committee notes from the Government's reply to the observation of 1965 that regulations will be made requiring a register to be kept of all young persons under the age of 16 years, as part of the revision of the occupational safety, health and welfare legislation which has already reached a very advanced stage.

The Committee recalls that this point has been raised since 1956 and trusts that the Government will do everything in its power to ensure as soon as possible the adoption of the regulations that are to give full effect to the Convention.

Nicaragua (ratification: 1934). Article 4 of the Convention. The Committee notes from the Government's reply to its previous observations that the draft revised Labour Code makes it compulsory to keep a register of all workers under the age of 18 years. The Committee trusts that this draft will be adopted in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Colombia, Congo (Brazzaville), Guinea, Haiti, Lesotho, Mauritania, Niger, Sierra Leone, Singapore, Spain, Switzerland, Tanzania (Zanzibar), Uganda, Upper Volta, Zambia.*

Information supplied by *India, Ivory Coast* and *Rumania* 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 1965-66 has not been received and, therefore, no information is available in response to the Committee's previous observations regarding, in particular, the definition in the Labour Code of the term "industrial undertaking" (Article 1 of the Convention).

Guinea (ratification: 1958). See under Convention No. 4.

Nicaragua (ratification: 1934). See under Convention No. 4.

Venezuela (ratification: 1933). Articles 4 and 7 of the Convention. In its previous observations, the Committee had drawn attention to the divergency between section 108 of the Labour Act Regulations, which permits young persons to work exceptionally until midnight, and the above Articles of the Convention, under which such exceptions are authorised only in cases of *force majeure* or of serious emergency when the public interest demands it, and only in the case of young persons over 16 years of age. As, according to the Government's report for 1965-66, the matter has been submitted to the Social Affairs Committee of the National Congress, the Committee trusts that the necessary measures will be adopted at an early date to bring the existing legislation into full compliance with the terms of the Convention.

Viet-Nam (ratification: 1953). While no report has been supplied for the period 1965-66, the Committee learned from the information communicated by the Government to the Conference Committee in 1966 that due note had been taken of the Committee's previous comments and that the ratification of the revised Convention No. 90 of 1948 was under consideration. Since, however, Convention No. 6 continues to be in force the Committee must once again draw attention to the terms of its previous observations, which were 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 trusts that the Government will not fail 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, Burma, Laos*.

Convention No. 7 : Minimum Age (Sea), 1920

Nicaragua (ratification: 1936). The Committee notes that the report for 1965-66 does not mention any progress towards the adoption of amendments to the Labour Code to bring it fully into harmony with Conventions Nos. 7, 8, 15, 16 and 22. The Committee trusts that these amendments to the Code will be adopted in the near future and will ensure the observance of the maritime Conventions that have been ratified by Nicaragua.

Venezuela (ratification: 1944). Article 4 of the Convention. In reply to the previous observations of the Committee, the Government states that these have been communicated to the Legislative Committee which is now examining the revision of the Labour Act of 1947.

The Committee wishes to draw the attention of the Government to the fact that section 144 of that Act already provides for a register to be kept and that all that is necessary is for practical effect to be given to this provision. Consequently, the Committee hopes that the Government will do everything in its power to take the necessary administrative steps and that it will send a copy of the prescribed register with its next report.

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

Information supplied by *Guyana* and *Jamaica* in answer to direct requests has been noted by the Committee.

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920

Argentina (ratification: 1933). The Committee has taken note of the information supplied by the Government to the Conference Committee in 1966 that although a special committee had drafted amendments to certain sections of the Commercial Code (among them also to section 1004), they have not been adopted, because the Executive Power is preparing a general revision of the Commercial Code under which the question raised by the Committee will be settled.

The Committee regrets to note that the report contains no further information on the progress made in this respect. It recalls that section 1004 of the Commercial Code by which compensation against unemployment resulting from loss or foundering of a vessel is payable only until the day when the vessel would have reached its port of destination is contrary to Article 2, paragraph 2, of the Convention which provides

that compensation shall be paid for all the days during which the seamen remain in fact unemployed, subject to the provision that the total indemnity may be limited to two months' wages.

The Committee trusts that the Government will take the necessary steps to bring the national legislation into harmony with the Convention in the very near future.

Colombia (ratification: 1933). In reply to its previous observations on Conventions Nos. 8, 22 and 23, the Committee has noted with interest that a Bill submitted by the Government in April 1965 dealing specifically with seamen has been discussed and approved by the Senate and the competent committee of the Chamber of Representatives and that it is now on the agenda of the plenary session of the Chamber.

Since the express purpose of this Bill is to comply with the provisions of the Conventions referred to above, and in view of the observations made by the Committee, the latter hopes that the Bill can be adopted in the near future.

Mexico (ratification: 1937). With regard to certain divergences between section 126, subsection XII, of the Federal Labour Act and Article 2 of the Convention, see under General Observation—Mexico.

Nicaragua (ratification: 1934). See under Convention No. 7.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Rumania, Singapore, Spain*.

Information supplied by *Jamaica* in answer to a direct request has been noted by the Committee.

Convention No. 9 : Placing of Seamen, 1920

Colombia (ratification: 1933). After examining the Government's last report, the Committee regrets to note once again that the Convention is still not applied. However, it has noted the Government's statement that, in view of the difficulties met in preparing the new Labour Code, consideration is now being given to setting up an Employment Service within the Ministry of Labour. This would permit, according to the Government, "to take the provisions of the Convention into account". The Committee hopes that, following these developments, the necessary steps will thus be taken in the near future to ensure the placement of seamen in accordance with the provisions of the Convention.¹

Mexico (ratification: 1939). Articles 4 and 5 of the Convention. Following its previous comments, the Committee notes that steps have been taken to establish a joint advisory committee of shipowners and seamen in the port of Vera Cruz. The Committee hopes that the Government will take the measures required by the Convention to set up such committees in all the major ports of the country and that the next report will state the progress achieved in this connection.¹

Nicaragua (ratification: 1934). Following its observation of 1966, the Committee notes that the draft amendment to section 12 of the Labour Code concerning the prohibition of fee-charging employment agencies and the establishment of advisory committees (Article 2, paragraph 1, and Article 5 of the Convention) has not yet been adopted.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

The Committee reiterates its hope that the Government will in the near future adopt provisions to give full effect to the Convention in this respect.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Nicaragua, Peru, Poland and Spain*.

Convention No. 10 : Minimum Age (Agriculture), 1921

A request regarding certain points is being addressed directly to: *Algeria*.

Convention No. 11 : Right of Association (Agriculture), 1921

Albania (ratification: 1957). See under Convention No. 87 in respect of workers in agricultural co-operatives.

Brazil (ratification: 1957). The Committee regrets to note that Ministerial Resolution No. 71 of 2 February 1965, which replaces Ministerial Resolution No. 355A of 20 November 1962, repeats under section 5 the text of section 3 of the previous resolution. The Committee has already referred, in an observation, to that provision, which restricts the scope of a rural trade union to a single municipality, except in cases where the Ministry of Labour considers that there are exceptional grounds for authorising an extension. The Committee considers that the provision restricts, in a manner incompatible with the Convention, the rights of association and combination of persons engaged in agriculture as compared with the rights of industrial workers who, by virtue of section 517 of the Consolidated Labour Laws, may establish trade unions at districts, municipal, inter-township, state or inter-state and, exceptionally, national level.

The Committee trusts that the Government will reconsider the matter with a view to bringing its legislation into conformity with the Convention and will give information in this connection in its next report.

Byelorussia (ratification: 1956). See under Convention No. 87.

Chile (ratification: 1925). With reference to its previous observations, the Committee notes with interest the information supplied by the Government, during the Committee's meeting, in a supplementary report.

According to this information, the Bill concerning the right of association of agricultural workers has just been approved by Parliament. However, the President of the Republic has considered it necessary to veto certain of its provisions, and to propose certain amendments, in order to bring the Chilean law into even closer conformity with the standards laid down in the Convention. In consequence, the Bill will be delayed for a certain time, and will be ready for promulgation as an Act not later than the month of June next.

The Committee trusts that the promulgation will be possible at the date indicated, and that the Act will secure to persons engaged in agriculture the same rights of association and combination as to industrial workers, as is guaranteed by the Convention.

The Committee would be grateful if the Government would send a copy of the Act as soon as it is promulgated.¹

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

Cuba (ratification: 1935). As regards workers in agricultural co-operatives, see the observation relating to Convention No. 87.

Nicaragua (ratification: 1934). With reference to its previous observation, the Committee notes with satisfaction that section 6 of the Regulations of Trade Union Associations of 9 April 1951, the provisions of which were contrary to those of the Convention, has been expressly repealed by an Executive Decree of 4 October 1966.

Poland (ratification: 1924). See under Convention No. 87.

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). See under Convention No. 87.

Venezuela (ratification: 1944). The Committee notes the statement made by a representative of the Government to the Conference Committee concerning the observation that it has made for several years on the discrepancies, with regard to rights of association and combination, between the Agricultural Labour Regulations and the Labour Act applicable to workers in industry. According to that statement, "when an undertaking, or industry, or a rural establishment becomes relatively important so that its workers organise in trade unions, the unions request that the Labour Act be applied in that activity, and in most cases they obtain satisfaction" and "the provisions of the Agricultural Labour Regulations are accordingly of little significance to the trade unions".

The Committee also notes that on the same occasion the Government representative stated that the Government would amend or revoke any regulations which it considered did not allow the harmonisation of the legislation with the Convention and that these amendments were easy to adopt since they were within the exclusive competence of the President of the Republic in the Council of Ministers.

The Committee trusts that the relevant provisions of the Agricultural Labour Regulations will be amended or revoked in the near future, in order to bring the legislation into conformity with the provisions of the Convention. These provisions are contained in sections 109 (last paragraph), 124, 125, 128 and 136 of the Agricultural Labour Regulations and refer, respectively, to certain measures of supervision which the labour inspectorate exercises over trade unions, to limitations placed on the election of trade union officers, to special protection against dismissal for workers who give formal notice of their intention of forming a trade union, to the requirement for workers to be resident within the jurisdiction of a single labour inspectorate in order to be able to form trade unions, and to limitations on the right to strike.

The Committee requests the Government to keep it informed of any measures taken in this connection.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Congo (Kinshasa), Czechoslovakia, Ethiopia, Ivory Coast, Lesotho, Rumania, Spain.*

Information supplied by *Argentina, Malaysia (Sarawak), Malta, Singapore, Turkey, United Arab Republic, Zambia* in answer to direct requests has been noted by the Committee.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States: *Colombia, Panama.*

Convention No. 13: White Lead (Painting), 1921

Afghanistan (ratification: 1939). See General Observations.

Argentina (ratification: 1936). Further to its numerous observations, the Committee regrets to note from the report that, despite the assurance repeatedly given by the Government in the past, no progress has been made in adopting appropriate legislative measures to give full effect to the Convention. In these circumstances, the Committee can only once again urge the Government to adopt national legislation:

- (a) prescribing provisions corresponding to those of the Convention for painting operations, where the use of white lead, etc., 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), painting operations in which the use of white lead, etc., is necessary.

The Committee trusts that the Government will not fail to take the necessary measures to give full effect to the Convention, which was ratified more than 30 years ago.¹

Colombia (ratification: 1933). Further to its previous observations, the Committee notes with satisfaction the adoption of the decree of 4 January 1967 which amends article 242 of the Labour Code so as to prohibit the employment of women and young persons in painting work of an industrial character, as required by Article 3 of the Convention.

The Committee trusts that the Government will also take appropriate measures to give effect to the other Articles of the Convention which tend to prohibit the use of white lead and sulphate of lead and to regulate its use in certain circumstances.

Gabon (ratification: 1960). Further to its previous direct requests, the Committee notes with satisfaction the adoption of Decree No. 16/PR, dated 12 January 1967, which is designed to give full effect to the provisions of Article 5.I(a) of the Convention (use of white lead, etc., in the form of pastes or paint ready for use).

Mexico (ratification: 1938). As regards the divergences between section 111G,V of the Federal Labour Act and Article 3, paragraph 1, of the Convention, see General Observation—Mexico.

Article 2, paragraph 2, and Article 5 of the Convention. The Committee notes with regret that no information has been supplied by the Government in reply to the previous observations concerning the application of these Articles of the Convention, which require the fixing of a line of division between different types of painting and the regulation of the use of white lead substances in operations for which their use is not prohibited. In these circumstances the Committee urges the Government once again to adopt, in the near future, regulations to give effect to the non-self-executing provisions of Article 2, paragraph 2, and Article 5 of the Convention.

Nicaragua (ratification: 1934). Following its previous observations, the Committee notes with satisfaction the enactment of the regulations concerning the use of white lead and other pigments in painting work, dated 29 October 1966.

The Committee notes, on the other hand, that the draft amendment to the Labour Code which envisages the prohibition of the use of white lead in the internal painting

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

of buildings, with the exception of white pigments containing a maximum of 2 per cent. of lead expressed in terms of metallic lead (Article 1 of the Convention), has not yet been enacted and it trusts that it will be enacted very shortly.

Venezuela (ratification: 1933). Further to its previous observations the Committee regrets to note from the report that no legal provision has been adopted as yet, authorising the competent authority to require, when necessary, a medical examination of workers engaged in painting work, as required by Article 5.III (b) of the Convention. The Committee trusts that the Government will take appropriate measures in order to give effect to the Convention on this point.

As regards the statistics concerning morbidity and mortality required under Article 7 of the Convention, the report stated that such statistics would be communicated separately. Since, however, this information has not been received, the Committee must ask the Government once again to supply the data in question with its future reports.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Guinea, Laos*.

Information supplied by *Mali* and *Senegal* in answer to direct requests has been noted by the Committee.

Convention No. 14 : Weekly Rest (Industry), 1921

Canada (ratification: 1935). The Committee notes with satisfaction that the new federal Labour (Standards) Code of 1965 contains basic provisions regarding weekly rest in undertakings under federal jurisdiction.

China (ratification: 1934). The Committee notes with interest from the Government's report that measures have been taken to ensure strict compliance, in both public and private industrial undertakings, with the provisions of the Convention. It would be grateful if the next report would supply further statistics regarding the current application of weekly rest provisions in the country.

The Committee hopes that the new draft Labour Code will soon be adopted and that the scope of the legislation regarding weekly rest will be extended to workers not covered by the Factory Act of 1932.

Greece (ratification: 1929). The Committee takes due note of the Government's statement, in reply to the observation of 1965, that no effort will be spared to ensure the application of the Convention to those railwaymen (about one-tenth of the total) who are at present entitled only to two rest days in every period of 30 days.

The Committee hopes that the Government's next report will indicate the measures taken in this regard.

India (ratification: 1921). The Committee notes with satisfaction the further extension of the Motor Transport Workers Act which provides, *inter alia*, for weekly rest.

Turkey (ratification: 1946). Further to its previous observations, the Committee notes from the Government's report that the new draft Labour Code has been returned to the Grand National Assembly for reconsideration. The Committee hopes that the new legislation will soon be finally adopted, so as to ensure, *inter alia*, that weekly rest is granted in all categories of industrial undertakings without distinction as to the number of persons employed or the importance of the area concerned.

Venezuela (ratification: 1944). See observation concerning Convention No. 1, Article 1.

Yugoslavia (ratification: 1958). See under Convention No. 106.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bolivia, Canada, Congo (Kinshasa), Finland, Honduras, Iraq, Kenya, Malaysia* (Sarawak), *Niger, Poland, Spain, United Arab Republic, Upper Volta, Viet-Nam.*

Information supplied by *Chad, Colombia, Morocco, Senegal* in answer to direct requests has been noted by the Committee.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921

Nicaragua (ratification: 1934). See under Convention No. 7.

Tanzania (Tanganyika) (ratification: 1962). Article 5 of the Convention. Following its previous requests, the Committee notes with satisfaction that the East Africa Merchant Shipping Act of 1965 contains a new provision to the effect that the master of a ship engaged in maritime navigation or coasting trade must keep a register of or list of all crew members mentioning their ages. The Committee would be grateful if the Government would indicate in its next report whether the above-mentioned Act has come into force.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ceylon, Jamaica, Kenya, Malaysia* (States of Sabah and Sarawak), *Mauritania, Sierra Leone, Spain, Tanzania* (Zanzibar), *Turkey, Uruguay.*

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

Uruguay (ratification: 1933). The Committee notes with regret that the report for 1963-65, received too late to be examined in 1966, confines itself to acknowledging the shortcomings of the Children's Code of 6 April 1934 with regard to the employment of young persons on board ship and stating once again that a draft instrument to revise the whole of the legislation governing the work of minors is under consideration.

It notes that sections 227 and 228 of the Children's Code of 1934 do not give effect to certain provisions of the Convention, in particular Article 3 which prescribes the annual repetition of the medical examination of young persons employed *on board vessels*. It also recalls that the Bill to amend the 1934 Code, as communicated by the Government, contains no express provisions similar to those of sections 227 and 228 of the legislation now in force and does not refer to medical examination and re-examination of young persons under the age of 18 years employed on board vessels.

The Committee trusts that the Government will take all the measures necessary to supplement, on the one hand, the provisions of sections 227 and 228 of the 1934 Code in the way referred to above and, on the other, to introduce into the above-mentioned Bill provisions corresponding to those of Articles 2 and 3 of the Convention. The Committee requests the Government to state in the next report the progress achieved in this direction.

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Burma (ratification: 1956). The Committee notes the information which the Government communicated to the Conference Committee in 1966.

Article 5 of the Convention. The Government indicates that, in practice, in cases of disability the compensation is in the form of monthly payments and not in a lump sum and that in cases of death, periodical payments are always made in accordance with the decision taken by the Commissioner with respect to investment or other use of the compensation. In these circumstances, the Committee trusts that there will be no difficulty to bring the national legislation also into conformity with the Convention, as the Workmen's Compensation Act of 1924 provides that compensation in the case of accidents followed by death or permanent disability of the worker will be made in the form of a lump sum (with the exception of cases where, by virtue of section 8 (5) of the Act, compensation payable to a woman or to a person under a legal disability may be invested, applied or otherwise dealt with for the benefit of the woman or of such person), whereas the Convention provides that compensation may be wholly or partially paid in a lump sum, if the competent authority is satisfied that it will be properly utilised.

Article 10. The Government indicates that there have been no instances where the cost of the surgical appliances exceeds the amount of compensation. However, regulations under the Social Security Act and the Workmen's Compensation Act fix a maximum amount for the refund of expenses for artificial limbs and surgical appliances, whilst the Convention provides, in such cases, for the payment of all necessary expenses without any limit being fixed. In these circumstances, the Committee trusts that appropriate administrative measures can be taken to ensure that this fixed maximum does not limit the compensation to which the victim is entitled, in accordance with the Convention.

Article 11. The Committee notes with interest that measures will be taken to amend the Workmen's Compensation Act of 1924 so as to guarantee, in the event of insolvency of the employer, the payment of compensation to workmen who suffer personal injury, in accordance with this Article of the Convention.

The Committee hopes that action will be taken at an early date to ensure compliance with the above-mentioned Articles of the Convention.

Chile (ratification: 1931). The Committee notes, from the Government's reply to its previous observations, that the draft Bill on social security, which was to modify the provision of the Labour Code to ensure, *inter alia*, conformity with Article 5 of the Convention (payment of a pension in case of permanent incapacity), has not yet been passed by the National Congress. The Committee trusts that this amendment will be adopted at an early date so as to bring the national legislation into harmony with this important requirement of the Convention.

Colombia (ratification: 1933). In connection with the observations and requests made in previous years with regard to Articles 2, 5 and 11 of the Convention, the Committee notes with satisfaction the promulgation of Decree No. 3170 of 21 December 1964 to approve regulations for the compulsory employment injury insurance scheme.

Nicaragua (ratification: 1934). Further to its previous observations, the Committee notes with interest that the Executive Council of the National Social Security Institute has submitted amendments to the Social Security Act to the National Congress, so as to eliminate the divergences between the Social Security Act and Articles 2 and 7 of the Convention. The Committee hopes that these draft amend-

ments will be adopted shortly and that the next report will also indicate what further progress has been made with a view to extending the social security scheme throughout the whole country and to all workers.

Sierra Leone (ratification: 1961). Article 5 of the Convention. Following its previous requests, the Committee notes with interest from the Government's report that the Joint Consultative Committee will discuss certain amendments to the Workmen's Compensation Act drafted in conformity with the provisions of the Employment Injury Benefits Convention and Recommendation, 1964 (No. 121), including the award of periodical payments of compensation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Colombia, Panama, Uruguay*.

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925

Colombia (ratification: 1933). In reply to the previous observations of the Committee, the Government refers, in its report for 1963-65, to Decree No. 3170 of 1964 to approve regulations for the compulsory employment injury insurance scheme.

Since these regulations do not contain a list of occupational diseases but provide, under section 6, for such a list to be drawn up by the social security institutions, the Committee hopes that this list will be drawn up in the near future and will include, among the processes likely to cause anthrax infection, the loading and unloading or transport of goods in general, as is the case in the Convention. The Committee also hopes that this list will include poisoning by alloys or compounds of lead and by amalgams and compounds of mercury, which are not expressly mentioned under section 201 of the Labour Code, referred to by the Government.

The Committee trusts that the next report will contain information on the steps taken in this respect.

Guinea (ratification: 1959). The Committee notes that the reform of the national legislation relative to the application of the Convention has not yet been completed.

The Committee must therefore repeat in a direct request the points it has raised since 1962 concerning the discrepancies which exist between the provisions of the Labour Code of 1960 and the schedule to Article 2 of the Convention (list of occupational diseases and the corresponding processes). It expresses the hope that the necessary legislative measures designed to give full effect to the terms of the Convention will be introduced in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Guinea, United Arab Republic, Zambia*.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925

China (ratification: 1934). In reply to the previous observations, a Government representative stated before the Conference Committee in 1966 that an amendment of the social security regulations, under section 9 of which foreign workers in the various branches of activity would be included in the insurance scheme, would be submitted to the Legislative Yuan shortly. The Committee trusts that this amendment will be adopted in the very near future so as to ensure equality of treatment for national and foreign workers, as required by the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burundi, Colombia, Senegal, Uruguay.*

Information supplied by *Trinidad and Tobago* in answer to a direct request has been noted by the Committee.

Convention No. 20 : Night Work (Bakeries), 1925

Colombia (ratification: 1933). Recalling the numerous observations it has made in past years regarding the application of this Convention, the Committee notes with regret that, during the session ending on 20 July 1966, Congress did not examine the Bill submitted to it in August 1964, which was designed to regulate the matters pertaining, *inter alia*, to night work in bakeries.

In these circumstances, the Committee can only reiterate the hope that measures to prohibit night work in bakeries, in accordance with the Convention, will be taken without further delay.

Spain (ratification: 1932). Further to its previous observations, the Committee takes note with interest of the text of the resolution of 2 November 1962 by which an authorisation to carry out night work in a bakery was rescinded, as well as of the Government's statement made to the Conference Committee in 1965, that no other authorisations for the working of night shifts in bakeries have been granted by the General Directorate of Labour Regulation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Peru, Spain, Sweden.*

Information supplied by *Bulgaria* in answer to a direct request, has been noted by the Committee.

Convention No. 22 : Seamen's Articles of Agreement, 1926

Argentina (ratification: 1956). The Committee has noted from the information supplied by the Government to the Conference Committee in 1966, that " the special committee set up by the Ministry of Labour drafted Bills to amend sections 984, 985, 986, 991, 994 and 1004 of the Commercial Code to bring them into conformity with Conventions Nos. 22 and 23 " but " these texts could not be adopted because the Executive decided to proceed through the Ministry of Shipping to the revision of the entire Book of the Commercial Code dealing with maritime law in which the provisions on the articles of agreement appear ".

The Committee notes with regret that the 1965-66 report contains no information on that subject and it must therefore point out again the following differences: Article 13 (conditions in which a seaman may claim his discharge owing to circumstances rendering it essential to his interests) and Article 14, paragraph 2 (the right to obtain a certificate as to the quality of his work or a certificate indicating whether he has fully discharged his obligations under the agreement).

The Committee trusts that the necessary measures will be adopted without further delay and that the next report will contain the information which is again being asked for in a direct request.

Colombia (ratification: 1933). See under Convention No. 8.

Federal Republic of Germany (ratification: 1930). Following the observations it has been making for several years in connection with Article 9, paragraph 1 of the Convention, the Committee notes that a Government representative stated to the Conference Committee in 1966 that the Government and the employers' and workers' organisations agreed that the legislation in force was satisfactory but that discussions were nevertheless in progress between the parties concerned with a view to clarifying the situation concerning the questions raised by the Committee of Experts. The Committee also notes that on the same occasion the Workers' member from the Federal Republic of Germany stated that it was naturally desirable to bring the legislation into conformity with the Convention but that this should be done in such a way that the existing advantages enjoyed by the seamen were not lost. The Employers' member from the Federal Republic of Germany stated that the employers also wished the legislation to be in conformity with the Convention. The Committee also notes that the Workers' members of the Conference Committee noted that the three parties concerned had stated that they were looking for a solution which would conform to the Convention without prejudice to the more favourable conditions of the collective agreement and that it was hoped that a solution on those lines would be found by the following year. Finally, the Conference Committee expressed the hope that the Government would soon find a satisfactory solution.

In its last report, the Government states that the consultations between the Government and the representative organisations in the field of maritime navigation have not yet been concluded. In these circumstances, the Committee recalls that section 63, paragraph 3, of the Seamen's Act of 1957 is not compatible with this Convention; it hopes that the present consultations will result in the Act being amended to conform to the provisions of Article 9, paragraph 1 of the Convention, which provides that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than 24 hours.

Mexico (ratification: 1934). With respect to the divergencies between section 146 of the Federal Labour Act and Article 9, paragraph 1, of the Convention, see under General Observations, Mexico.

The Committee trusts that the Government will not fail to take steps to give effect to the following provisions of the Convention, for the application of which it will be necessary to enact legislative measures or issue regulations: Article 5, paragraph 2 (statements which should not be contained in seamen's personal documents), and Article 9, paragraph 2 (conditions under which notice may be given of the termination of an agreement for an indefinite period).

Pakistan (ratification: 1932). The Committee notes with regret from the Government's reply to previous observations that the revision of the Merchant Shipping Act of 1923 has not yet been completed and that consequently Article 1 of the Convention is still not applied to seamen who sign on for employment on Pakistani vessels while in countries which have not ratified the Convention.

Since the Government has been referring to the revision of this legislation for many years, the Committee trusts that the above-mentioned Article of the Convention will be given effect in the very near future.

Uruguay (ratification: 1933). The Committee notes the information contained in the report and considers that it contributes no new information in reply to the observations on Articles 3(2), 8 and 13 of the Convention.

The Committee recalls in this connection that on several occasions the Government has stated that "there is not complete conformity between the provisions of these two Conventions (Nos. 22 and 23) and the national legislation, i.e. the Com-

mercial Code". For this reason the National Institute of Labour and Related Services had requested, some years ago, that "the competent authorities should consider bringing national legislation into line with the provisions of these Conventions, either by the promulgation of a special Act or by amending the relevant part of the Commercial Code".

The Committee therefore trusts that the Government will again examine this question in order to take the legislative measures that appear necessary and will indicate in its next report the progress achieved in this connection.

Venezuela (ratification: 1944). Following the comments made in 1966, the Committee notes that a Special Commission set up by the Ministry for Communications and the Merchant Navy Department is considering them and was to have reported last July. The Committee trusts that the conclusions of this report will make it possible to remove certain discrepancies between the legislation and the Convention which are again pointed out this year in a direct request, particularly with reference to Article 9, paragraphs 1 and 2 (termination of agreement for an indefinite period in any port where the vessel loads or unloads, subject to notice).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Brazil, China, Ghana, Venezuela, Yugoslavia*.

Convention No. 23 : Repatriation of Seamen, 1926

Argentina (ratification: 1956). With respect to the following divergences—Article 3, paragraph 4, of the Convention (conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated); Article 4, subparagraph (b) (expenses of repatriating seamen in the event of a shipwreck), and Article 5, paragraph 1 (expenses involved in the transportation of repatriated seamen up to the time of their departure and during the journey)—see under Convention No. 22.

Colombia (ratification: 1933). See under Convention No. 8.

Uruguay (ratification: 1933). Articles 3 and 5 of the Convention. See under Convention No. 22.

Convention No. 24 : Sickness Insurance (Industry), 1927

Chile (ratification: 1931). The Committee notes with interest the information supplied by the Government in reply to its previous observation and the statement of a Government representative in the 1966 Conference Committee that provisions extending medical benefit to salaried employees have been included in a draft Bill which was examined by the Congress. The Committee hopes that the national legislation will thus be brought into full conformity with the Convention at an early date.

Colombia (ratification: 1933). The Committee notes with interest the extension of the social security scheme to new territorial zones so that it now covers five provinces (Antioquía, Boyaca, Cundinamarca, Quindío and Valle del Cauca) out of the total number of 17 provinces. The Committee hopes that the Government will make every effort to extend the application of the Convention progressively throughout the whole country.

Uruguay (ratification: 1933). The Committee notes, from the reply to its previous observations, that a special committee of the Ministry of Health to study the bases

of general sickness insurance schemes and a special committee of the Chamber of Representatives to study a draft Bill on sickness insurance were set up in the course of 1966.

As a great proportion of workers is not at present covered by any sickness insurance, the Committee urges the Government to take all possible measures with a view to giving effect to the Convention in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Colombia, Ecuador.*

Convention No. 25 : Sickness Insurance (Agriculture), 1927

Chile (ratification: 1931). See under Convention No. 24.

Colombia (ratification: 1933). See under Convention No. 24.

Uruguay (ratification: 1933). See under Convention No. 24.

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In addition, a request regarding certain other points is being addressed directly to *Colombia*.

Convention No. 26 : Minimum Wage-Fixing Machinery, 1928

Bolivia (ratification: 1954). The Committee notes the Government's statement, in reply to its previous direct request, that no special machinery exists for the fixing of minimum wages at regular intervals, but that minimum wages have been fixed at various times by government orders (for factory workers in 1958, for chauffeurs and for workers in privately-owned mines in 1959, for building workers in 1962) or arbitration award (for commercial employees in 1959).

The Committee observes that statutory authority for the issue of orders fixing minimum wages is provided by section 52 of the General Labour Act, 1942, and section 46 of the Regulations issued on 23 August 1943 in application of this Act. However, these provisions do not provide for observance of the procedures laid down by the Convention, particularly in Articles 2 and 3. The Committee therefore hopes that appropriate measures will be taken at an early date to establish and maintain minimum wage-fixing machinery meeting the requirements of the Convention.

The need for such machinery is underlined by the fact that most of the minimum wages now in force have remained unchanged for eight or nine years, although during the period 1958-66 the official cost-of-living index rose by approximately 85 per cent.

China (ratification: 1930). The Committee notes the Government's statement, in answer to its previous direct request, that the draft Labour Code, which is to provide for minimum wage-fixing machinery, is still under consideration, but that pending adoption of the Code, the Government has prepared draft temporary basic wage regulations. However, it appears that these draft regulations would apply neither to workers in commerce nor to home-workers, and the Government indicates that in regard to these categories of workers no solution other than the adoption of the proposed Labour Code has been found.

The Committee accordingly hopes that the Labour Code, incorporating provisions giving full effect to the Convention will be adopted at an early date.

Tanzania (Zanzibar) (ratification: 1964). Since 1963 the Committee has made direct requests concerning the application of Article 2, Article 3, paragraph 2, Article 4, paragraph 1, and Article 5 of this Convention. In the absence of any report, the Committee is dealing with these matters once again in a direct request.

The Committee urges the Government to supply a detailed report containing all the information requested.

Venezuela (ratification: 1944). The Committee notes with regret that the Government's report for 1965-66 merely repeats the statement made to the Conference Committee in 1964 (to the effect that it had not been considered necessary to establish minimum wage boards under the Labour Act, since collective agreements existed for all the branches of industry), and does not supply the detailed information requested by the Committee in 1965 and 1966 concerning the minimum wage-fixing machinery now in operation (a) in commerce and (b) respecting homeworkers.

The Committee hopes that the Government will not fail to supply full information in this connection.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, China, Colombia, Congo (Kinshasa), Cuba, Czechoslovakia, Ecuador, Gabon, Guatemala, Guinea, India, Iraq, Lesotho, Luxembourg, Mexico, Nicaragua, Paraguay, Peru, Portugal, Rwanda, Spain, Syrian Arab Republic, Tanzania* (Zanzibar), *Uganda, Upper Volta*.

Information supplied by *Argentina, Australia, Brazil, Malta, Mauritania, Senegal, Sudan, Tanzania* (Tanganyika) and *Togo*, in answer to direct requests has been noted by the Committee.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929

Argentina (ratification: 1950). Referring to its previous observations, the Committee regrets to note from the report that no measures have been taken with a view to implementing Article 1, paragraph 4, of the Convention, under which national legislation shall determine "whether the obligation for having the weight marked (on a package) shall fall on the consignor or on some other person or body". Recalling that the Government has been considering appropriate measures to this effect for a number of years, the Committee can only trust that the necessary legislation will be adopted without further delay.

Cuba (ratification: 1954). Article 1, paragraph 4, of the Convention. In its reply to the observation of 1965 the Government again refers to the existing practice as the only basis for the consignor to mark the weight on heavy goods transported by vessels. As the Committee has pointed out since 1957, this paragraph of the Convention requires the person or body responsible for such marking to be determined by means of legislation. The Committee trusts therefore that the Government will find it possible in the near future to take appropriate measures with a view to giving full effect to Article 1, paragraph 4 of the Convention not only in practice but also in the legislation.

India (ratification: 1931). As according to the Government's reply to the observation of 1965 the inspectors envisaged by the Marking of Heavy Packages Act have not yet been appointed, the Committee expresses the hope once again that these appointments will be made at an early date.

Indonesia (ratification: 1933). The Committee notes with regret that the report for 1964-66 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

In its reply to the observation of 1963 the Government states that in those Indonesian ports which are not used for export purposes, "packages weighing more than 1,000 kilogrammes are not obtainable" and that, therefore, it is unnecessary to extend the implementation of the Convention to such ports. While noting this information, the Committee expresses the hope that the Government will ensure the gradual extension of the application of the Convention to the remaining ports so as to ensure that any heavy packages which might be loaded there in future will be duly marked in accordance with the Convention. The Committee would also appreciate it if the future reports would contain detailed information on the practical application of the Convention, as required under the report form.

The Committee hopes that the Government will make every effort to take the necessary action.

Nicaragua (ratification: 1934). In its observation of 1966 the Committee noted a draft addendum to section 183 of the Labour Code, providing that the consignor of any package of 1,000 kilograms or more to be transported by sea or inland waterway shall mark its weight. As the report indicates no progress in adopting this addendum, the Committee can only reiterate the wish that it will be enacted without further delay, so as to give effect to a Convention which was ratified more than 30 years ago.

Pakistan (ratification: 1931). The Committee notes with interest from the Government's reply to its previous direct requests that the necessary measures are being taken to extend the application of the Convention to ports other than Karachi and Chittagong. The Committee hopes that the next report will indicate the progress achieved in this respect.

Uruguay (ratification: 1933). In its previous comments the Committee has pointed out that the Decree of 10 August 1938, which requires the marking of weight on packages, does not specify whether this obligation shall fall on the consignor or on some other person, whereas under Article 1, paragraph 4, of the Convention national legislation shall determine the person or body responsible for such marking. As the Government's report again fails to indicate any progress, the Committee can only reiterate the wish that action will be taken in the very near future to issue regulations in order to give effect to the above provision of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Luxembourg, Peru, Spain*.

Convention No. 28 : Protection against Accidents (Dockers), 1929

Nicaragua (ratification: 1934). Further to its previous observations, the Committee notes with satisfaction the adoption of the Regulations on Safety Measures in the Loading and Unloading of Ships (dated 19 October 1966) which, apart from one point dealt with in a direct request, give effect to the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Luxembourg, Nicaragua*.

Information supplied by *Ireland* in answer to a direct request has been noted by the Committee.

Convention No. 29 : Forced Labour, 1930

Albania (ratification: 1957). As the Government has once more failed to supply a report on this Convention, the Committee can only refer to its previous observations and direct requests, regarding the following matters:

1. The Committee had drawn attention to the need 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).

2. 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.

Burma (ratification: 1955). The Committee regrets to note that no report has been supplied and that accordingly no information is available in answer to the direct requests made by it since 1964. The Committee is once more repeating this direct request, and trusts that the Government will not fail to supply a report for examination by the Committee at its next session, containing detailed information on all the points raised.

Czechoslovakia (ratification: 1957). The Committee notes with satisfaction that the Labour Code of 16 June 1965 has repealed Act No. 88 of 1945, under which, except in certain specified circumstances, a worker could terminate his employment only with the agreement of the undertaking or the permission of the competent authorities.

Dahomey (ratification: 1960). The Committee regrets to note that for the second year in succession no report has been received, and that accordingly no information

is available in reply to the direct requests made by it since 1964. The Committee is once more repeating this direct request, and trusts that the Government will not fail to supply a report for examination by the Committee at its next session, containing detailed information on all the points raised.

Ecuador (ratification: 1954). For the fifth 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 interest the Government's statement, in reply to its previous observations, that Ordinance No. 50/62 of 21 September 1962—which granted the authorities extensive powers of directing citizens to employment—had never been applied in practice, and that the procedure for its repeal has been initiated. The Committee hopes that the legislation to repeal the Ordinance of 1962 will be adopted at an early date.

Guinea (ratification: 1959). The Committee notes with regret that no report has been supplied, and that therefore no information is available in regard to various 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. The Committee is once again addressing a direct request to the Government, and trusts that the Government will not fail to supply a report containing full information on these matters.

Liberia (ratification: 1931). The Committee has noted the information supplied to the Conference Committee in 1966, and the indications contained in the Government's report for the period ending 30 June 1966. It notes that, although the Conference Committee had requested the Government to supply by the due date (15 October 1966) a full report which would enable that Committee to discuss the case in 1967, the Government's report (which was received more than three months late) consists, apart from copies of or references to reports previously supplied, of the text of an Act adopted in 1966 and three brief remarks. In these circumstances, in order to enable the Conference Committee at its next session to undertake the discussion of the case which it called for last year, it appears appropriate for the Committee of Experts to set out a summary of the recommendations made by the Commission of Inquiry appointed under article 26 of the Constitution, in its report of February 1963, and the information available on the measures taken to carry out these recommendations.

I. Legislative Changes.

In paragraphs 418 to 420 of its report, the Commission of Inquiry, while noting that legislation enacted in 1961 and 1962 had eliminated major discrepancies between Liberian legislation and the Convention, recommended steps to eliminate certain remaining anomalies. It called for the repeal of section 1502 (4) (a) of the Labour Practices Law (which might be interpreted as permitting compulsory recruiting for public utility works) and section 346 (b) of the Penal Law (which, in providing an extensive definition of vagrancy, covering persons offered employment but refusing to be employed or work, might be used as an indirect form of compulsion to work). The Commission recommended amendment of section 1502 (1) of the Labour Practices Law to extend the prohibition of compulsory recruiting (applicable to chiefs, employers and recruiting agents) also to government officials and to apply this prohibition (which concerned compulsory recruiting of Liberian citizens subject to

the Tribal Jurisdiction) to such recruiting of any person whatsoever. The Commission of Inquiry recommended that the above-mentioned legislative changes should be made during the legislative session 1963-64.

The Government informed the Conference Committee in 1964 that a Bill containing the changes in question (and of which it supplied a copy) had already been passed by the House of Representatives. This Bill appears not to have been proceeded with. However, an Act approved on 18 February 1966 and brought into force on that date repealed the entire Chapter of the Labour Practices Law concerning recruiting of labour (including section 1502). An Act to replace the provisions so repealed with a new Chapter entitled "Employment in General" was enacted on 30 May 1966 and brought into force on 20 December 1966.

The Committee notes that the provisions introduced into the Labour Practices Law by the Act of 30 May 1966 provide for administrative supervision of recruiting with a view, *inter alia*, to preventing recruiting under illegal pressure, misrepresentation, or mistake (section 1506, subsection 17 (2)), but they do not contain any general prohibition, subject to penal sanctions, of the use of force, threat of force, misrepresentation or pressure in recruiting (as was previously laid down in the repealed sections 1502 and 1512 of the Law). Having regard to the requirement of Article 25 of the Convention that "the illegal exaction of forced or compulsory labour shall be punishable as a penal offence", the Committee hopes that appropriate provisions will be adopted at an early date to lay down the necessary prohibition and adequate penalties for its violation.

The Committee observes further that, while the repealed Chapter of the Labour Practices Law had contained general prohibitions for any payment on account of recruited workers to be made to or received by any chief, government official, or person other than a qualified recruiting agent (former section 1502 (2) and (3)), the new text merely prohibits such payments to chiefs (section 1506 (10)). It would seem desirable—particularly in view of the enhanced responsibilities of public officials under the new legislation in supervising recruiting operations—to extend the terms of this prohibition to cover the same range of persons as the repealed subsections.

As regards section 346 of the Penal Law (concerning vagrancy), the Government informed the Conference Committee in 1966 that the section had been amended and it transmitted a typescript copy of a Bill deleting the provisions of the section which had been criticised by the Commission of Inquiry. No information is however available as to the date of approval of this Bill, or its coming into force, no further reference having been made to it in the Government's report for the period ending 30 June 1966.

It may be useful briefly to recapitulate the above indications. The Commission of Inquiry recommended that certain legislative changes should be made in the legislative session 1963-64. Certain measures were taken in 1966, but the situation is still not wholly satisfactory, in so far as (a) the requirements of Article 25 of the Convention concerning imposition of appropriate penal sanctions for the illegal exaction of forced or compulsory labour appear not to be met, (b) the prohibition of improper payments in connection with recruiting is now more restricted in scope than before 1966 and (c) indications concerning the formal entry into effect of the required amendments to section 346 of the Penal Law remain to be supplied.

II. *Incorporation of I.L.O. Conventions in the Liberian Code of Laws.*

In paragraph 421 of its report, the Commission of Inquiry indicated that the elimination of remaining legislative anomalies would not suffice to give all affected by the law as it then stood a clear picture of what the law was. Although, according to the Government, a ratified Convention became part of the law of Liberia upon its publication, by virtue of section 80 of the Foreign Relations Law, the Liberian Code of Laws 1956 contained no reference to the international labour Conventions ratified

by Liberia. The Commission of Inquiry recommended that, when a revised edition of the Code of Laws was issued, the texts of these Conventions should be incorporated in it in an appropriate manner and that, pending the issue of such a revised edition, a supplement to the Liberian Code of Laws containing the texts of the Conventions concerned and indicating the sections of the Code which had been repealed should be issued without delay and made generally available.

Neither a new edition of the Code of Laws of Liberia nor the supplement recommended by the Commission of Inquiry appears so far to have been issued. The Government informed the Conference Committee in 1964 that the I.L.O. Conventions ratified by Liberia would be reproduced in a Handbook of Labour Law then being edited by the Bureau of Labour, which would be widely distributed in economic and legal circles in Liberia. This Handbook, published in January 1965, did not contain the Conventions concerned or any reference to them. The Government informed the Conference Committee in 1965 and 1966 that a second edition of the Handbook, containing all ratified I.L.O. Conventions, was being prepared. With its report for the period ending 30 June 1966, the Government has supplied a mimeographed document (headed "Appendix A" but not otherwise specifically identified) containing the texts of international labour Conventions ratified by Liberia. There is however no indication that these texts have yet been published and made available in the manner recommended by the Commission of Inquiry, nor does the document furnished by the Government contain any indication of the sections of the Liberian Code of Laws which have been repealed by virtue of the ratification of these Conventions.

III. *Concession Agreements.*

The Commission of Inquiry made various recommendations concerning provisions of concession agreements under which the Government of Liberia had undertaken to encourage, support and assist the efforts of the company concerned to secure and maintain an adequate labour supply. It had been informed that agreement had already been reached between the Government and the Firestone Plantations Company to delete the obligation in question from this Company's concession agreement, and recommended (in paragraph 444 of its report) that the legislative approval necessary for the formal rescission of this provision should be sought and granted during the legislative session of 1962-63. The legislative approval in question was granted by an Act of 18 February 1966.

Arising out of a system of payments to tribal funds under a Chiefs' Assistance Programme formerly operated by the Firestone Plantations Company, but discontinued in 1962, the Commission of Inquiry recommended (in paragraph 446 of its report) that the Government should examine the whole position thoroughly and take effective steps to ensure that no other arrangements of this nature survived elsewhere. The Government informed the Conference Committee in 1964 that it had reviewed the employment practices of various concerns, and no programme similar to that mentioned above had been found.

The Commission of Inquiry noted that a clause was contained in the concession agreements of a number of other companies under which the Government undertook to provide assistance in securing and maintaining an adequate labour supply. Regarding such provisions as objectionable in principle, it recommended (in paragraph 449 of its report) that a clause to this effect in the concession agreement of the Liberian Mining Company should be rescinded and the necessary legislative approval to such rescission sought and secured not later than the legislative session 1963-64. The Commission of Inquiry further recommended (in paragraph 451 of its report) that a thorough review be undertaken of all outstanding concessionary contracts and that any provisions of the same nature should be abrogated not later than the legislative session 1963-64.

While the specific measures recommended by the Commission of Inquiry have not been taken, various other steps have been taken with a view to dealing with the situation. An Act of 18 February 1966 provided that any section in any concession agreement made in the past, present or future which "could even remotely violate I.L.O. Convention No. 29 Forced Labour" should be void and unenforceable, and that a concession agreement must comply with all labour enactments and any international agreement to which the Government of Liberia was a party. Provision was also made for the presence of a representative of the Bureau of Labour, in an advisory capacity, at negotiations of concession agreements. However, on the same day as this Act was approved, legislative approval was also given to a concession agreement between the Government of Liberia and the Liberian Agricultural Corporation which provided 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, the Committee of Experts suggested in 1966 that, 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.) measures should be taken—as recommended by the Commission of Inquiry—to eliminate expressly from all outstanding concessionary contracts any clauses of the above-mentioned nature.

The Government informed the Conference Committee in 1966 that steps had been taken to correct all written violations which appeared in concession agreements, and that the recommended changes in the agreements of the Liberian Mining Company and the Liberian Agricultural Corporation were being negotiated under the provisions of an Act approved by the National Legislature authorising the President to take the necessary measures to ensure that all concession agreements conformed with the terms of the Forced Labour Convention.

The Government's report for the period ending 30 June 1966 provides no further information on this question.

It would thus appear that, except as regards the Firestone Plantations Company, measures for the effective implementation of the recommendations of the Commission of Inquiry regarding changes in concession agreements remain to be taken,

IV. *Public Works.*

In paragraph 452 of its report, the Commission of Inquiry stated its conclusion that there was no warrant for the suggestion that major public works undertaken in Liberia in recent years had been based on forced labour. However, it considered the evidence before it as regards secondary roads and public works other than major contracts less clearcut, and (in paragraph 453 of its report) recommended the Government to make a thorough review of current policy and practice in the matter, and the manner in which such policy was implemented throughout the country, with a view to eliminating any abuses which might be found to exist.

In regard to this recommendation, the Government informed the Conference Committee in 1964 that, as the recruiting laws covered possible abuses in this matter, no additional specific steps had been taken, and in 1965 it stated that the inspectorate service of the Bureau of Labour informed itself of violations and investigated complaints. It would thus appear that the thorough review of current policy and practice as regards procurement of labour for work on secondary roads and public works other than under major contracts recommended by the Commission of Inquiry has not been made.

The Committee of Experts notes that, under sections 72, 220 and 223 of the Aborigines Law, responsibility for local public works, including the construction of roads and bridges, in areas under tribal jurisdiction rests on the tribal authorities, and that provision is made for the supply by the Central Government only of material,

equipment and tools. It also recalls the evidence noted by the Commission of Inquiry (in paragraph 279 of its report), that, under an extensive secondary road construction programme, the rural populations working through their tribal authorities assumed primary responsibility for construction, particularly as regards the supply of labour, no contracts being given out for these works.

In these circumstances, the Committee hopes that the thorough review of policy and practice in regard to secondary roads and public works other than those executed under major contracts, as recommended by the Commission of Inquiry, will be made at an early date and that full information on the results of this survey will be supplied.

V. Action in Related Fields (Labour Inspection, Manpower Policy, Labour Relations).

The Commission of Inquiry (in paragraphs 454 to 459 of its report) emphasised that the effectiveness in practice of the Forced Labour Convention and other international labour Conventions ratified by Liberia would be substantially influenced by the action taken in respect of such matters as labour inspection, manpower policy, and labour relations (including the position of trade unions), and it found on the basis of the evidence before it that action in these fields was in fact necessary to guarantee the effective fulfilment, in fact as well as in law, of the obligations which Liberia had assumed.

As Liberia has ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Committee of Experts has pursued questions concerning labour relations in its examination of the reports on those instruments, and refers to its observations regarding them. It has, however, in its supervision of the implementation of the recommendations of the Commission of Inquiry, sought further information regarding the development of labour inspection and manpower services.

In information submitted to the Conference Committee in 1964 and 1965, the Government stated that the Bureau of Labour (comprising a Labour Standards Division, an Employment Services Division, and a Programme and Information Division) had a total of 28 employees, and gave particulars of the number of inspection visits to industrial, commercial and agricultural undertakings in the fiscal years 1963 and 1964. The only information subsequently supplied on this matter is the statement in the latest report that five new inspection districts have been set up quite recently, including inspection in agriculture. A detailed account of the working of the inspection services, indicating in particular the nature of their activities in ensuring the strict application of the Convention (in accordance with Articles 24 and 25 of the Convention) has not so far become available.

As regards manpower services, the Government indicated in information supplied to the Conference Committee in 1964 that a Manpower Planning Board had been set up, and that plans were being made for a public employment service. In 1966 it informed the Conference Committee that it was greatly concerned about its manpower problems, that local labour officers in each political subdivision provided, *inter alia*, placement services, and that the new Chapter of the Labour Practices Law entitled "Employment in General" (which, as previously noted, entered into force on 20 December 1966) made legislative provision for an employment service. The Government's report for the period ending 30 June 1966 merely stated that the Government considered that the information supplied previously relative to its employment service was quite adequate.

The Committee notes with interest that the new Chapter of the Labour Practices Law enacted in 1966 includes provisions (section 1509) authorising the President to provide for the establishment of employment offices in any part of the Republic. However, precise information on the effective organisation and functioning of a

public employment service—whose importance in guaranteeing a free flow of labour the Committee of Experts has had frequent occasion to stress—has not been furnished.

It would thus be difficult, on the basis of the information at present available concerning inspection and manpower services, to come to any definite conclusion regarding the adequacy of the action which has been taken to provide the positive guarantees of freedom of labour which the Commission of Inquiry contemplated in making its recommendations on these matters.

VI. *Supply of Reports to the I.L.O.*

In its report (paragraphs 423 to 424), the Commission of Inquiry had noted that there had been repeated serious failure by the Government of Liberia in discharging the obligations placed upon it by Article 22 of the I.L.O. Constitution and by Article 22 of the Forced Labour Convention to report on the measures taken to implement the provisions of the Convention. This fact had been adduced incidental to the broader allegation of failure to secure the effective observance of the Convention. However, in the course of the proceedings before the Commission of Inquiry, the Government of Liberia on several occasions gave formal assurances that in future it would prepare and file with the I.L.O. full and requisite reports on the application of the Convention, in accordance with the requirements of the I.L.O. Constitution, and that the discharge of these obligations would be facilitated by a recent administrative reorganisation. The Commission of Inquiry (in paragraph 430 of its report) accepted the Government's assurances, and recommended certain administrative measures designed to ensure that the reports due were furnished in due time.

Notwithstanding the above-mentioned assurances, the Government's reporting on the application of the Convention has been irregular. On no occasion has the report reached the I.L.O. less than three months after the date fixed by the Governing Body for the supply of reports, and the report for the period 1963-64 was not received until after the Committee of Experts' meeting in 1965. The contents of the reports have also generally been slight, on several occasions limited to a single page, although supplementary information has generally been submitted to the Conference Committee. The Committee of Experts feels it appropriate to mention these facts because they suggest that further measures in the field of labour administration are still necessary to ensure that the Government is able to discharge fully the obligations which it has assumed in regard to the international labour Conventions ratified by it.

To sum up, it would appear that—

- (1) action to eliminate all legislative anomalies affecting the implementation of the Convention still needs to be completed;
- (2) the recommendation of the Commission of Inquiry concerning publication of international labour Conventions ratified by Liberia, as part of or as a supplement to the Liberian Code of Laws, with an indication of the sections of that Code repealed by such ratifications, remains to be implemented;
- (3) except in relation to the Firestone Plantations Company, measures have not yet been completed for the effective implementation of the recommendations by the Commission of Inquiry concerning the elimination from concession agreements of any clauses providing for government assistance in securing and maintaining an adequate labour supply;
- (4) the thorough review of policy and practice as regards procurement of labour for work on secondary roads and public works other than those executed under major contracts, recommended by the Commission of Inquiry, has not been made;

- (5) on the basis of the information at present available, no definite conclusion can be reached on the adequacy of the action taken in the related fields of labour inspection and manpower services, which the Commission of Inquiry considered necessary to guarantee the effective implementation of the Convention;
- (6) notwithstanding the assurances given to the Commission of Inquiry regarding submission of full and requisite reports, the Government's reporting on the application of the Convention has remained irregular, both as regards timing and the contents of the reports supplied.

The Committee hopes that appropriate action will be taken at an early date to deal fully and satisfactorily with all these outstanding matters.

Libya (ratification: 1961). The Committee regrets to note that no report has been supplied, and that accordingly no information is available in answer to the direct request repeatedly made since 1963, concerning the legislation incorporating the provisions of the Convention, to which the Government had referred in general terms in its reports, and the laws and regulations governing the various exceptions provided for in Article 2, paragraph 2 of the Convention.

The Committee hopes that the Government will make every effort to supply detailed information on those matters without further delay.

Venezuela (ratification: 1944). The Committee notes with regret that the Government's report for 1965-66 does 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. The Committee must emphasise once more 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 detailed information on these matters, which are once more dealt with in a direct request.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burma, Burundi, Ceylon, Congo (Kinshasa), Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Ghana, Guinea, Haiti, Honduras, Hungary, Iran, Laos, Liberia, Libya, Luxembourg, Netherlands, Nicaragua, Pakistan, Panama, Poland, Sudan, Syrian Arab Republic, Tunisia, United Arab Republic, Venezuela, Viet-Nam, Yugoslavia.*

Convention No. 30 : Hours of Work (Commerce and Offices), 1930

Finland (ratification: 1936). The Committee notes with satisfaction that, following its earlier requests, the Act of 30 December 1965 to amend Act No. 605 of 1946 prescribes the maximum number of additional hours permitted in the day in the case of temporary exceptions, as required by Article 7, paragraph 3 of the Convention.

Haiti (ratification: 1952). In 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.

Luxembourg (ratification: 1958). The Committee notes with satisfaction that, following its previous direct requests on the subject, the Grand-Ducal Regulations

of 28 October 1964 (section 5), communicated with the report for 1964-66, prescribe the maximum number of additional hours permitted in the case of temporary exceptions (Article 7, paragraph 3 of the Convention).

Nicaragua (ratification: 1934). See under Convention No. 1.

Spain (ratification: 1929). See under Convention No. 1.

Syrian Arab Republic (ratification: 1960). See under Convention No. 1.

Uruguay (ratification: 1933). Article 7 of the Convention. See under Convention No. 1, Article 6.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Finland, Guatemala, Haiti, Iraq, Kuwait, Luxembourg, Norway, Panama, Spain, Syrian Arab Republic, United Arab Republic, Uruguay.*

Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950). Further to its previous observations, the Committee notes with regret that no progress has been made in giving effect to the Convention, despite the assurances repeatedly given by the Government in the past. In these circumstances, the Committee can only reiterate the hope that the Government will make every effort to take, without further delay, appropriate legislative measures with a view to ensuring the application of the Convention, which was ratified 17 years ago.¹

Belgium (ratification: 1952). In its observation of 1965 the Committee noted with interest from the Government's report that the Government would soon initiate the modification of the General Regulations for the Protection of Workers, in order to ensure the application of Article 6 of the Convention (protection of hatchways) to ships engaged in inland navigation. As the 1964-65 report merely states that further information will be supplied in the near future, the Committee can only reiterate its hope that the legislation in question will soon be brought into full conformity with the Convention.

China (ratification: 1935). Further to its previous observations, the Committee notes with interest from the report that the Government intends to bring the Regulations for the Safety and Protection of Dockers into full conformity with the Convention. It hopes, therefore, that the next report will indicate the legislative measures thus taken to give full effect to Article 5, paragraph 2 (*d*), of the Convention, which is not complied with by the legislation, as well as to Article 9, paragraph 2, subparagraphs 2 (*b*) and 4, and Article 14 of the Convention, which seem to be only partially applied.

France (ratification: 1955). Further to its previous observations, the Committee notes with interest from the Government's report that the competent services are currently considering a text designed to extend the application of the Convention to ships engaged in inland navigation. The Committee hopes that as a result of this study the necessary provisions will soon be adopted to ensure the application of the Convention to such navigation as required by its Article 1.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

Italy (ratification: 1933). Further to its previous observations, the Committee notes from the report that the Ministry of Labour and Social Welfare is still preparing the draft port safety regulations to which the Government repeatedly referred in its earlier reports. The Committee trusts that these regulations will be adopted in the near future so as to ensure the implementation of the Convention on a uniform and comprehensive basis throughout the country.

Malta (ratification: 1965). Further to its direct request of 1965, the Committee notes with satisfaction that with the adoption of the Dock Safety (Amendment) Regulations, 1966, effect has been given to Articles 2, 3, 5 and 17 of the Convention. The Committee also takes due note of additional information concerning the application of Articles 12 and 13 of the Convention.

Mexico (ratification: 1934). The Committee has drawn repeatedly the Government's attention to the necessity of taking legislative measures in order to give effect to certain provisions of the Convention which require the adoption of special regulations for their implementation. However, despite the formal assurance given by the Government in previous years, it appears that no progress has yet been made in adopting such regulations and, thus, in giving full effect to the Convention, which was ratified by Mexico more than 30 years ago. As, however, according to the 1965-66 report, the Government intends to supply with its next report information on administrative measures taken to comply with the Convention, the Committee trusts that appropriate regulations will be issued in the near future in order to implement the relevant provisions of Articles 4, 6, 11 and 13 of the Convention to which the Committee has drawn the Government's attention for a number of years.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bulgaria, Chile, China, Finland, France, Italy, Netherlands, Peru, Sierra Leone, Singapore, Spain, Sweden.*

Information supplied by *Cuba, Kenya, Tanzania* (Tanganyika) in answer to direct requests has been noted by the Committee.

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932

Argentina (ratification: 1950). Following its previous observations, the Committee notes with interest that the Bill modifying Act No. 1137 on the employment of women and children, which was forwarded with the Government's report, takes account of Article 1, paragraph 3 (which excludes from the scope of the Convention the employment of children in family establishments except employment which is harmful, prejudicial or dangerous) and of Article 3, paragraph 2 of the Convention (which prohibits the employment of children of 12 to 14 years of age during the night, i.e. between 8 p.m. and 8 a.m.).

Article 7 of the Convention. As section 5 of the same Bill provides that a Decree will establish an adequate system of supervision of the work of young persons, the Committee hopes that this Decree will provide in particular suitable means for facilitating the identification and supervision of persons engaged in the employments and occupations covered by Article 6, in accordance with Article 7 (b) of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

The Committee trusts that the Bill and the Decree mentioned above will be adopted very shortly in order to bring the legislation into complete harmony with the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Belgium, Cameroon* (Eastern Cameroon), *Central African Republic, Chad, Dahomey, Guinea, Malagasy Republic, Mauritania, Niger, Senegal, Spain, Upper Volta*.

Information supplied by *Ivory Coast* in answer to a direct request has been noted by the Committee.

Convention No. 34 : Fee-Charging Employment Agencies, 1933

Chile (ratification: 1935). The Committee regrets to note once again that no progress has been made towards the abolition of all fee-charging employment agencies conducted with a view to profit and the regulation of the activities of agencies conducted without a view to profit. As the Government again states in its report that it hopes to intensify its action to bring the legislation into conformity with the provisions of the Convention, 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 32 years ago.

Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). The Committee has taken note of the information supplied in reply to the observation made in 1965. It notes with interest, as regards Article 8 of the Convention, that a draft Penal Code is now under examination and that the possibility of abolishing the suspension of the right to a pension as an additional penalty for certain crimes is being considered. The Committee hopes that the Government will thus be able to bring the national legislation into full conformity with the Convention on this point.

France (ratification: 1939). The Committee notes the statements made by the Government to the Conference in 1966 and repeated in the report for 1964-66, according to which the additional allowance paid under the Act of 30 June 1966 is in fact a subsidy in supplement of the old-age insurance scheme (it is, moreover, paid to persons outside the scope of that scheme) and should not be considered as an element of such insurance coming within the scope of the Convention. However, the Government points out that this additional allowance is payable when reciprocity agreements have been concluded (section 25 of the Act) and that by virtue of these agreements most foreign insured persons in fact receive the additional allowance.

The Committee points out that, for beneficiaries of the old-age insurance scheme, the additional allowance represents an increase of the "benefits derived from the contributions credited to their account" financed out of the general (contributory) scheme by virtue of the Ordinance of 30 December 1958 and that foreign insured persons should receive such benefits under the same conditions as nationals (Article 12, 2 of the Convention). If we disregard the method of financing it, which is different from the one originally contemplated, the additional allowance nevertheless remains, from the view-point of the persons concerned, a "subsidy or supplement to or fraction of a pension which is payable out of public funds" to which, according to the Convention, foreign insured persons are entitled if they are nationals of a

Member bound by the Convention (Article 12, 3) even if no other reciprocity agreement has been concluded with such States.

The Committee trusts that the Government will be able to give full application to the provisions of the Convention which call for equality of treatment for insured foreigners, in respect of this additional allowance, particularly since, as the Government states, it is already paid to the majority of foreign insured persons.

Peru (ratification: 1945). 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: *Argentina, Czechoslovakia, Ecuador, Peru*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 36 : Old-Age Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

France (ratification: 1939). See under Convention No. 35.

Peru (ratification: 1961). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Czechoslovakia, Peru*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

France (ratification: 1939). See under Convention No. 35.

Peru (ratification: 1945). See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Czechoslovakia, Peru*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 38 : Invalidity Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

France (ratification: 1939). See under Convention No. 35.

Peru (ratification: 1961). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Peru*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

Peru (ratification: 1945). See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Peru*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 40 : Survivors' Insurance (Agriculture), 1933

Bulgaria (ratification: 1949). See under Convention No. 35.

Peru (ratification: 1961). See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Peru*.

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 41 : Night Work (Women) (Revised), 1934

Afghanistan (ratification: 1939). See General Observation.

Burma (ratification: 1935). In a statement communicated to the Conference Committee in 1966, the Government indicated that steps are under way to denounce this Convention. The Committee, while noting this information with regret, wishes to emphasise once again that as long as the Convention remains in force for Burma, the Government continues to be bound by the provisions of this instrument as well as by the obligation to supply reports on its application.

Hungary (ratification: 1936). Further to its previous observations the Committee takes note of the detailed information supplied by a Government representative to the Conference Committee in 1966 and by the Government in its report for 1965-66. It notes, in particular, that the existing discrepancy between national legislation and the Convention could not be eliminated because of certain difficulties of a sociological and legal character, that according to the Government's statement, it is bound to ensure that social progress is achieved uniformly in all branches of the national economy without distinction and that the women engaged in industrial work by night enjoy a high degree of protection.

Although the Committee appreciates the difficulties referred to by the Government and its desire to remain bound by the Convention, it can only reiterate the hope that the Government will take legislative measures to extend the prohibition of night

work which at present covers only pregnant women and nursing mothers to all women workers, as required by the Convention.¹

Venezuela (ratification: 1944). Further to its previous observations, the Committee takes due note of the Government's statement that no use has been made of the provisions of section 105 of the Labour Act of 1947 providing for exceptions from the prohibition of night work for women by means of regulations or special decisions other than those permitted at present by the national legislation in compliance with the Convention.

**Convention No. 42 : Workmen's Compensation (Occupational Diseases)
(Revised), 1934**

Algeria (ratification: 1962). Further to its previous requests the Committee notes with satisfaction the promulgation of the Workmen's Compensation (Industrial Accidents and Occupational Diseases) Ordinance No. 66-183 dated 21 June 1966 and takes due note of the Government's statement that the list of occupational diseases and corresponding processes, as set out in the Schedule to Article 2 of the Convention, will be contained in the implementing orders to be issued, pursuant to section 128 of the Ordinance, by the Ministry of Labour and Social Affairs.

The Committee hopes that, when establishing this list, the Government will take into account the points raised by the Committee and set out in a new direct request. It would also be glad if the Government would supply a copy of the relevant texts with its next report.

Argentina (ratification: 1950). Further to its previous observations and requests, the Committee notes a statement communicated by the Government to the Conference Committee in 1966 to the effect that section 149 of the decree issued under Act No. 9698 of 11 October 1915, as amended, concerning industrial accidents and occupational diseases, specifies a series of occupational diseases arising in connection with certain forms of work that coincide from a medical point of view with the diseases listed in the Schedule to the Convention and that it is therefore unnecessary to incorporate into national legislation the list of such diseases.

The Committee must point out once again in this connection that although Act No. 9698 appears to contain a very wide definition of the occupational diseases in respect of which compensation is payable, it gives only partial effect to the requirements of the Convention in that (a) it includes only some of the diseases and toxic substances enumerated by the Schedule appended to the Convention, and (b) it does not establish a presumption in favour of the occupational origin of these diseases since it does not list the occupations or industries likely to be the origin of these diseases, as laid down in Article 2 of the Convention.

The Committee recalls the Government's statement in its report for 1959-61 that a Ministerial Committee established by Resolution No. 38361 was to prepare a draft text to complete the list of occupational diseases appended to Act No. 9698 and trusts that measures will be taken in the near future to bring national legislation into full compliance with the Convention.

Mexico (ratification: 1937). In regard to divergences between section 326 of the Federal Labour Act and Article 2 of the Convention, see under General Observations—Mexico.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

New Zealand (ratification: 1938). The Committee notes, from the information supplied by the Government, that the general review of the legislation concerning workmen's compensation, to which it had referred in its previous report, is proceeding. Recalling the comment it has made in this respect since 1960, the Committee expresses the hope that this review will be completed in the near future, so as to bring national legislation into full conformity with Article 2 of the Convention, which establishes a presumption of occupational origin for all the diseases listed in the Schedule to this Article when they are contracted by workers engaged in the industries or occupations covered by the Convention.

Republic of South Africa (ratification: 1952). The Committee notes with regret that the report for 1965-66 has not been received, and that no information has been provided as regards the measures taken 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.

Uruguay (ratification: 1954). Recalling the numerous observations and direct requests it has made regarding the application of this Convention, the Committee regrets to note that the report merely indicates that, pending the receipt of information from the State Insurance Bank, the Government is unable to reply to the points raised by the Committee.

In these circumstances, the Committee must repeat once again the terms of its previous observations and trusts that the Government will make every effort to ensure that the next report will contain the information requested:

The Committee 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 trusts that the necessary measures to bring the national legislation into full harmony with the Convention will be taken without delay 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, Burundi, Guyana, India, Panama, Uruguay.*

Convention No. 43 : Sheet-Glass Works, 1934

Bulgaria (ratification: 1949). The Committee takes note of the Government's previous reports and notes in particular the statement that Resolution No. 35 of 1958, which restricts overtime for workers in unhealthy occupations, applies to workers covered by Conventions Nos. 43 and 49 and ensures the application of Article 3 of these Conventions.

As regards the scope of the provisions regulating hours in sheet-glass works, the Committee understands that the only text determining the scope of the national provisions is Decree No. 1502 of 1951, which concerns work at Fourco furnaces. The Committee would therefore be glad if the Government would—

(a) supply the text of this decree, as amended;

(b) confirm that this text covers all workers in the country who are employed "in necessarily continuous operations in sheet-glass works which manufacture by automatic machines sheet-glass or other glass of the same characteristics which only differs from sheet-glass in thickness or other dimensions" (Article 1 of the Convention).

Czechoslovakia (ratification: 1938). Further to its previous observations, the Committee notes with satisfaction that Edict No. 1243-65/65 of 11 March 1965 has been issued with a view to regulating hours of work in glass-works.

Uruguay (ratification: 1954). Articles 1 and 2 of the Convention. The Committee notes that the Government has again failed to supply any text on the manner in which effect is given to the basic provisions of the Convention: the draft regulations on hours of work in glass-works (which were to have been adopted, according to the Government's report for 1955-56) have apparently not been issued, and the collective agreements which (according to this same report) ensured the application of the Convention has never been communicated to the I.L.O. and are not mentioned in recent government reports.

The Committee must therefore express the earnest hope that the Government will take measures to give effect to these basic requirements of the Convention, by providing that the categories of workers defined in Article 1 of the Convention shall be entitled to an eight-hour day, a 42-hour week and 16 hours' rest between spells of work, etc., as prescribed in Article 2 of the Convention.

Article 3. The Committee notes that the Government refers to sections 13, 14 and 15 of the decrees of 29 October 1957 as permitting the additional hours which (according to one of the Government's previous reports) are worked in glass-works. The Committee points out, however, that since these sections permit additional hours of work on a permanent basis in the case of preparatory or complementary work and on a temporary basis in cases of pressure of work, they provide for exceptions which go considerably beyond those permitted under Article 3, paragraph 1, of the Convention (overtime limited to cases of accident or *force majeure* and the unforeseen absence of members of a shift). It trusts therefore that the Government will take steps to ensure that additional hours may be worked in glass-works only in the circumstances permitted by Article 3, paragraph 1, of the Convention, and that compensation is given for such additional hours as required by Article 3, paragraph 2.

Article 4. The Committee takes note of the information regarding the posting of notices and records of additional hours worked.

In conclusion, the Committee can only urge the Government, once again, to

take the necessary steps without further delay to ensure the full application of Articles 1, 2 and 3 of the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to *Czechoslovakia*.

Convention No. 44 : Unemployment Provision, 1934

Peru (ratification: 1962). Following its previous requests, the Committee notes with interest from the Government's report that the question of replacing the indemnity system by a scheme of unemployment insurance has been submitted to the drafting committee for the new Labour Code established by Act No. 15060 of 19 June 1964. The Committee wishes to recall in this connection that the indemnity system referred to in the report (e.g. which provides protection for certain groups of workers against unemployment resulting from modernisation, rationalisation and automation of enterprises, in cases of dismissal or involuntary retirement) cannot be considered to give effect to the Convention, which requires the maintenance of a scheme ensuring benefits or allowances to "all persons who are habitually employed for wages or salary" and who are involuntarily unemployed; this scheme may be a compulsory insurance scheme, a voluntary insurance scheme, or a combination of compulsory and voluntary insurance schemes, or any of the above schemes combined with a complementary assistance scheme.

The Committee hopes that appropriate measures will be taken soon so as to give full effect to the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to *Algeria*.

Convention No. 45 : Underground Work (Women), 1935

Afghanistan (ratification: 1937). See General Observations.

China (ratification: 1936). Article 1 of the Convention. In reply to the observations made by the Committee of Experts, the Government had informed the Conference Committee that under section 8 of the draft Labour Code, this Code would apply to all mines and quarries irrespective of the number of persons employed therein. The Committee notes this information with interest and trusts that this text will be adopted very shortly in order to bring the legislation into conformity with the Convention on this point.

Article 3. The Committee notes the order of 7 January 1964 suspending the application of section 187(2) of the Regulations for Security in Mines which permits the employment of women on light underground work in mines. It hopes that this suspension will be followed as soon as possible by a repeal in due form so as to forestall the possibility of any exception not allowed by the Convention.

Honduras (ratification: 1960). Further to its previous observations, the Committee notes with interest that section 84 of the Mines Code prohibits the employment of women underground in mines.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Guatemala, Panama*.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session, and to report in detail for the period ending 30 June 1967.

Convention No. 47 : Forty-Hour Week, 1935

Requests regarding certain points are being addressed directly to the following States: *Byelorussia, Ukraine, U.S.S.R.*

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935

Yugoslavia (ratification: 1946). In 1964, 1965 and 1966 the Committee had made a direct request concerning the application of this Convention. In the absence of a report, the Committee must deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply its next report and that it will provide the information requested.

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In addition, a request regarding certain points is being addressed directly to *Yugoslavia*.

Convention No. 49 : Reduction of Hours of Work (Glass-Bottle Works), 1935

Bulgaria (ratification: 1949). The report would seem to indicate that the only text determining the scope of the national provisions on hours of work in automatic glass-bottle works is Order No. 142 of 13 May 1960. The Committee would therefore be glad if the Government would—

(a) supply the text of this order;

(b) confirm that this text covers all " persons who, in glass-works where bottles are produced by automatic machinery, are employed in connection with generators, tank furnaces, automatic machinery, annealing furnaces and operations accessory to the above " (Article 1 of the Convention). See also under Convention No. 43, first paragraph.

Czechoslovakia (ratification: 1936). Further to its previous observations, the Committee notes with satisfaction that Edict No. 1243-65/65 of 11 March 1965 has been issued with a view to regulating hours of work in glass-works.

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In addition, a request regarding certain other points is being addressed directly to *Czechoslovakia*.

Convention No. 50 : Recruiting of Indigenous Workers, 1936

Argentina (ratification: 1950). In its previous observations the Committee has pointed out that national laws and regulations do not contain provisions to implement a large number of requirements 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) and 21 to 24). At the Conference Committee in 1965, a Government representative indicated that legislation to ensure the full application of the Convention would be submitted to Congress. However, in 1966 the Government stated to the Conference Committee that, while the Committee of Experts' comments concerning the insufficiency of national legislation were recognised as correct, it was not considered necessary to adopt further legislation, having regard to the general constitutional provisions designed to guarantee freedom of labour and the bilateral

agreement which had been concluded with Bolivia for the protection of Bolivian indigenous workers recruited for employment in Argentina.

The Committee observes that the constitutional provisions on freedom of labour mentioned by the Government do not give effect to the Convention, which aims at ensuring the effective enjoyment of freedom of labour by a series of administrative requirements.

The Committee accordingly again urges the Government to bring the national legislation into conformity with the Convention, either by the adoption of detailed provisions corresponding to those contained in the Convention or, if this is considered unnecessary having regard to the manner in which indigenous labour is currently engaged, to prohibit recruiting within the meaning of Article 2 (a) of the Convention.

The Committee also hopes that the Government will supply full information concerning the practical application of the Convention, as requested by the Committee in direct requests of 1964, 1965 and 1966 (including the number and nature of recruiting licences issued, the number of workers recruited and particulars of the activities of inspection services in the enforcement of the relevant laws and regulations).¹

Guyana (ratification: 1966). The Committee has duly noted the Government's statement, in answer to its previous observations, that recruiting of Amerindians (the only category of indigenous workers within the meaning of the Convention) has never taken place and is unlikely to occur, but that if any such recruiting should occur in the future, regulations to ensure the full application of the Convention would be issued under the Recruiting of Workers Ordinance, which meets the basic requirements of the Convention.

Zambia (ratification: 1964). The Committee notes with interest, from the Government's reply to its previous comments, that section 63 of the Employment Act, No. 57 of 1965, which entered into force on 14 October 1966, makes it an offence to engage in recruiting, thus eliminating recruiting within the meaning of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Kinshasa)*, *Ghana*, *Lesotho*, *Rwanda*, *Somalia* (former British Somaliland), *Tanzania* (Tanganyika, Zanzibar).

Convention No. 52 : Holidays with Pay, 1936

Albania (ratification: 1957). The Committee notes with regret that the report for 1965-66 has not been received and that no reply has been made to the previous comments of the Committee concerning the modification of the Labour Code so as to ensure the granting each year of the minimum holiday prescribed by the Convention.

Burma (ratification: 1954). The Committee notes from the information supplied by the Government to the Conference Committee in 1966 that the various points raised by the Committee of Experts regarding the application of this Convention are to be considered by a committee set up with a view to amending the present legislation. As the Committee has referred to this matter since 1957, it trusts that the measures envisaged will bring the legislation into conformity with the Convention, particularly in regard to Article 1 (scope), Article 2, paragraph 2 (a longer annual holiday for young workers), Article 2, paragraph 3 (exclusion from the annual holiday of

¹ The Government is asked to report in detail for the period ending 30 June 1967.

public holidays and interruptions of work due to sickness) and Article 4 (restriction of the right to postpone the annual holiday).

Mexico (ratification: 1938). With respect to the divergencies between section 210 of the Federal Labour Law and Article 1 of the Convention, see under General Observations—Mexico.

Uruguay (ratification: 1954). Further to its observation of 1965, the Committee notes with interest the terms of the Bill designed to repeal section 16 of the Act of 23 December 1958. It hopes that this measure will shortly be adopted so as to ensure that technicians shall enjoy the minimum holiday prescribed by the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Chad, Colombia, Dominican Republic, Panama, Uruguay.*

Information supplied by *New Zealand* in answer to a direct request has been noted by the Committee.

Convention No. 53: Officers' Competency Certificates, 1936

A request regarding certain points is being addressed directly to *China*.

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 urges that the Government will not fail to supply its next report and that it will provide the information requested.

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A request regarding certain points is being addressed directly to *Liberia*.

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to *Algeria*.

Convention No. 58: Minimum Age (Sea), (Revised), 1936

Requests regarding certain points are being addressed directly to the following States: *Guatemala, Iraq, Jamaica, Kenya, Liberia, Sierra Leone, Tanzania (Zanzibar), Turkey, Uruguay.*

Information supplied by *Greece* in answer to a direct request has been noted by the Committee.

Convention No. 59: Minimum Age (Industry) (Revised), 1937

China (ratification: 1940). Article 8, paragraph 3 (*a*), of the Convention. In reply to the previous observation, the Government had stated to the Conference Committee in 1965 that pending the promulgation of the new Labour Code it was considering prohibiting by administrative measures the employment in mines of children under the age of 15 years. Since the report for 1964-66 contains no informa-

tion on this point, the Committee trusts that the administrative measures in question have been taken.

The Committee further notes that the draft Labour Code (section 48 of which fixes the minimum age for admission to work in mines at 15 years) is soon to be submitted to the Legislative Yuan. It therefore trusts that the Government will take all necessary steps to adopt as soon as possible this draft which is designed to bring the legislation into conformity with the Convention and to which the Government has been referring since 1959.

Luxembourg (ratification: 1958). The Committee notes from the information supplied in reply to its observation of 1965 that the Bill respecting the protection of children and young workers has been amended in order to ensure better protection for young workers, and that this has delayed its enactment. The Committee trusts that the Government will do everything in its power to ensure that this Bill becomes law without further delay, so as to give effect to the Convention, which was ratified nine years ago.

Pakistan (ratification: 1955). Article 7, paragraph 5 (*b*), of the Convention. The Committee notes with regret from the reply of the Government to previous observations that the revision of the Mines Act, to which the Government has been referring since 1958, is still under consideration. It takes due note of the Government's intention to amend Article 26.A of the Act by a separate amendment, if any delay is likely to occur in the enactment of the main Bill.

Since in the present circumstances no effect is yet given to this provision of the Convention, which prescribes a medical certificate of fitness for work for young persons under the age of 17 years employed in mines (either on surface or underground work) the Committee trusts that the amendment to article 26.A of the Mines Act will be adopted in the very near future.

Philippines (ratification: 1960). The Committee notes from the information supplied by the Government in reply to its direct request of 1965, that the Secretary of Labour approves special permits to employ children or minors under section 10 (*a*) of Act No. 662 of 1952 only in undertakings in which members of the same family are employed, in accordance with Article 2 of the Convention.

Article 1, paragraph 1 (*d*), of the Convention. The Committee notes with interest that a Bill has been drafted amending section 2 of Women and Child Labour Law No. 679 to include within its scope "the transport of passengers or goods by inland waterway" in accordance with this provision of the Convention. It hopes that the next report will indicate the progress made in this connection and will contain the text of the amendments, if these have been adopted.

Article 2, paragraph 1. The Committee notes with regret that no measure has been taken by the Government to bring section 1(*b*) of Act No. 679, which permits the employment of children under the age of 14 years on light work in industrial undertakings into harmony with Article 2 of the Convention which prohibits the employment of children under the age of 15 years in such undertakings. The Committee trusts that the next report will indicate the measures taken or contemplated to remove this discrepancy.

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In addition, requests regarding certain other points are being addressed directly to the following States. *Ghana, Iraq, Kenya, Peru, Philippines, Sierra Leone, Tanzania* (Tanganyika), *Uruguay*.

Information supplied by *U.S.S.R.* in answer to a direct request has been noted by the Committee.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Luxembourg (ratification: 1958). See under Convention No. 59.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Luxembourg*, *Uruguay*.

Information supplied by *U.S.S.R.* in answer to a direct request has been noted by the Committee.

Convention No. 62: Safety Provisions (Building), 1937

Mexico (ratification: 1941). In reply to the Committee's observations concerning the application in the federal district of Articles 11 to 15 (general rules as to hoisting appliances) and Article 17 of the Convention (special measures of protection against the risk of drowning), the Government refers to the Regulations on Construction for the Federal District of 1966. In this connection, the Committee must note with regret that these regulations do not appear to give effect to the above Articles of the Convention, in spite of the assurance given by the Government in its previous reports.

States of the Republic. In its previous observations the Committee had drawn the Government's attention to the fact that 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. The Committee regrets to note from the report that no progress has yet been made in this respect.

In these circumstances, the Committee can only urge the Government to take, without further delay, all necessary measures to ensure the full application, throughout the national territory, of the Convention, which was ratified more than 25 years ago.¹

Spain (ratification: 1958). Further to its previous direct request, the Committee notes with satisfaction the adoption of the order of 23 September 1966 designed to comply with Article 9, paragraph 2, of the Convention (safety precautions for persons working on a roof).

Tunisia (ratification: 1959). Further to its previous direct requests, the Committee notes with satisfaction that, by virtue of the adoption of Decree No. 64-422 of 18 December 1964, employers are expressly bound to comply with the requirements of Parts I to III of the decree concerning safety provisions in the building industry, dated 18 April 1962.

Uruguay (ratification: 1954). Further to its previous observations, the Committee notes from the Government's report that steps have been taken to prepare draft regulations with a view to applying the Convention. The Committee recalls that the report for 1956-57 had already referred to the drafting of new legislation on this matter and trusts that the above-mentioned regulations will be drawn up and adopted without further delay, so as to give full effect to the following provisions of the Convention: Articles 3 (*a*); 10, paragraph 2; 11, paragraphs 1 and 2; 14, paragraphs 1, 3 and 4; 15, paragraphs 2 and 3.¹

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¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Finland, Federal Republic of Germany, Mauritania, Peru, Spain.*

Information supplied by *Poland* in answer to a direct request has been noted by the Committee.

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Algeria (ratification: 1962). The Committee notes that, although the Government's report contains certain indications concerning the minimum wage rates currently in force and legislative provisions fixing maximum hours of work, it still provides no information concerning the measures taken or contemplated to compile and publish, in accordance with Article 1 of the Convention, statistics of average earnings and hours actually worked in each of the principal mining and manufacturing industries, including building and construction (Part II of the Convention), statistics of time rates of wages and normal hours of work for a representative selection of these industries (Part III) and statistics of wages and hours of work in agriculture (Part IV).

The Committee hopes that the Government will take appropriate measures with a view to the compilation and publication of the statistics provided for in the Convention, and will supply detailed information on these measures in its next report.

Uruguay (ratification: 1954). Parts II and IV of the Convention. The Committee notes, from the information supplied in answer to its previous observations, that the National Labour Institute (Statistical and Advisory Section) was preparing statistics on wages on the basis of data compiled by the Central Family Allowance Fund, and that an official undergoing training in labour statistics was to join the Statistical Advisory Office of the Ministry of Industry and Labour on his return. The Committee hopes that the Government will be able to take measures at an early date to compile and publish the statistics of wages and hours of work provided for in Parts II and IV of the Convention.

Part III. The Committee notes that index numbers of wage rates have been compiled for different occupations in industry. The Committee hopes that measures will also be taken to publish the statistics of absolute figures of time rates of wages which form the basis of such indices and statistics of normal hours of work of wage-earners, so as to comply fully with this Part of the Convention.

The Committee trusts that full information will be supplied in the Government's next report on the effect given to each Article of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Kenya, United Arab Republic.*

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Guyana (ratification: 1966). The Committee notes the Government's statement, in reply to its previous observations, that amendments to the Amerindian Ordinance designed to give full effect to the Convention are now being considered from a legal point of view. It hopes that full information on the measures taken will be given in the next report.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Congo (Kinshasa)*, *Ghana*, *Kenya*, *Lesotho*, *Rwanda*, *Somalia* (former British Somaliland), *Uganda*, *Zambia*.

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939

Cuba (ratification: 1953). In reply to the previous observations regarding Article 18, paragraph 3, of the Convention the Government indicates that under existing rules, workplaces and employers are required to keep a register containing particulars relating to working hours, wages and period of rest of each worker or employee. The Committee finds however, that while this register gives effect to paragraph 2 of Article 18, it does not satisfy paragraph 3 which provides for standard individual control books in the possession of each worker. It recalls that although Resolution No. 10 of 20 January 1959 of the National Transport Corporation does provide for a control book, the Government itself stated in its 1963-65 report that this control book does not contain the particulars required by Article 18, paragraph 3. Since this matter was first raised by the Committee in 1958, it trusts that the Government will not fail to enact in the near future the necessary measures to prescribe individual control books.

Furthermore, the Committee had requested the Government to indicate whether section V, second paragraph, of Decree No. 2513 of 19 October 1933, as amended by the Constitution which prescribes a 44-hour week, is still in force. It notes the Government's reply that although this provision, which would permit the calculation of weekly hours of work on the basis of a monthly maximum is still in force, recourse thereto is in practice excluded by administrative measures adopted in each undertaking to establish distinct working hours and work shifts for the employees of the undertaking. The Committee takes due note of this practice and hopes therefore that there will be no difficulty in either repealing the provisions permitting hours of work to be calculated on a monthly basis, or modifying or supplementing the existing legislative provisions so as:

- (a) to prescribe the maximum number of hours which may be worked in any week when weekly hours are calculated as an average (Article 6 of the Convention);
- (b) to ensure that the prescribed daily periods of rest are granted (Article 15, paragraph 3, of the Convention); and
- (c) to ensure that weekly periods of rest are granted (Article 16 paragraph 2 of the Convention).

Uruguay (ratification: 1955). The Committee notes from the Government's reply to its previous comments that the Ministry of Industry and Labour is at present examining the draft decree regulating the matters provided for in this Convention. The Committee trusts that the Government will take into account the following remarks, already made in the observation of 1965, with regard to certain provisions of the draft.

Article 8 of the Convention. Since sections 7, 8 and 9 of the draft decree contain general provisions applying to forms of road transport other than buses and trams, it may be preferable to delete the title appearing at the beginning of section 6 ("Buses and Trams") which solely relates to the latter, in order to avoid any ambiguity in this respect.

Article 17. As the draft decree contains no provision requiring consultation with employers' and workers' organisations concerned before decisions referred to in this article are taken, the Government may wish to consider the insertion of provisions (for instance in those sections of the draft relating to the measures taken by the National Institute of Labour or other competent bodies) requiring such consultation prior to the adoption of any measures falling within the scope of the Convention.

Article 18. The Committee notes further that provisions regarding the enforcement of the rules prescribed by the draft relate only to "work on buses" (last paragraph of page five), whereas under this article an adequate system of enforcement should be prescribed in respect of all the other forms of road transport covered by the Convention.

The Committee trusts that the draft decree will be enacted at an early date so as to bring national legislation into full compliance with the Convention.

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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 the Government's report contains no reply to the observation of 1966 and that, despite repeated observations by the Committee and promises by the Government, no legislative provisions have yet been adopted to give effect to this Convention, which was ratified 11 years ago.

The Committee trusts that the necessary measures will be taken at an early date.

Netherlands (ratification: 1958). The Committee notes with satisfaction that, following previous direct requests, a Royal Decree of 10 December 1964 provides that the Captain or an officer deputed for the purpose by him shall make a weekly inspection in conformity with Article 7 of the Convention, and that he shall be accompanied by a responsible member of the Catering Department.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Peru, Portugal*.

Information supplied by *Bulgaria* in answer to a direct request has been noted by the Committee.

Convention No. 69: Certification of Ships' Cooks, 1946

Requests regarding certain points are being addressed directly to the following States: *Algeria, Ghana*.

Convention No. 73: Medical Examination (Seafarers), 1946

Argentina (ratification: 1955). The Committee notes with regret that no progress has been recorded towards giving full effect to the provisions of the Convention by laws or regulations. It notes however the statements made by the National Maritime Prefecture concerning the amendments to be made to the legislation now in force, namely the reduction of the period of validity of embarkation handbooks to two years and making their renewal subject to medical supervision which would take into account the age of the seaman, the nature of the work to be performed, etc. (Article 4 of the Convention).

In this connection, the Committee recalls that the renewal of the embarkation handbook, to the extent that it calls for the repetition of the medical examination (Article 5 of the Convention), should not be made subject to the condition that the seaman remains on land for a period longer than one year, as would seem to be prescribed by the Decree No. 3241 of 1957. It also draws the Government's attention to the necessity of enabling "a person who, after examination, has been refused a

certificate to apply for a further examination by a medical referee or referees who shall be independent of any shipowner or of any organisation of shipowners or seafarers." (Article 8 of the Convention).

The Committee again expresses the hope that all necessary steps will be taken to bring the national legislation into harmony with the Convention and trusts that the relevant draft amendments will be adopted in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *China, Uruguay*.

Convention No. 74: Certification of Able Seamen, 1946

A request regarding certain points is being addressed directly to *Algeria*.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Argentina (ratification: 1955). With reference to its previous observations, the Committee notes with satisfaction that Decree No. 4363 of 1966 to supplement Decree No. 7251 of 1949 respecting the medical examination of young persons gives effect to the provisions of Article 4 of the Convention (examination up to the age of 21 years in occupations which involve high health risks).

Uruguay (ratification: 1954). Since no progress has been achieved in the application of the Convention, the Committee repeats in a direct request the points raised in connection with the Bill respecting the employment of young persons to which the Government has been referring since 1963. The Committee trusts that this Bill, amended to take the provisions of the Convention fully into account, will be passed in the near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Uruguay*.

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946

Albania (ratification: 1957). The Committee notes with regret that the report for 1965-66 has not been received so that no information is available regarding the medical examination of young persons working on their own account and regarding measures for ensuring the identification of such persons engaged in itinerant trading or similar occupations in the street and other public places (Article 7 of the Convention).

Argentina (ratification: 1955). See under Convention No. 77.

Uruguay (ratification: 1954). 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, Honduras, Uruguay*.

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Argentina (ratification: 1955). Further to its previous observations, the Committee notes with satisfaction the promulgation of Decree No. 4364 of 8 June 1966

which, in conjunction with the relevant provisions of the Employment of Women and Young Persons Act No. 11317 of 1924, gives effect to Article 5 of the Convention (the conditions required for the granting of licences for the participation of young persons under 18 years in public entertainments and in the making of cinematographic films).

With regard to the discrepancies which continue to exist between the above-mentioned Act of 1924 and the Convention, the Government has, according to a statement made to the Conference Committee in 1966, sent a message to Congress urging the early adoption of a Bill to amend the legislation with a view to ensuring full conformity with the Convention. The Committee takes due note of this statement and trusts that this Bill, which had already been referred to by the Government, will give full effect to Articles 2 and 3 of the Convention (prohibition of night work for 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 of age).

The Committee also hopes that the Government will supply, as requested since 1964, the texts of provincial orders similar to that of the Federal Police Order of 5 July 1932, which prescribes measures for the identification of young persons pursuant to Article 6, paragraph 1 (c), of the Convention.

Dominican Republic (ratification: 1953). Further to its previous observations, the Committee notes from the report that the Government is making every effort to revise completely the Labour Code and that a special committee set up for this purpose will take account of the discrepancies which exist between section 224 of the Labour Code as amended (prohibition of night work only for young persons under 16 years) and Article 3, paragraph 1, of the Convention (prohibition of such work for young persons under 18 years of age). The Committee hopes that this revision of the Code will be completed at an early date so as to ensure full application of the Convention. In this connection it wishes to draw the Government's attention to another discrepancy between section 224 of the Code and Article 1, paragraph 4 (b), of the Convention (the definition of family undertakings), a point which has already been raised in previous direct requests.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Dominican Republic, Guatemala*.

Information supplied by *Ukraine* in answer to a direct request has been noted by the Committee.

Convention No. 81: Labour Inspection, 1947

Argentina (ratification: 1955). The Committee notes with regret that the report for 1965-66 does not reply to the questions contained in the observation of 1966 and which the Committee has been raising since 1958 without obtaining satisfactory replies from the Government. It moreover notes the information given by a Government representative to the Conference Committee in 1966 concerning the respective jurisdiction of the federal and provincial authorities with regard to labour inspection. However, as this information does not provide a clear picture of the practical organisation of the inspection service in the provinces, the powers and duties of inspectors, the provisions covering the preparation of an annual general report on the work of the inspection services, etc., the Committee requests the Government to supply, in its next report, detailed information on the application of the various Articles of the Convention in each of the provinces of the country.

The Committee moreover notes the report drawn up by the Labour Police Department for the period July 1965-June 1966, which was sent with the report of the Government, and observes that it contains information on part of the work of the inspection services but not the particulars requested under Article 21 of the Convention, paragraphs (b) (staff of the labour inspection service), (c) (statistics of workplaces liable to inspection and the number of workers employed therein), (f) (statistics of industrial accidents) and (g) (statistics of occupational diseases). It would be grateful if the Government would include this information in the future reports of the Labour Police Department and indicate whether these reports are published.

As regards the other points in the observation, relating to the federal inspection, 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.

Brazil (ratification: 1957). The Committee notes the report of the Committee appointed by the Governing Body of the International Labour Office to examine the representation of the Association of Federal Servants of the State of São Paulo concerning the application of the Convention, which report the Governing Body approved at its 168th Session (Geneva, February-March 1967).

In these circumstances, the Committee trusts that the next report will contain full particulars on both the application of the Convention in general and the various points raised in the report of the aforesaid Committee.

Cuba (ratification: 1954). The Committee notes the information supplied, in answer to its previous observation, both to the Conference Committee in 1966 and in the report for 1965-66. It regrets to note that the Labour Inspection Regulations to which the Government has been referring for several years have still not been made, and that there are therefore no specific provisions giving effect to certain Articles of the Convention.

Article 12 of the Convention. According to the reply of the Government, the powers provided for under this Article are inherent in the duties entrusted to inspectors. The Committee considers that for such powers to be effectively exercised, it is essential that they be defined expressly in the Labour Inspection Rules so as to avoid any uncertainty on the part of either the inspectors themselves or the management of undertakings as to the exact nature and scope of these powers.

Articles 20 and 21. The Government states that the inspection regulations will make it possible to give effect to these Articles. As no general report on the work of the inspection services has been published since the Convention was ratified eight years ago, the Committee trusts that steps will be taken in a near future to give effect to the Convention on this point.

Guatemala (ratification: 1952). The Committee notes from the Government's reply to the observation of 1966 that on the occasion of the revision of the Labour Code, section 61 thereof will be modified so as to provide for the notification not

only of industrial accidents but also occupational diseases, in accordance with Article 14 of the Convention. On the same occasion a modification is also to be introduced to section 281 of the Code, dealing with the duties of inspectors (Article 15 (a) and (c) of the Convention). The Committee trusts that these modifications will soon be adopted so as to give full effect to the Convention on points raised since 1957.

The Government adds that the Ministry of Labour and Social Welfare has given the necessary instructions to the General Labour Inspectorate to prepare the labour inspection reports for 1962-1966. As the preparation of such reports constitutes one of the essential obligations of the Convention (Articles 20 and 21), the Committee expresses the hope that these documents will be communicated to the I.L.O. at an early date.

Guinea (ratification: 1959). Articles 4, 6, 7, 8, 10, 11 and 12 of the Convention. The Committee has noted the information supplied in the report for 1963-65 in answer to previous observations.

Article 13, paragraph 2. The report states that the formal notice procedure empowers inspectors to make or have made orders with immediate executory force in case of imminent danger to the health or safety of workers. Section 175 of the Labour Code, which lays down the means of serving formal notice, provides that the formal notice shall establish a time lapse which may not be less than four days. As this provision of the Convention refers to cases of emergency and imminent danger to the safety of workers (for example, where there is a danger of landslide, asphyxia or explosion), and as in such cases the formal notice mentioned under section 175 might prove inadequate, the Committee hopes that measures can be taken, in the revision of the national legislation now in course, to give full effect to this paragraph of Article 13, and that the next report of the Government will contain information in this connection.

Article 16. Under this Article of the Convention, the report refers only to the provision of the Labour Code which leaves it to the labour inspectors to decide when to make inspection visits. Moreover, section 193 of the Code entrusts additional duties to the inspection service connected with manpower, placement, vocational guidance, etc. As these duties might interfere with the discharge of the primary duties of inspectors (which, according to Article 3 of the Convention, consist of ensuring the enforcement of legal provisions relating to the protection of workers), the Committee would be grateful if the Government would give further information in its next report on the frequency of inspection visits to workplaces liable to inspection.

Article 19. The Committee wishes to know in virtue of what provisions are inspectors bound to draw up and submit to the central inspection authority periodical reports on their activities?

Articles 20 and 21. The Committee notes from the Government's report that reports on the activities of the inspection services will be published in future; it hopes that these documents will be communicated to the International Labour Office, in accordance with Article 20, paragraph 3, of the Convention.

Haiti (ratification: 1952). As the previous report did not reply to the observation of 1965 and as the report for 1965-66 has not been received, the Committee is bound to repeat this observation relating to a point which was first raised ten years ago:

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.

Morocco (ratification: 1958). The Committee notes with satisfaction that following its previous requests the dahir of 2 July 1947 to issue labour regulations was amended by Royal Decree No. 969-65 of 3 June 1966 so as to empower labour inspectors to take measures with immediate executory force in the event of imminent danger to the health or safety of the workers, in accordance with Article 13, paragraph 2 (b) of the Convention.

Panama (ratification: 1958). The Committee notes that the report for 1963-65 answer previous observations and requests only in part and would ask the Government to supply detailed information on both the following points and those raised in a further direct request:

Article 6 of the Convention. The Government's attention has been repeatedly drawn to the need for assuring public officials of the inspecting staff of stability of employment and independence of changes of government and of improper external influences, in accordance with this Article of the Convention. In this connection, the Government's report states that the inspection staff are not assured of stability of employment under the national legislation, but that the General Inspector of Labour has a stable post which is independent of all political influences. Furthermore, a representative of the Government stated to the Conference Committee in 1966 that the Act of 1961, which created the administrative career, provided a proper framework for giving effect to Article 6 of the Convention. In these circumstances, the Committee hopes that the Government will be able to take the necessary measures to include the whole of the inspection staff in the civil service.

Article 12, paragraph 1 (a), 1 (c) (i) and (iv). In its report for 1961-63 the Government had stated that paragraph 4 of section 52 of the Labour Code made it compulsory for employers to facilitate inspection visits by the competent authorities and that this provision was sufficient to ensure, in practice, that inspectors were able to enter freely and without previous notice at any hour of the day or night any workplace liable to inspection. The Government also indicated that inspectors exercise in practice the powers mentioned under paragraph (c) of this Article.

However, the terms of section 52 (4) of the Labour Code and the practice currently followed do not appear to be sufficient to give full effect to these provisions of the Convention. The Committee hopes therefore that the national legislation can be supplemented in such a way as expressly to confer on labour inspectors the powers listed in the various paragraphs of this Article of the Convention.

Articles 20 and 21. According to the statement made by the Government representative to the Conference Committee, the Ministry of Labour, Social Welfare and Public Health prepares a detailed annual report on its activities. The Committee hopes that the Government will in future be able to send to the International Labour Office a copy of the annual report on the work of the inspection services, as called for by these Articles of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Cuba, Dominican Republic, Kuwait, Panama, United Arab Republic, Yugoslavia*.

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

Requests regarding certain points are being addressed directly to the following States: *Congo (Kinshasa), Somali Republic*.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

Congo (Kinshasa). The Committee notes the decree of 18 September 1965 to establish and organise the Labour Inspection Service and Ordinance No. 357 of the same date to establish special administrative rules. In this connection, it notes with interest, from the report, that the new legislation takes account of the Labour Inspection Convention, 1947 (No. 81) which the Government is in the course of ratifying.

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In addition, a request regarding certain other points is being addressed directly to *Trinidad and Tobago*.

Convention No. 86: Contracts of Employment (Indigenous Workers) 1947

Requests regarding certain points are being addressed directly to the following States: *Kenya, Malawi, Uganda*.

Information supplied by *Zambia* in answer to a direct request has been noted by the Committee.

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 perhaps 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 notes with regret that the report for 1965-66 has not been received. The Committee therefore has no new information which might alter the conclusions reached in previous years, that is that a number of provisions in the legislation, which were recapitulated by the Committee in 1966, are, or are liable to be, contrary to the rights and guarantees laid down in the Convention.

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 requests the Government to keep it informed of any developments in the matter.¹

Argentina (ratification: 1960). In direct requests made in 1963 and 1965, the Committee asked for more detailed information on certain matters and pointed out discrepancies between the national legislation and the provisions of the Convention, referring, *inter alia*, to the right of association of independent workers, the election of trade union leaders and trade union legal personality. The Committee regrets that the last report has not supplied any information in this connection. It requests the Government to take the necessary measures to bring the national legislation into conformity with the provisions of the Convention and send complete information in its next report on the various points that are again raised this year in a direct request.

Burma (ratification: 1955). With reference to its observation and direct request of 1966, the Committee notes that the Government has not indicated in its report the laws and regulations which now give effect to the Convention. In view of the present uncertainty as regards the legislation applicable, the Committee once again requests the Government to specify all relevant laws and regulations relating to the subject matter of the Convention and to forward copies thereof.²

Byelorussia (ratification: 1956). The Committee notes that the last report of the Government contains no 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.¹

Cameroon (Eastern Cameroon) (ratification: 1960). The Committee notes the information supplied in reply to an observation of 1965 concerning the provision of Ordinance No. 62/OF/24 restricting the right to hold trade union office to persons engaged in the occupation concerned. The Committee notes with interest that the Government is giving favourable consideration to repealing this provision of Ordinance No. 62/OF/24 and that the National Federal Assembly will be called upon to consider this question in connection with the forthcoming adoption of the Federal Labour Code. The Committee hopes that, as the Government states, the national legislation will be brought into conformity with Article 3 of the Convention on this point, taking into account the remarks made by the Committee, when the Federal Labour Code now being prepared is adopted.

Central African Republic (ratification: 1960). Referring to both its direct request and its observation of 1965, the Committee notes that the new Labour Code to which a Government representative referred before the Conference Committee in 1965 has still not been adopted, as a result of which the legislation on which the Committee commented has not been amended. This applies to section 10 of the Labour Code, which stipulates that the officers of a trade union must have been engaged in the occupation concerned for five years; to section 22, which makes it compulsory for collective agreements to have been discussed by representatives of the employers' or workers' organisations who belong to the occupation or occupations concerned; and to section 6, which imposes limitations on the trade union rights of aliens.

¹ The Government is asked to report in detail for the period ending 30 June 1967.

² The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

The Committee therefore requests the Government to state what measures it proposes to take to give effect to the Convention with respect to the points mentioned above.

Cuba (ratification: 1952). The Committee notes that the Government's report contains no new information which might alter the conclusions reached by it in previous years.

The Committee is prepared to consider the problems further when the legislation has been amended or when new information has been provided. Meanwhile, the Committee would be grateful if the Government would keep it informed of any developments in the matter.¹

Dominican Republic (ratification: 1956). The Committee notes the information supplied in reply to its previous observation. The Government states that it is aware of the discrepancies between section 265 of the Labour Code and section 67 of Regulation No. 7676 on the one hand and Article 2 of the Convention on the other. According to the former provisions, the Labour Code (and hence the provisions relating to 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. The Government adds in its report that the revision of the Labour Code is due to commence soon and that the observations made by the Committee will be taken into account with a view to bringing the new legislation into conformity with the provisions of the Convention and that the Commission responsible for revising the Code will have the technical assistance of an I.L.O. expert.

In these circumstances, the Committee hopes that the national legislation will soon be brought into harmony with the provisions of the Convention in this respect and on other points to which the Government's attention is again drawn in a direct request. The Committee requests the Government to indicate, in the next report, any progress made in this connection.

Greece (ratification: 1962). The Committee notes that the report due for the period 1964-66 has not been received.

In an observation of 1966 the Committee remarked that as the Fact-Finding and Conciliation Commission on Freedom of Association was dealing with a case relating to Greek trade union legislation, it considered it desirable to await the findings of this Commission before reaching any conclusions regarding the application of the Convention in Greece.

Having been informed of the publication of the final report of the Fact-Finding and Conciliation Commission, adopted in July 1966, and having noted its contents, the Committee in its turn, in accordance with its own terms of reference, undertook an examination of Greek trade union legislation.

The Committee has noted that in a number of respects—particularly as regards the financing of workers' organisations by a public body—either national legislation was not fully in harmony with the provisions of the Convention or clarifications were necessary to enable a conclusion to be reached. The Committee is also making a direct request to the Government in respect of these matters, to which the Government is asked to reply in its next report.

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1964-66 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

¹ The Government is asked to report in detail for the period ending 30 June 1967.

1. The Committee notes with interest that under Legislative Decree No. 45 of 18 June 1963 the ban on the re-election of trade union officials laid down in section 222 (a) of the Labour Code has been removed. It observes, however, that the removal of the ban is effective only "where among the members of the organisation a sufficient number of persons cannot be found who possess the qualifications required under the Code for membership of an executive committee or advisory board, or where it is necessitated by the small number of members of the union". The Committee considers that, while the Legislative Decree in question provides for a partial lifting of the general ban on the re-election of trade union officials, the ban remains in the case of all trade unions of more than a certain size, contrary to Article 3, paragraph 1, of the Convention, according to which all workers' organisations should have the right to "elect their representatives in full freedom".

2. The Committee had noted the statement of a Government representative in 1962 that ratification of the Convention had had the effect of amending section 211 (a) and (b) of the Labour Code, under which the Government "must exercise the strictest possible supervision over industrial associations" and "collaborate with industrial associations in order to ensure the best orientation of their activities". These provisions seemed to leave room for interference by the public authorities in the administration and activities of workers' organisations, contrary to Article 3 of the Convention. The Committee had therefore considered that the Government should have no difficulty in expressly repealing or amending this provision of the Labour Code. The Committee regrets to learn from the Government's report that the Ministry of Labour and Social Welfare considers that section 211 (a) and (b) of the Labour Code are not in conflict with Article 3 of the Convention. It trusts that the Government will re-examine these provisions with a view to restricting their scope and making them subject to appropriate judicial review.

3. The Committee notes the statement in the report that use has at no time been made of the provisions of section 226 (a) of the Labour Code, which authorise the labour courts, at the request of the Ministry of Labour and Social Welfare, to order the winding up of an industrial association if it is established in legal proceedings, *inter alia*, that the association in question has been intervening in electoral affairs or party politics. The Committee trusts that, in these circumstances, the Government will consider the deletion or amendment of the reference in section 226 (a) to intervention "in electoral affairs or party politics", which could be applied in a manner contrary to Article 3 of the Convention. The Committee would be grateful if in the meantime, the Government could furnish information in its reports as to any cases in which this provision may have been applied.

4. The Committee also notes that State Employees' Regulations have still not been issued, although the Conference Committee was informed by a Government representative in 1961 that these regulations were under consideration by a Congress working party. The Committee trusts that the State Employees' Regulations will be approved without further delay, in order that this important category of workers may be guaranteed the right to organise, which in accordance with the Convention should be enjoyed by all workers without distinction whatsoever.

5. In conclusion, the Committee refers to section 211 (c) of the Labour Code, which provides that the Ministry of Labour and Social Welfare may refuse to authorise, register or grant legal personality to any industrial association which makes an application for the purpose, "for reasons of public interest or in order to avoid a serious dispute between industrial associations . . . if another association comprising more than three-fourths of the total number of employees in the undertaking has already been legally recognised therein". The Committee considers that, to obviate the harmful effects of a multiplicity of trade unions, it would not be contrary to the principles of freedom of association to accord certain special rights—primarily in the field of collective bargaining—to the majority unions, provided that objective criteria are used for determining which are the majority unions. This does not mean, however, that a ban should be placed on the existence of other unions which workers in a particular undertaking may desire to join. The Governing Body of the I.L.O., on the recommendation of its Committee on Freedom of Association, recently pointed out to the Government that "if a government wishes to take measures to avoid the harmful effects which would result from a multiplicity of trade unions, respect for the principles of freedom of association requires that such measures do not reach the point of hindering the existence of minority organisations and preventing them from defending the interests of their members before the authorities and the employers, since this would constitute an infringement of the provisions of Article 2 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), according to which employers and workers have the right to establish and join organisations 'of their own choosing'". In these circumstances the Committee trusts that the Government will take all necessary measures to bring its legislation on this important point into conformity with the provisions of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without further delay.

Honduras (ratification: 1956). The Committee notes the information supplied by the Government in its report in reply to the previous observation.

1. Sections 475 and 504 of the Labour Code provide that at least 90 per cent. of the members of a trade union must be Honduran. The Committee notes that the Government states in its last report that it acknowledges the incompatibility of this requirement with Article 2 of the Convention and that it hopes to make the necessary amendments to the legislation to bring it into harmony with the Convention.

2. The Committee had pointed out the incompatibility with Article 2 of the Convention of section 472 of the Labour Code, 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 union does exist, only the union having the largest number of workers shall be retained. According to the Government's reply, this provision is based on national conditions, since undertakings are generally small and the right to bargain collectively is granted to the largest union. The Government adds that the national legislation does not establish any restrictions regarding the constitution of occupational organisations. The Committee considers that, although it may be to the advantage of the workers to avoid a multiplicity of trade union organisations, the single-union system, even though restricted to the level of the undertaking, should not be imposed by the State by legislative means, as such state action would be contrary to the rule laid down in the Convention, according to which workers and employers are entitled to form organisations "of their own choosing" and to join these organisations (Article 2) and "to exercise freely the right to organise" (Article 11). The Committee further considers that while it is admissible in a multi-union system to give the largest union priority in respect of collective bargaining, as provided for under section 54 of the Labour Code, such a privilege cannot in any way justify the prohibition of establishing more than one union in the same undertaking, as embodied in section 472.

3. The Committee had pointed out that section 510 (c) of the Labour Code, 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, seems to be incompatible with Article 3 of the Convention, according to which workers' organisations have the right "to elect their representatives in full freedom". The Government states in its report that these requirements are intended to protect the trade union movement against incapable or inexperienced management and that it does not consider them incompatible with Article 3 of the Convention. The Committee trusts that the Government will be able to reconsider this matter with a view to amending its legislation so that the requirements for election as a trade union officer shall not be such as to prevent trade union organisations from electing freely the persons they consider to be best qualified, all of whom would not necessarily be employed in the activity, occupation or trade in question.

4. With regard to sections 570 and 571 of the Labour Code, which 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 that was not decided upon by the necessary majority, the Government states in its report that, bearing in mind Article 4 of the Convention, these provisions are not applied in practice and the Ministry refers all such cases to the labour courts. The Government replies in the same manner to the Committee's observations in connection with section 500 (2) (b), which makes it possible to suspend the members of the managing committee of a trade union from the performance of their trade union duties for infringing the provisions of the Code, and with section 500 (2) (c), according to which the Ministry of Labour and Social Welfare may suspend temporarily the legal personality of a trade union guilty of a contravention of the Code. The Committee

hopes that in these circumstances the above-mentioned provisions will be amended in the near future so as to be brought into harmony with Article 4 of the Convention.

5. By virtue of section 537, federations and confederations have no power to call a strike. According to section 541, the leaders 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 Article, trade union organisations shall have the right "to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes", while the public authorities shall refrain "from any interference which would restrict this right or impede the lawful exercise thereof". The Government states in its report that the application of section 537 is based on the fact that none of the objectives for which strikes are permitted under the Code are recognised as objectives for federations and confederations. The Committee can only repeat that such provisions are incompatible with those of Article 6 of the Convention.

The Committee trusts that the Government will take all the measures necessary to amend the provisions of the Labour Code mentioned above, bringing them into harmony with those of the Convention, and that it will supply detailed information in its next report on any progress achieved in this connection and on other points referred to in a direct request.

Hungary (ratification: 1957). The Committee notes that the Government's report contains no new information which might alter the conclusions reached by it in previous years.

The Committee is prepared to consider the problems further when the legislation has been amended or when new information has been provided. Meanwhile, the Committee would be grateful if the Government would keep it informed of any developments in the matter.¹

Liberia (ratification: 1962). The Committee notes the information supplied by the Government in reply to its observation of 1966 in respect of the entry into force of the Act to insert in the Labour Practices Law a new Part VI on labour organisations. The Committee requests the Government to supply a copy of the notice, decision or other publications by which the Act came into force as well as the text of any amendments to Part VI made since its publication in the Handbook of Labour Law in January 1965.

As the report of the Government does not contain any reply to various points raised in a direct request of 1966, a separate direct request is being addressed to the Government in connection with these points.

Malagasy Republic (ratification: 1960). The Committee notes with interest from the information supplied by the Government, following the Committee's observations of 1965, that the Government intends to consider ways and means of reconciling its obligations under the Convention and the social conditions prevailing in the country.

In these circumstances, the Committee trusts that the Government will be able to amend or repeal the provision of section 3 of Ordinance No. 60-119 of 1 October 1960 which prohibits trade unions from engaging in any political activity. It requests the Government to keep it informed of any measures taken or contemplated in this connection.

¹ The Government is asked to report in detail for the period ending 30 June 1967.

Mexico (ratification: 1950). The Committee notes from the statement contained in the Government's last report that the differences between the Federal Law for workers in the service of the State and the general labour law stem mainly from historical causes. The Committee trusts that reconsideration of this matter will enable the Government to find a way of bringing its legislation into harmony with the Convention.¹

Niger (ratification: 1961). Following its previous observations, the Committee notes with satisfaction that Act No. 65-030 of 15 May 1965 expressly excludes trade unions from the scope of Ordinance No. 59-101 of 4 July 1959 which allowed trade unions to be dissolved by decree.

Pakistan (ratification: 1951). The Committee notes that the Government does not supply any further information relating to the right of civil servants to organise. The Committee recalls, that, in its report of 1965, the Government indicated that the Notification of 30 August 1948 would be amended with a view to bringing the existing rules into conformity with the Convention. The Committee requests the Government to indicate the steps taken or contemplated to this end.

The Committee also hopes that the information on various other points which is asked for in a direct request will be supplied in the next report of the Government.

Peru (ratification: 1960). In 1965 the Committee made a direct request in which it asked for more detailed information with respect to certain points and drew attention to certain discrepancies between national legislation and the provisions of the Convention as regards, *inter alia*, the right to organise of civil servants and other categories of workers, the election of trade union officials and the conditions attached to the forming of federations and confederations.

The Committee regrets having received no report this year, and requests the Government to take whatever action is necessary and to send full particulars in its next report concerning the various matters which are once again this year the subject of a direct request.

Philippines (ratification: 1953). The Committee regrets to note that, in reply to its observation of 1966, the Government reports that the situation remains unchanged as regards section 23 (b) of Law No. 875 of 1953, which makes the acquisition of legal personality by a trade union subject to conditions related to the political opinion of its officers.

With regard to its direct request of 1966 concerning section 23 (e) of the Law, which gives the Secretary of Labour certain powers to investigate unions, the Committee notes that a legislative committee set up by the Secretary of Labour is giving serious consideration to the matter. The Committee requests the Government to inform it of any progress made as a result of the current examination of this matter by the legislative committee.¹

Poland (ratification: 1957). The Committee notes that the Government's report contains no new information which might alter the conclusions reached by it in previous years.

The Committee is prepared to consider the problems further when the legislation has been amended or when new information has been provided. Meanwhile the Committee would be grateful if the Government would keep it informed of any developments in the matter.²

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

² The Government is asked to report in detail for the period ending 30 June 1967.

Ukraine (ratification: 1956). The Committee thanks the Government for supplying a copy of the Civil Code of 1963 as requested. The Committee notes that, in connection with the direct request made in 1966, the Government states in its report that under section 39 of the new Civil Code the associations referred to therein may be dissolved only following the procedures prescribed in the rules drawn up and adopted by the association itself.

With reference to all the other points raised in preceding years, the Committee remains prepared to consider them 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.

U.S.S.R. (ratification: 1956). The Committee notes the statement made in the Government's report in reply to a direct request of 1966. According to this statement, the new Civil Code for the Russian S.F.S.R. of 1964 does not contain provisions similar to those of section 18 of the Civil Code of 1922 regarding which the Committee had made certain comments.

The Committee has also noted that sections 27 and 39 of the new Civil Code state that the procedure for the establishment and dissolution of public organisations shall be governed by their own constitutions and rules.

With regard to all the other points raised in preceding years, the Committee remains prepared to consider them further at such time as any new elements shall have been brought to its attention. The Committee would be glad if the Government would keep it informed of any developments in this connection.¹

United Arab Republic (ratification: 1957). 1. The Committee notes the reply to its direct request of 1965. It notes that the various discrepancies existing between provisions of the national legislation and the Convention, which were the subject of the Committee's direct request and of its comments in previous years, continue to exist. The Committee noted in particular that—

- (a) section 162 of the Labour Code, as amended, prohibiting the formation of more than one general trade union for workers employed in the same occupation, trade or craft and more than one trade union committee, as referred to in section 169, in any city or village, appears to be incompatible with Articles 2 and 11 of the Convention;
- (b) section 6 of the Code, as amended, requiring trade unions existing prior to the enactment of the Code to integrate themselves in the new trade union system or to dissolve is such as to limit the choice of workers with respect to the establishment of unions or membership in such unions (Article 2 of the Convention);
- (c) section 177 of the Code providing that notice of general meetings of a general trade union shall be sent to the competent authority and applying even to private meetings held in trade union premises or in premises hired for the purpose may restrict the right of organisations to organise their activities and makes it possible for the public authorities to interfere with union activities in a manner which might be incompatible with Article 8 (2) of the Convention.
- (d) the restriction which sections 182 and 183 of the Code appear to place on the formation of more than one general federation does not appear to be compatible with Articles 5 and 6 of the Convention;
- (e) under section 184 of the Code, the general federation has the same obligations as trade unions. Therefore the provisions applying to the latter which are

¹ The Government is asked to report in detail for the period ending 30 June 1967.

referred to above are also incompatible with the corresponding provisions of the Convention in so far as the federation is concerned;

- (f) the new section 165 of the Code fixing the proportional amount of union expenses is contrary to Article 3 (1) of the Convention, even if its object, as the Government pointed out, is to prevent extravagance in union administrative expenses and to ensure the utilisation of funds in accordance with the purposes and aims of the union;
- (g) previously employers, their representatives and independent workers only had the right to organise under Act No. 384 concerning associations and private foundations. This Act has been repealed but the new legislation in force has not yet been made available to the Committee. The Committee would be grateful if the Government would supply the relevant legislation with its next report;
- (h) under sections 180 (2) (c), 189 and 209 of the Code, workers' organisations may be denied the right to strike since employers, by making applications to the competent administrative authority to give assistance in reaching a settlement, can unilaterally prevent strikes. Therefore these provisions appear to be contrary to Articles 3, 8 (2) and 10 of the Convention.

2. While duly noting the explanations supplied in the report on the above points, the Committee urges the Government to re-examine them with a view to bringing the relevant legislation into full harmony with the Convention and to indicate the measures taken or contemplated to this end.

3. Finally the Committee notes that the new section 131*bis* added to the Code in 1964 fines a worker who fails to vote in a union election. As this provision is not compatible with Article 3 of the Convention, the Committee requests the Government to indicate the measures taken or contemplated to bring the legislation into harmony with the Convention in this respect.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Belgium, Bolivia, Bulgaria, Cameroon* (Western Cameroon), *Chad, Costa Rica, Dominican Republic, Ethiopia, Gabon, Greece, Guatemala, Honduras, Israel, Jamaica, Kuwait, Lesotho, Liberia, Luxembourg, Malta, Mauritania, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Rumania, Syrian Arab Republic, Trinidad and Tobago, U.S.S.R., United Kingdom, Upper Volta.*

Information supplied by *Ireland, Norway, Yugoslavia* in answer to direct requests has been noted by the Committee.

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1956). The Committee notes with regret that the Government's report for 1965-66 does not contain any information in reply to the observation of 1966 and that no effect seems yet to have been given to Articles 3 to 11 of the Convention, the application of which has been the subject of requests and observations by the Committee since 1960. In its observation of 1966, the Committee had also noted 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 made the application of the Convention more difficult. As the Conference Committee was informed by the Government in 1966 that it was planned to create a Human Resources Directorate in the above-mentioned

Ministry in order to bring national legislation and practice into more complete conformity with the Convention, the Committee can only hope that the Government will, without further delay, take all measures necessary to ensure the application of the Convention, which was ratified more than ten years ago.

Dominican Republic (ratification: 1953). The Committee notes with regret from the Government's report that 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. As the Government refers once more to the reorganisation of the employment service, planned since 1962, the Committee can only hope that the Government will do everything within its power to ensure that these advisory committees are set up in the very near future and that the next report will indicate the measures taken in this respect, particularly within the more general framework of this reorganisation.

Guatemala (ratification: 1952). The Committee has taken note of the information supplied by the Government in reply to its observation of 1966.

Article 3 of the Convention. The Committee regrets to note that the two local employment offices which, according to the Government's statements in 1965, were provided for in the budget, have not yet been set up. The Committee notes, however, that the creation of at least two regional offices is foreseen for next year with a view to the future establishment of offices " of the same type " in all regions of the country.

Article 4. The Committee notes that the Government intends to ask the representative organisations of employers and workers to nominate representatives for appointment as members of the National Advisory Committee, the creation of which was provided for by the decree of 23 December 1957.

Article 9. The Committee notes that a part of the staff of the National Employment Service Department participated in 1965 in the first National Labour Administration Training Course, organised with the assistance of the I.L.O.

The Committee trusts that the Government will make every effort to give effect, in the very near future, to the various provisions of the Convention mentioned above.

Iraq (ratification: 1951). Following its previous observations the Committee notes with regret that the Government has not supplied the report requested for the period ending 30 June 1966. However, the Committee has noted the information given by the Government to the Conference Committee in 1966 on the following points:

Articles 1 to 3 of the Convention. The Government was contemplating steps to enable employment offices to be established and extended throughout the country.

Articles 4 and 5. The Government intended to give further consideration to the operation of the Central Employment Council and to the establishment of local advisory committees.

Articles 6 to 8. Measures were also being taken in this connection, particularly in the field of vocational training.

The Committee can only express once again the hope that the Government will do everything in its power to give effect in the near future to the provisions of the Convention.¹

Philippines (ratification: 1953). Further to its previous observations, the Committee notes with interest that, as a result of the establishment of the Manpower

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

Development Council, regional public employment offices are to be set up in various parts of the country. The Committee trusts that it will be possible, at an early date, to develop an adequate network of employment offices, in accordance with Article 6 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Central African Republic, Peru, United Arab Republic, Venezuela, Yugoslavia*.

Convention No. 89: Night Work (Women) (Revised), 1948

Algeria (ratification: 1962). In 1966 the Committee had made a direct request concerning the application of this Convention. In the absence of a reply to the points raised in the request, the Committee is obliged to deal with this matter once again in a direct request.

The Committee trusts that the Government will not fail to supply the information requested.

Austria (ratification: 1950). In its statement to the Conference Committee in 1966, in reply to the previous observation, the Government raised the question whether the competent authority is required to consult the employers' and workers' organisations concerned in all cases where the interval of at least seven consecutive hours during which night work is prescribed begins after 11 p.m. The Committee points out that the Convention requires such consultations to take place whenever use is being made of the exceptions authorised by Article 2 (in the case of an interval beginning after 11 p.m.) or Article 5 (in the case of serious emergency when the national interest demands it). In these circumstances, the Committee takes due note of the Government's statement that the organisations concerned are in fact consulted when recourse is had to these Articles.

As regards the legislative provisions required to give full effect to the Convention, the Committee notes from the report for 1965-66 that the Government continues its efforts to secure the adoption of the necessary legislation. It notes, moreover, that the Austrian Chamber of Workers and the Austrian Trade Union Federation again stressed the importance attached to the full application of the Convention and referred to a private member's Bill concerning hours of work and rest periods as an appropriate means for overcoming the problems encountered in the implementation of the Convention.

Recalling its previous observations, the Committee must once again express the earnest hope that appropriate legislative measures will be adopted without further delay so as to eliminate the following discrepancies, as pointed out in previous observations:

- (i) the prohibition of night work in industry, laid down in the Hours of Work Code of 1938, does not apply to female salaried employees (Article 2 of the Convention);
- (ii) exceptions to the interval prescribed by national law (8 p.m. to 6 a.m.) which are allowed by section 20 (1) of the Code "for technical and general economic reasons" are not authorised by Article 4 (b) of the Convention which applies only to the prevention of loss of materials subject to rapid deterioration.

Burundi (ratification: 1963). Having regard to its previous comments the Committee notes with satisfaction that although no report has been received, Legislative Order No. 1/31 of 2 June 1966, promulgating the new Labour Code, repeals the

decree of 14 March 1957. Sections 108, 111 and 112 of this Code prohibit night work by women for a period of at least 12 consecutive hours including the interval of seven hours falling between 10 p.m. and 5 a.m. in accordance with Article 2 of the Convention.

The Committee also notes that under sections 113 and 114 of the Labour Code the conditions of employment of women are to be determined by implementing orders. It hopes that in making such orders the Government will take account of the requirements of Articles 4 to 8 of the Convention with regard to any exceptions which may be authorised from the prohibition of night work.

Philippines (ratification: 1953) Since 1957 the Committee has drawn the Government's attention to Act No. 679 of 1952 concerning the employment of women and children, which prohibits night work only during eight consecutive hours (as against 11 hours required by Article 2 of the Convention) and which contains no provision for consultation with employers' and workers' organisations before suspension of the night work prohibition when in case of serious emergency the national interest demands (in accordance with Article 5, paragraph 1, of the Convention). Although the Government stated in 1958 and in subsequent years that a Bill to amend the provisions of Act No. 679 in conformity with the Convention was submitted to Congress, this Bill has in fact not yet been adopted.

The Committee therefore notes with considerable regret that, although a Government representative assured the Conference Committee in 1966 that measures to eliminate the discrepancies would be submitted once again to Congress, the report for 1965-66 gives no further information concerning the progress in the adoption of the Bill and indeed states that women are employed at night. The Committee notes, moreover, that, according to the report on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), "employers show preference to employ women workers on the night shift".

In drawing attention to the fact that this practice is contrary to Convention No. 89, as ratified by the Philippines, which prohibits night work by women in industry (except for certain specified cases), the Committee must once again express the hope that all necessary measures will be taken to bring national legislation and practice into conformity with the basic requirement of the Convention, which prohibits night work for a period of at least 11 consecutive hours including the period between 10 p.m. and 7 a.m.

It urges the Government to take the necessary action without further delay to give full effect to Article 2 and Article 5, paragraph 1, of the Convention.¹

Republic of South Africa (ratification: 1950). The Committee notes once again with regret that the report for 1965-66 has not been received, and that no information has thus been provided as regards the Committee's previous observations stressing the need for the legislation to conform to the provisions of the Convention prohibiting night work by women employed above ground in mining undertakings and concerning night work of women in the building industry.

Uruguay (ratification: 1954). The Committee notes from the Government's report for 1963-65 (arrived too late for examination in 1966), that the draft decree designed to give effect to the Convention is under examination by the Ministry of Industry and Labour. It notes, on the other hand, that the National Institute of Labour has once again drawn attention to the need for adopting legislative measures to give effect to this instrument.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in full for the period ending 30 June 1967.

Recalling the numerous observations it has made since 1957 regarding the absence of legislation to implement the provisions of the Convention, the Committee trusts that the decree will be adopted without any further delay so as to secure full compliance with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Portugal*.

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Dominican Republic (ratification: 1957). See under Convention No. 79.

Mexico (ratification: 1956). In regard to divergences between section 68 of the Federal Labour Act and Article 2, paragraph 1, of the Convention, see under General Observations—Mexico.

Pakistan (ratification: 1951). Further to its previous observations, the Committee notes with interest from the report for 1965-66 that active consideration is being given by the Government of West Pakistan to revising the Factories Act of 1934. It expresses the hope that the necessary action will be taken at an early date so as to ensure full conformity between the provisions of this Act and those of the Convention, as has already been done in East Pakistan.

The Committee also notes the Government's statement that Article 3, paragraph 2, of the Convention (authorisation of exceptions for purposes of apprenticeship or vocational training in continuous operations) is complied with by section 7 of the Employment of Children Act, 1938. However, this section merely refers to the publication of rules prior to their promulgation, and neither the provisions of the Employment of Children Rules, 1955 nor those of the Consolidated Mines Rules of 1952, as amended, require, in accordance with this Article, the consultation of employers' or workers' organisations concerned where use is made of the above exceptions. Furthermore, the above rules do not limit such exceptions to industries or occupations which, by the nature of the work involved, must be carried on continuously, as also required by the Convention.

As regards Article 3, paragraph 3, of the Convention (a minimum of 13 consecutive hours of rest between two working periods), the Committee notes with interest the Government's statement that provincial governments are expected to take the necessary action with a view to modifying the Consolidated Mines Rules in this respect. It hopes that the Government will also adopt measures to amend section 46 (2) of the Mines Act of 1923 which gives the Central Government general powers to grant exemptions from the provisions of the Mines Act which are not restricted to cases of serious emergency when the public interest demands it, as is required by Article 5 of the Convention.

The Committee hopes that the next report will contain information on the progress achieved to secure full conformity between the provisions of national legislation and those of the Convention in respect of the points referred to.

Philippines (ratification: 1953). Following its previous observations, the Committee notes with regret that the Government's report indicates no progress in enacting the Bill designed to remove the existing discrepancy between the Women and Child Labour Law (Act No. 679) and Article 2 of the Convention. Recalling that the adoption of this Bill has been pending since 1958, the Committee urges the Government once again to take the necessary action to prohibit, without any further

delay, the night work of young persons under 18 years of age in industry for a period of 12 consecutive hours, in accordance with Article 2 of the Convention.¹

Uruguay (ratification: 1954). Referring to its previous observations, the Committee notes that the Government mentions a draft decree, which is now being prepared by the Ministry of Industry and Labour, to give full effect to this Convention. As section 1 of the decree of 28 May 1954 prohibits night work by young persons during a period of only 11 consecutive hours, while Article 2, paragraph 1, of the Convention defines "night" as a period of at least 12 consecutive hours, the Committee trusts that this draft decree will bring the legislation into full conformity with the Convention on this point.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Dominican Republic, Guatemala*.

Convention No. 92: Accommodation of Crews (Revised), 1949

A request regarding certain points is being addressed directly to *Ghana*.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Burundi (ratification: 1963). The Committee notes with regret that the report for 1965-66 has not been received and that accordingly no information is available in answer to its previous direct requests.

In these requests the Committee had pointed out that national legislation does not provide for the insertion of appropriate labour clauses in public contracts, in accordance with the Convention, and had requested the Government to take measures to provide for the insertion in public contracts of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, of the Convention, and also to give effect to its provisions regarding the contracts to be covered (Article 1, paragraphs 1 to 3), the consultation of employers' and workers' organisations on the terms of the clauses (Article 2, paragraph 3), measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).

The Committee hopes that the Government will not fail to take the necessary measures at an early date.

Denmark (ratification: 1955). The Committee notes with satisfaction that, following its earlier observations, the Ministry of Labour issued a circular to all ministries on 18 May 1966, requesting them to provide for the insertion in public contracts of labour clauses in conformity with the Convention.

Philippines (ratification: 1953). The Committee regrets to note that the Government's report gives no information in reply to the Committee's direct request of 1966. As the Committee has had to make observations on the application of this Convention since 1956, and according to the information available there are still considerable shortcomings in the application of this instrument, the Committee hopes that full information will be available at its next session on the action which has been taken or is contemplated to ensure that the Convention is fully applied.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in full for the period ending 30 June 1967.

United Arab Republic (ratification: 1960). The Committee notes the information supplied in the Government's report for 1963-65 (which was received too late to be examined in 1966). It appears from this information that the labour clauses for which provision is made in the Convention are not yet inserted in public contracts; the Government has, however, referred to legislation providing for the fixing of minimum wages and regulating hours of work.

The Committee wishes to observe that the system of wage-fixing mentioned by the Government, while establishing a minimum level to be observed, would not ensure the observance of any higher rates of wages and conditions of labour which may be established by arbitration award or collective agreement for the industries and trades concerned and which, by virtue of the Convention, should be guaranteed to workers engaged in the execution of public contracts, even if their employers are not otherwise bound by such agreement or award.

Referring to the general observations concerning the Convention made by the Committee in its reports of 1956 and 1957 and its earlier observations addressed to the Government, the Committee must once more express the hope that the Government will without further delay take appropriate measures to ensure the insertion in public contracts of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, and also giving effect to the provisions of the Convention regarding the contracts to be covered (Article 1, paragraphs 1 to 3), consultation of employers' and workers' organisations on the terms of the clauses (Article 2, paragraph 3), measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Denmark, Philippines, Uruguay.*

Convention No. 95: Protection of Wages, 1949

Afghanistan (ratification: 1957). Sec General Observations.

Philippines (ratification: 1953). Scope of the legislation. The Committee notes with interest from the Government's reply to its previous observation that mining enterprises, which had been excluded from the scope of the Minimum Wage Law by Republic Act No. 4180 of 1965, have again been made subject to this law by Republic Act No. 4707 of 18 June 1966. The Committee also notes that legislation has been prepared with a view to extending the Minimum Wage Law to workers of retail or service enterprises employing not more than five employees. It hopes that this legislation—which would eliminate a discrepancy noted by the Committee since 1956—will be adopted at an early date.

Article 7, paragraph 2, of the Convention. The Government has once more referred to section 2 (g) of the Minimum Wage Law as meeting this provision of the Convention. As the Committee pointed out already in its observation of 1958, section 2 (g)—which defines the word "wage"—refers to the value of facilities provided as part of the wage, whereas the above paragraph of the Convention concerns the prices of goods in work stores and of services operated in connection with an undertaking, payment for which may be quite independent of any payment of wages to the workers. The Committee once more expresses the hope that appropriate measures will be adopted without delay to implement Article 7, paragraph 2.

Article 13, paragraph 2. The Committee notes with interest that the Government recognises the need for additional measures to implement this provision (prohibition of payment of wages in taverns, etc.) and that appropriate regulations are being

prepared. The Committee hopes that such regulations, the need for which it has pointed out since 1957, will be adopted at an early date.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Colombia, Guatemala, Guinea, Honduras, Mali, Malta, Uruguay.*

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Brazil (ratification: 1957). The Committee notes from the Government's reply to its previous observation that the National Manpower Department is preparing the preliminary draft of a Bill with respect to the National Unemployment Relief Scheme with a view to giving full effect to the Convention. The Committee trusts that legislative measures will be enacted in the very near future to ban employment agencies conducted with a view to profit (Article 3 of the Convention) and to regulate the activities of non-profit-making employment agencies as required by Article 6. The Committee further hopes that in its next report the Government will supply full details of the progress made in these matters.

Pakistan (ratification: 1952). The Committee notes from the Government's reply to the observation made in 1966 that measures applying the Convention are being adopted. The Committee recalls that already in 1962 a Government representative had stated before the Conference Committee that legislation abolishing the fee-charging employment agencies was under preparation.

As the matter has thus been under consideration for several years, the Committee can only express the hope once again that measures to give effect to the Convention will be adopted in the very near future.¹

Turkey (ratification: 1952). The Committee regrets to note once again that no progress has been made towards the adoption of the Bill to regulate the activities of persons acting as intermediaries in agriculture, which was first mentioned by the Government in 1954. In view of the statement in the report that it is impossible to foretell when the Bill is likely to become law, the Committee cannot but express the hope that appropriate action will be taken to give effect to Part III of the Convention in the very near future.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Mauritania, United Arab Republic.*

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954). The Committee notes that the Government's report provides no fresh information in response to the Committee's earlier observations with respect to the application of Article 6, paragraph 1 (*b*), of the Convention concerning the maternity allowance provided for in section L.519 of the Social Security Code.

While taking into account the fact that this allowance appears not to be financed purely out of contributions, and that in practice it represents only a small proportion of the sums paid out of the family benefits funds, the Committee hopes that the Government will be good enough to reconsider the matter within the framework of

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

the reform of the structure and the financing of the social security schemes which was being planned, according to a statement made by a Government representative at the 49th Session of the Conference in 1965, and that it will be possible for action to be taken to ensure that immigrant workers are no less favourably treated than nationals in regard to the maternity allowance mentioned above.

Guatemala (ratification: 1952). The Committee notes with regret that the report for 1964-66 has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows:

The Government indicates that it will take the necessary measures to apply Article 8 of the Convention according to which no migrant for employment who has been admitted on a permanent basis may be returned to his territory of origin if, by reason of accident or illness, he is unable to follow his occupation, upon condition that the illness or accident occurred subsequent to his entry.

The Committee hopes that the Government will not fail to take the necessary measures in order to give effect to this provision of the Convention.

Uruguay (ratification: 1954). The Committee regrets to note from the answer to its previous requests that the draft decree of 1962 respecting migrant workers has still not been passed. It trusts that the Government will make every effort to hasten the promulgation of this decree and that it will take into account the points raised by the Committee and repeated in a further direct request.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Belgium, Cameroon* (Western Cameroon), *Tanzania* (Zanzibar), *Upper Volta, Uruguay, Zambia*.

Information supplied by *Jamaica, and Trinidad and Tobago* in answer to direct requests has been noted by the Committee.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Albania (ratification: 1957). The Committee regrets having received no report for 1964-66, the more so since it has been requesting the Government since 1961 to supply information concerning the practical application of the Convention: decisions of courts of law or other courts with respect to acts of anti-union discrimination in respect of employment (Article 1 of the Convention) or acts of interference (Article 2), the number of collective agreements in force, the number of workers covered (Article 4), etc.

Brazil (ratification: 1952). The Committee has noted the information supplied by the Government in its report with reference to a direct request that had been made for several years since, under section 566 of the Consolidated Labour Laws, employees of the State or of autonomous or quasi-state bodies do not enjoy the right to organise.

The Committee has pointed out on several occasions that while the Convention does not, according to Article 6 thereof, deal with the position of public servants engaged in the administration of the State and shall not be construed as prejudicing their rights or status in any way, it does apply to all workers employed by the State who are not public officials acting as agents of the public authority. The Committee also considers that, while the concept of public servant may vary to some degree under the various national legal systems, the exclusion from the scope of the Convention of public servants who do not act as agents of the public authority (even though they may be given a status identical with that of public officials engaged in the administration of the State) is contrary to the meaning of the Convention. This is made even clearer by the English text of Article 6 of the Convention which permits

the exclusion solely of public servants "engaged in the administration of the State". In fact, the Committee cannot admit the exclusion from the terms of the Convention of important categories of workers employed by the State merely on the grounds that they are formally assimilated to public officials engaged in the administration of the State. If this were the case, the Convention might be deprived of much of its scope.

Consequently, the Committee trusts that the Government will reconsider this matter and that it will bring its legislation (in particular section 566 of the Consolidated Labour Laws) respecting workers in the service of the State or autonomous or quasi-state bodies other than officials whose activities refer to the actual administration of the State, into harmony with Article 1 of the Convention, in accordance with which "workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment" and particularly "acts calculated to make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership" or "cause the dismissal of . . . a worker by reason of union membership".

Byelorussia (ratification: 1956). See under Convention No. 87.

Cuba (ratification: 1952). With reference to a direct request made in 1965, the Committee notes that section 36 of Act 1022 of 1962 provides that final approval of collective agreements shall be given by the Ministry of Labour. As this provision is contrary to Article 4 of the Convention, which stipulates that measures shall be taken to encourage and promote "the full development and utilisation of machinery for voluntary negotiation", the Committee hopes that the Government will make the necessary amendments to the national legislation to bring it into conformity with the provisions of the Convention.

As regards the situation of certain public employees, see the observation concerning Convention No. 87.

Dominican Republic (ratification: 1953). With regard to certain categories of agricultural workers, see under 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.

Ghana (ratification: 1959). The Committee notes with interest that the Industrial Relations Act of 1958, as amended, has been replaced by the Industrial Relations Act of 1965. In so far as the application of Convention No. 98 is concerned, the provisions of the former Act regarding which the Committee had made various direct requests and observations appear to have been superseded. However, it has appeared necessary to seek clarification on certain matters concerning the new Act which are being dealt with in a direct request.

Greece (ratification: 1962). See under Convention No. 87.

Guatemala (ratification: 1952). See under Convention No. 87 as regards workers employed in public undertakings who are not public officials.

Hungary (ratification: 1957). See under Convention No. 87.

Japan (ratification: 1953). The Committee notes with satisfaction the repeal of the legal provisions which gave rise to its previous observation, namely section 4, paragraph 3, of the Public Corporation and National Enterprise Labour Relations

Law and section 5, paragraph 3, of the Local Public Enterprise Labour Relations Law, which required the officers of organisations of public employees covered by the provisions of these two laws to be employees actually serving in the corporations or enterprises concerned.

Liberia (ratification: 1962). See under Convention No. 87.

Poland (ratification: 1957). See under Convention No. 87.

Sudan (ratification: 1957). The Committee notes the information supplied in the report for the period 1964-66 in reply to an observation of 1966.

With regard to acts of interference in the establishment of a trade union, which were the subject of the Committee's previous observation, the Committee notes that section 29 (1) (c) of the new Regulation of Trade Disputes Act of 1966 does not appear to alter the situation since it only applies, like section 18 (c) of the repealed Trade Disputes Act of 1960, to the case of already existing unions. In view of the protection provided for by Article 1, paragraph 2, of the Convention, against discrimination at the time of establishing an organisation, the Committee requests the Government to indicate in its next report the measures taken or contemplated to ensure fuller implementation of the Convention in this regard. The Committee notes in this connection that the Government will forward the text of a Standing Order to be issued by the Commissioner of Labour on the subject of interference by employers.

Ukraine (ratification: 1956). See under Convention No. 87.

U.S.S.R. (ratification: 1956). See under Convention No. 87.

United Kingdom (ratification: 1950). The Committee notes the information supplied in reply to its observation of 1965 concerning industrial relations in the banking industry. It further notes that it will be kept informed of the progress made in the matter.

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In addition requests regarding certain other points are being addressed directly to the following States: *Algeria, Argentina, Bulgaria, Chad, China, Costa Rica, Dominican Republic, Ecuador, Ethiopia, Ghana, Greece, Guinea, Haiti, Iraq, Jamaica, Liberia, Libya, Malawi, Malaysia* (States of Malaya, Sabah, Sarawak), *Pakistan, Panama, Portugal, Singapore, Syrian Arab Republic, Tanzania* (Zanzibar), *Trinidad and Tobago, Uganda, United Arab Republic, Upper Volta, Uruguay.*

Information supplied by *Austria, Cameroon* (Western Cameroon), *Gabon, Honduras, Italy, Kenya, Luxembourg, Niger, Rumania, Senegal, Tanzania* (Tanganyika), *Turkey* in answer to direct requests has been noted by the Committee.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Peru (ratification: 1959). Following its previous direct request on the application of Article 3, paragraph 3, of the Convention, the Committee notes with satisfaction that by virtue of Ministerial Decision No. 619 of 15 July 1966 representatives of employers and workers in the agricultural sector belong to the National Minimum Wage Board.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Czechoslovakia, Guatemala, Mexico, Paraguay, Peru.*

Information supplied by *Brazil* in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951

Argentina (ratification: 1956). In its previous observation the Committee has noted the continued existence in collective agreements of distinct wage rates for men and women workers involving in certain cases quite considerable differentials, and had expressed the hope that measures would be taken to promote the further implementation of the principle of equal remuneration for men and women workers for work of equal value.

In its report for 1964-66 the Government has indicated that in an arbitration award of 26 October 1966 for wage earners in the textile industry (a copy of which has been supplied), provision has been made in cases where different wages were laid down by the applicable collective agreement for men and women workers of the same category, for the women's wages to be brought to the level of the wages of male workers, except where the work performed was not the same. The Committee regrets however that, apart from this arbitration award, the Government has supplied no information concerning further measures to give effect to the Convention.

The Committee notes, from certain collective agreements at its disposal, that provision is still made in a number of cases for distinct wage rates for men and women workers, for example, in the agreements for the meat industry of 2 June 1965 (No. 77/65), for salaried workers of the textile industry of 31 May 1965 (No. 69/65), and for the soap and cosmetics industry of 31 August 1965 (No. 136/65). It would appear however, from a comparison of the previous agreements for the first two groups of workers (to which the Committee had referred in its observation of 1965) that there has generally been a reduction in wage differentials based on sex. The Committee hopes that efforts in this direction will be pursued, with a view to the adoption in all collective agreements of a system of classification of jobs and wage rates applicable, without distinction, to men and women workers.

As regards wage earners in the textile industry, it would appear from the arbitration award of 1966 supplied by the Government that distinct wage rates for men and women workers still remain in existence, the payment of higher rates to women being dependent on whether in each particular case a woman can show that she is doing the same work as a male worker. Since, under Article 1 (b) of the Convention, the equal remuneration principle requires wages to be fixed without any discrimination based on sex, the Committee hopes that in this case also measures will be taken for the introduction of uniform job classifications and wage scales based on objective criteria without any reference to the worker's sex.

The Committee hopes that the Government will supply full information in its next report on the further measures taken with a view to implementation of the equal remuneration principle, including particulars of the criteria and procedures applied in establishing job classifications and wage rates in collective agreements and arbitration awards (Articles 2 and 3 of the Convention).

Austria (ratification: 1953). The Committee notes with interest the information supplied by the Government in reply to its observation of 1965, from which it would appear that, at the initiative of the competent government services, differences in wage rates based on sex have been eliminated from the collective agreements in a number of industries (including the chemical industry, to which it had referred in previous observations). The Committee hopes that subsequent reports will indicate further progress in the implementation of the equal remuneration principle, and will include information on changes made in the system of classification of jobs with a view to the application to all workers, irrespective of sex, of a uniform system of classification referring to the objective characteristics of the work to be performed.

Belgium (ratification: 1952). The Committee has noted with interest the detailed information contained in the Government's report concerning the continuing efforts made by the Government towards the implementation of the principle of equal remuneration through collective agreements, and the progress made during the reporting period 1964-66 in reducing—and in certain cases eliminating—remaining differentials in the rates of remuneration for men and women workers. It has also noted the information concerning the introduction by a number of joint committees of uniform systems of job classifications, for men and women, as a basis for establishing rates of remuneration without any distinction based on sex (as required by Article 1 (b) of the Convention).

The Committee notes, however, that in a number of collective agreements covering wide sectors of activity distinct wage rates for men and women workers are still to be found. For example, according to information supplied in the Government's report, in the case of wage earners in certain sectors of the pottery industry, the wage rates of women are 30 per cent. less than those for men; they are between 15 and 20 per cent. less for wage earners in the fruit and chocolate industries; between 10 and 15 per cent. less for wage earners in the chemical industry and certain branches of the food industry, and up to 10 per cent. lower for wage earners in agriculture and various other branches of the food industry.

The Committee hopes therefore that action will be continued to promote and, where appropriate, to ensure the application of the principle of equal remuneration for work of equal value for men and women workers, and that the Government will be able in its next report to indicate further significant progress in the implementation of this principle.

Ecuador (ratification: 1957). The Committee notes with regret that the report for 1964-66 has not been received. The Committee is bound, therefore, to repeat its previous observation, which was as follows:

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. However, the Committee must recall that the Government's first report (submitted in 1959) was limited to a similar brief statement and that, notwithstanding the observations made since 1960 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.

Federal Republic of Germany (ratification: 1956). The Committee has noted with interest the Government's statement that, as from 31 March 1965, the previously distinct wage rates for male and female agricultural workers in Hesse were replaced by wage rates related to work performed, and that in the leather industry progress has been made in eliminating wage differentials based on sex, although in certain branches of the latter industry such measures still need to be taken. The Committee hopes that the Government will be able to indicate in its next report the further measures taken to eliminate all remaining discriminatory wage provisions from collective agreements.

In its observations of 1965, the Committee had expressed regret at the discontinuance of the work of a committee of representatives of the central employers' and workers' organisations set up at the Government's initiative at the time of the ratification of the Convention to study the measures required to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. The work of this committee had seemed particularly important in view of the limited extent to which wage rates are determined on the basis of

objective job evaluation and in view of certain indications contained in the Government's report, that, even when formal distinctions no longer existed between men's and women's wages, the rates fixed for particular jobs might be influenced by considerations related to the sex of the workers likely to perform these jobs.

The Committee notes the Government's statement, in reply to the above-mentioned comments, emphasising the difficulties of a completely objective analysis of work of equal value (even in job evaluation systems) and once more stating that the work of the committee in question had been discontinued because the interested parties had considered the pursuit of the matter unnecessary in view of the considerable progress already made in collective agreements in dealing with the question of the proper relationship of wages payable for different jobs.

The Committee has also noted the comments from the German Confederation of Trade Unions communicated by the Government, claiming that in many sectors of the economy wage discrimination on the basis of sex continues as a result of the existence of the so-called "light wage" categories, as a substitute for the previously existing distinct wage rates for men and women. The German Confederation of Trade Unions considers necessary the continuation of the previously mentioned committee of representatives of the central organisations until the problem of equal remuneration of men and women workers has been finally solved.

The Committee hopes that in its next report the Government will supply detailed comments concerning the nature and effect of the "light wage" categories mentioned by the German Confederation of Trade Unions. In this connection the Committee recalls that in its observation of 1965 it had requested information on the methods used to merge previously distinct wage rates for men and women into uniform wage scales and on the effects of the revised wage structure on the wages payable in respect of jobs mainly performed by men and those mainly performed by women. It hopes that indications on these matters can be provided in the next report.

The Committee would also appreciate indications on any measures which the Government may have taken to consult the organisations concerned on the issues raised in the communication from the German Confederation of Trade Unions and on the action which might be taken thereon, in accordance with Articles 2 to 4 of the Convention.

India (ratification: 1958). In its observation of 1965, the Committee had referred to the different minimum wage rates prescribed for unskilled male and female workers in certain cases. It notes the Government's statement, in answer to this observation, that where lower minimum wage rates are fixed for women workers, this is because their output is lower even though they may be employed on the same jobs as men. The Government's report also indicates that the Government of Madhya Pradesh, whose attention had been drawn to the Committee's previous comments, has stated that the value of the output of male and female workers covered by the minimum wage legislation of that state is different, so that it was considered essential to fix different wages.

The Committee wishes to point out once more that, in accordance with Article 1 (b) of the Convention, the implementation of the principle of equal remuneration for men and women workers for work of equal value requires that rates of remuneration shall be established without discrimination based on sex. Having regard to this definition, it follows that, where in fact work performed by different workers is not the same, any differences in wages should be fixed by reference to objective characteristics of the jobs, to the exclusion of considerations relating to the sex of workers likely to perform them; that, where the work performed is the same, time rates of wages should be the same, irrespective of the workers's sex; and that, when it is desired to take account of the workers' output in determining his remuneration,

this should be done by means applicable to workers generally (for example, through piece rates or output bonuses), without distinction based on sex.

In the present case it seems particularly important to take account of the above-mentioned considerations, since—as the Committee had pointed out in 1965—the different minimum wage rates fixed for men and women in certain cases apply to all unskilled work in wide sectors of activity in respect of which, it would seem difficult to make a general assumption of differences of output as between men and women workers (e.g. tea plantations, agriculture in general, tobacco factories, and rice, flour and dal mills). Moreover, the Committee had noted that, although in certain states differences of between 20 and 30 per cent. might be found in the minimum wage rates of male and female workers in such employments, in other states the minimum rates in the corresponding employments were uniform for men and women.

While noting the considerable progress already made in the implementation of the equal remuneration principle provided for in the Convention, the Committee hopes that—in the light of the indications provided above—efforts will be continued, through the statutory minimum wage-fixing machinery and other methods in operation for determining rates of remuneration, with a view to the full implementation of this principle.

Italy (ratification: 1956). The Committee has noted the statements made in the Conference Committee in 1965 and 1966 by a Government representative and the Italian Workers' member of that Committee. It has also noted the statement in the Government's report for 1964-66 that the principle of equal remuneration for men and women for work of equal value can now be said to be fully implemented. The Committee notes however that an answer has not been given to the detailed points raised in its observation of 1965, and is therefore obliged to draw attention once again to these matters.

1. Wage differentials between men and women workers. The Committee had noted in 1965 that the collective agreements for a number of industries still contained wage differentials based on sex, and referred by way of example to the collective agreements of 7 April 1962 for storage and warehousing undertakings, of 29 September 1962 for telegram and general delivery services, and of 29 September 1962 for shop and office cleaning undertakings. It notes that these three agreements have been replaced by new agreements concluded on 7 July 1965, 11 November 1965 and 11 December 1965, and that each of the new agreements still provides for a percentage reduction in the wages of women wage earners as compared with men doing the same work (the reduction in two cases being 7.2 per cent. and in the third 5 per cent.). Similar differentials—generally of 7.2 per cent., on the basis of the standard provisions laid down in inter-confederal agreements concluded in 1960—have also been noted in a number of other agreements. The Committee recalls that, according to court decisions mentioned in the Government's report for 1962-64, such wage differential clauses are contrary to the binding equal remuneration provisions of article 37 of the Italian Constitution. It accordingly hopes that appropriate measures will be taken in regard to all collective agreements in which wage differentials based on sex are still laid down to bring them into conformity with these constitutional provisions and with the equal remuneration principle enunciated in the Convention.

2. Classification of jobs. The Committee had noted in 1965 that, where previous distinct wage rates for men and women had been replaced by uniform wage scales, the placing of workers in the new grades had generally been effected not by a system of objective job evaluation, but according to certain general rules. It observed that, while these changes had reduced wage differentials between men and women workers, the new gradings still involved anomalies as regards implementation of the equal

remuneration principle. It cited by way of example the agreements of 21 February and 5 December 1962 for the plastics industry—which were typical in this respect of arrangements in many other industries—under which women workers formerly in the first women's category (that is, performing particularly delicate or complex work requiring specific technical and practical qualifications acquired through appropriate apprenticeship or training) had been placed in a lower grade than men previously classified as ordinary operatives (that is, performing work not requiring any specific qualifications but aptitudes and knowledge acquired through a brief period of training).

The Committee observes that, even in cases where there has been a further modification in job classifications, anomalies of the above-mentioned kind tend to be perpetuated—for example, in the agreement of 12 November 1964 for the brush-manufacturing industry and the agreement of 5 April 1966 for the toy industry.

As in all such cases women receive lower wages than men although performing work which is more difficult and requires a higher level of training, it appears particularly important that these systems of classification of jobs should be replaced by new systems using objective criteria and not related to the former distinctions based on sex. The Committee hopes that appropriate measures to this end will be taken.

3. State monopoly undertakings. The Committee had also noted that Act No. 143 of 1962 regarding workers in state monopoly undertakings, which had introduced a system of uniform wage scales for men and women, had adopted a method for grading workers within the new system involving anomalies similar to those mentioned above in regard to collective agreements in the private sector. Thus, all women workers engaged in processing tobacco, packing salt or other work regarded as typically women's work had been placed in the lowest grade of general operative, whereas the former male grade of general operative had been transformed into a new, higher paid category of ordinary operatives (first class). The Committee notes the Government's statement in the Conference Committee in 1965 that its observations had been based on a restrictive interpretation of the Act of 1962. However, in the absence of more detailed explanations, the Committee must maintain its previous conclusions on this matter. It once more expresses the hope that appropriate measures will be taken to establish objective criteria for defining the scope of the different wage grades concerned and also to serve as a basis for the classification of individual workers in the respective grades.

4. Other state undertakings. The Committee notes, from the statements made by the Government in the Conference Committee in 1965 and 1966, in reply to questions by the Italian Workers' member, that differences in the wages of men and women still existed in certain other state undertakings, particularly those working for national defence, and that measures concerning the latter undertakings were before Parliament. As these matters have not been dealt with in the Government's reports, the Committee would appreciate full information in the next report in the laws, regulations or agreements governing remuneration in state undertakings other than state monopolies, and on the measures taken or contemplated to ensure the application of the principle of equal remuneration to workers in these undertakings.

5. Agriculture. The Committee notes with interest the statement in the Government's report that a national agreement concluded in October 1966 provided for the complete application of the equal remuneration principle to casual agricultural labourers. The Committee hopes that the Government will supply a copy of this agreement with its next report, together with information on the new provisions included in provincial collective agreements to carry the national agreement into effect, and on the methods used to replace the previously distinct wage groups by uniform wage scales.

In so far as the categories of workers covered by the national agreement of October 1966 are not the same as those covered by the inter-confederal agreement of 25 July 1961 (to which the Government had referred in its previous report as providing for the application of the equal remuneration principle in agriculture), the Committee once more expresses the hope that corresponding information will also be supplied with regard to the agreement of 1961.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Austria, Brazil, China, Colombia, Cuba, Denmark, Finland, France, Guatemala, Haiti, Iceland, India, Indonesia, Iraq, Libya, Malagasy Republic, Norway, Panama, Paraguay, Peru, Philippines, Sweden, United Arab Republic.*

Information supplied by *Gabon, Honduras, Senegal*, in answer to a direct request has been noted by the Committee.

Convention No. 101: Holidays with Pay (Agriculture), 1952

A request regarding certain points is being addressed directly to *Algeria*.

Convention No. 102: Social Security (Minimum Standards), 1952

Denmark (ratification: 1955). Part IV: Unemployment Benefit. Article 22 of the Convention. In reply to the Committee's previous observations and requests, the Government states that a Bill has been submitted to the Parliament providing that the Director of Labour may request the individual Unemployment Insurance Funds to increase their rates of benefit where these are lower than the rates prescribed by international Conventions. The Committee notes this information with interest; it hopes that the Bill in question will be adopted in the near future and that the Government will be able to communicate the text thereof with its next report.

Parts V and IX: Old-Age and Invalidity Benefits (in connection with Article 68, paragraph 1). It appears from the Government's reply to the Committee's previous observation and requests that equality of treatment is secured for national and non-national residents by the new Acts respecting old-age insurance and invalidity insurance (Acts Nos. 218 and 219 of 1965) on the basis of reciprocity agreements. The Committee notes this statement since equality of treatment would seem to be thus guaranteed in practice, but expresses the hope that on the occasion of a future revision of the legislation the Government will be able to reconsider the matter and take steps to bring the national legislation formally into full conformity with the Convention on this point.

Federal Republic of Germany (ratification: 1958). Part XIII—Common Provisions, Article 69 (*i*). Referring to the observation made by the Committee in 1965 with respect to section 84 of the Placement and Unemployment Insurance Act, as amended in 1957, which deals with the suspension of benefits when unemployment is due to an industrial dispute, the Government states that at the time of the revision of this Act, which is now under consideration, it will examine closely the possibility of amending or supplementing section 84 (particularly subsection 3) of the Act in question in the light of the Committee's suggestion with regard to the granting of unemployment benefit in cases where a strike is neither imputable to the workers concerned nor likely to result in an improvement in their conditions of employment.

The Committee has noted this statement with interest, and hopes that the proposed examination will take place in the near future (as the Government has given to

understand) and that it will lead to an amendment along the lines indicated above. The Committee requests the Government to indicate in its next report the progress made in this direction.¹

Israel (ratification: 1955). Part XIII—Common Provisions—Article 69 of the Convention. Referring to its earlier requests with respect to certain cases where benefit may be suspended under sections 14 (*b*) and 41 (in relation with section 50) of the National Insurance Law, the Committee has noted with satisfaction that the sections in question have been amended by amendment No. 11 to the aforementioned Law, adopted on 7 April 1965.

Sweden (ratification: 1953). Part VI: Employment Injury Benefit—Article 34. In reply to the previous observation and requests of the Committee, the Government states that, in its conclusions, the special committee entrusted with the revision of the employment injury scheme proposed that the present system be maintained with beneficiaries sharing in the costs of medical care, but that the Government has not yet examined these conclusions.

The Committee hopes that the Government will be able to take the necessary steps to eliminate from the new legislation the provision concerning the participation of beneficiaries in the cost of medical care, thus giving full effect to the above-mentioned provision of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium, Denmark, Federal Republic of Germany, Mexico, Netherlands, Norway, Peru, Senegal.*

Convention No. 103: Maternity Protection (Revised), 1952

Hungary (ratification: 1956). Referring to its earlier observation and requests with respect to the application of Article 6 of the Convention to women workers in domestic service, who, under national legislation, are only protected against dismissal until the time of confinement (and then only when special circumstances do not justify their immediate dismissal), the Committee has noted with interest that the Government is studying the manner in which effect is given to this provision of the Convention in practice in other States which have ratified the Convention, in the light of which it will take the necessary action.

The Committee hopes that the next report will contain information as to the progress made in this respect.

Uruguay (ratification: 1954). Referring to its previous requests regarding Article 1 of the Convention (scope), the Committee notes with satisfaction that an order issued by the Minister of Industry and Labour on 8 July 1965 extended entitlement to maternity benefits under Act No. 12572 of 23 October 1958 to women workers in agriculture and domestic service.

As regards its previous observations concerning Article 4, paragraphs 1, 3 and 4 (medical care), the Committee notes that the Bill to abolish the family income limit fixed by the above-mentioned Act, thereby ensuring the provision of medical care to all women workers covered by this Act, has not yet been adopted. The Committee hopes that this Bill will be adopted in the near future, having regard to the fact that according to information supplied by the Government at present only 50 per cent. of women workers entitled to maternity benefits receive free medical care.

¹ The Government is asked to report in detail for the period ending 30 June 1967.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Uruguay, Yugoslavia.*

Information supplied by *Byelorussia, Hungary, Ukraine, U.S.S.R.*, in answer to direct requests has been noted by the Committee.

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

El Salvador (ratification: 1958). The Committee regrets to note that for the second year in succession no report has been supplied, and that accordingly no information is available in reply to the direct requests made since 1964.

As the Committee has pointed out in its previous requests, by virtue of section 30(1), (2), (3) and (12), section 31(1) and section 476 of the Labour Code promulgated on 23 January 1963, a worker who is guilty of neglect of duty or who is absent from his work without permission or a valid reason is liable to penal sanctions. The Committee regrets that penal sanctions exist for such breaches of contract, which fall within the scope of the Convention, and hopes that measures will be taken to abolish them.

Convention No. 105: Abolition of Forced Labour, 1957

Dahomey (ratification: 1961). See under Convention No. 29.

Haiti (ratification: 1958). In a previous direct request, the Committee had noted that, since the entry into force of the Convention for Haiti, decrees had repeatedly been issued (on 17 August 1960, 13 September 1961, 15 September 1962, and 22 August 1963) which, while granting legislative powers to the President of the Republic for a period of six months, also suspended a considerable number of constitutional guarantees which constitute necessary safeguards for the effective observance of the Convention. The Government has indicated, in reply, that the suspension of constitutional guarantees in each case came to an end at the expiration of the period of six months during which legislative power was vested in the President of the Republic. It has however not indicated the measures taken, notwithstanding the repeated suspension of relevant constitutional guarantees, to ensure the observance of the Convention.

The Committee notes that the constitutional guarantees in question were again suspended for eight months by a decree of 3 August 1964, for six months by a decree of 23 September 1965, and for a period of approximately seven months by a decree of 17 September 1966. Among the constitutional provisions suspended were those guaranteeing individual liberty, trial by the courts established by the Constitution and the law and the right of peaceful assembly, reserving jurisdiction over cases involving civil or political rights to the courts of law, prohibiting the trial of political offences *in camera*, and requiring the courts to enforce orders and regulations made by the public authorities only to the extent that they conformed to the law (respectively articles 17, 18, 31, 109, 110, 119 (second paragraph) and 122 (second paragraph) of the Constitution of 1964). The Committee observes that, according to the preambles to the decrees of 23 September 1965 and 17 September 1966, the suspension of constitutional guarantees on these occasions was aimed at preventing any slowing-up of economic processes, at conserving and consolidating existing achievements by preventive measures and acts, and enabling the President, between sessions of the Legislature, to take prompt and energetic political and economic measures.

While the Committee has recognised that the suspension of constitutional guarantees may in certain circumstances be necessary, it has emphasised that such pro-

cedures should be resorted to only in cases of extreme gravity constituting emergencies, that the measures taken should be limited in scope and time to what was strictly necessary to meet the specific situation which had occasioned them, and that full information should be given in governments' reports on the effect of these measures on the application of the Convention. The Committee accordingly hopes that the Government will be able to reconsider its practice in this matter in the light of the above indications and the requirements of the Convention, and will supply full information on the measures taken, in accordance with the relevant constitutional rights and guarantees, to ensure the effective application of the provisions of the Convention.

In its previous request, the Committee had also sought information concerning the termination of the state of siege declared by a decree of 14 June 1957, by an Act of 2 May 1958 and by an order of the same date. The Government has indicated that in practice, once the circumstances which occasioned the state of siege have disappeared, its effects also lapse. However, to remove all doubt on this important matter, and in view of the effect which the declaration of a state of siege may have on the enjoyment of the protection provided for in the Convention, the Committee hopes that appropriate measures will be taken to announce expressly and publicly that the state of siege has ceased.

Jordan (ratification: 1958). The Committee regrets to note that no information has been supplied in answer to the direct requests repeatedly made since 1963. In the continuing absence of such information, the Committee is unable to satisfy itself that the Convention is effectively applied. It accordingly hopes that full information on the matters raised in the direct request (which it is once more addressing to the Government) will be available for examination by the Committee at its next session.

Portugal (ratification: 1959). In 1966, at the request of the Governing Body of the International Labour Office, the Committee presented a special report on the measures which had been taken by the Government of Portugal to implement the recommendations made in 1962 by the Commission of Inquiry appointed under article 26 of the I.L.O. Constitution. The Conference Committee, on the basis of its discussion of this special report, last year made the following recommendations to the Government of Portugal: first, that an efficient public employment service be developed, which would take over all work of placing in Angola and Mozambique now done through recruiting agents, whether professional recruiters or employees of the companies concerned; secondly, that substantial improvements be made in wages and conditions of work, as a positive inducement to workers to seek employment spontaneously; thirdly, that labour administration services be rapidly expanded to ensure that manpower policies, and particularly the laws for the protection of workers, were properly observed everywhere. The Committee also requested the Government to send a full and detailed report on the implementation of these measures.

In response to the above-mentioned request, the Government has supplied, in addition to the report on the application of the Convention due under article 22 of the Constitution, special reports regarding employment services, wages and labour inspection in Angola and Mozambique.

Angola. 1. Employment services. The Committee has noted with interest the very detailed information on the manpower situation and labour migration supplied in the special report on Angola, which analyses not only the factual situation, but also the policy issues facing the authorities. The report points out that the contract labour system and recruiting of labour (particularly through professional recruiters) constitute obstacles to the improvement of conditions of work and to the better utilisation of

manpower. It indicates that these problems are likely to be solved only through the progressive elimination of recruiting, accompanied by improved conditions of employment to attract a sufficient supply of labour offering its services spontaneously and to encourage the stabilisation of labour at places of employment. The report recognises the importance, for the purpose of facilitating such trends, of developing the free public employment service provided for in the Rural Labour Code, together with transit camps at important transport centres which would be available not only to workers in transit, but also to work-seekers. This conclusion has also been emphasised by the Fourth National Symposium on Labour Matters (held in Luanda in August 1966), which called for urgent expansion of the national employment service as a means of facilitating the mobility of all citizens with full respect for freedom of labour and the free choice of employment.

The Committee notes that the above-mentioned conclusions are very similar to one of the main conclusions reached in its special report of 1966, in which it pointed to the great scope and need for further action in the field of manpower policy, including the development of public employment services, and stated that the vigorous pursuit of a policy aimed at making the public employment service, rather than recruiting, the means of matching labour demand and supply would constitute the best guarantee that employment relations would repose unequivocally on the free will of the parties concerned.

The statistics on the present employment situation in Angola supplied in the Government's special report bring out the need for further action to implement the policies to which the Government has referred. While the total number of "rural" workers (that is, unskilled wage earners almost exclusively of African origin) has fallen in recent years (for example, from 263,000 to around 241,000 in the period 1962-64), the proportion of contract workers has been going up (their number increasing by 5,000 between 1962 and 1964—from around 98,000 to nearly 103,000). The Committee notes the particularly heavy reliance on contract labour in certain parts of Northern Angola: according to figures supplied by the Government (tables III and VI in the first of two papers on employment), in 1964 roughly 85 per cent. of the unskilled labour in the Districts of Uíge and North Cuanza consisted of contract labour. Furthermore, while the Government has repeatedly emphasised the objections to professional recruiting, as compared with recruiting directly by employers, there appears to have been a marked increase between 1963 and 1965 in the number of licences for professional recruiting, while at the same time recruiting by employers has decreased. There also appears to exist a tendency towards the lengthening of the period of written contracts: whereas in 1963 contracts for more than 12 months were practically unknown (representing less than 2 per cent. of the total number of written contracts), in 1964 roughly a fifth of such contracts exceeded this period (being mostly for 15 months). All these trends appear to be in the opposite direction from that in which the previously mentioned official policies purport to be aimed.

The Government has indicated that the employment office which started functioning in Luanda in 1965, on an experimental basis, has increased its activity, that a further office has been established in the Lobito-Benguela area, and that arrangements for the opening of other employment offices, particularly in the interior of Angola, are under consideration. In view of the magnitude of the outstanding problems, the Committee hopes that these activities can be intensified, and that detailed information on the further measures taken, and on their effect in implementing the manpower policies mentioned in the Government's special report, will be supplied in subsequent reports.

2. Wages. The Committee has noted the indications contained in the Government's special report concerning productivity of labour and the relation of wage

systems to productivity. It also notes the brief indications as to the average wages of rural workers (which appear to refer to the total value of remuneration, including an estimate of the value of benefits in kind) from 1958 to 1965. It would appreciate further information on this question in future reports, including more detailed figures showing the evolution of cash wages and information on general measures taken with a view to improvement of conditions of employment.

3. Labour inspection. The Committee has noted the detailed information on the activities of the labour inspectorate of Angola contained in its annual report for 1965. Since Portugal has ratified the Labour Inspection Convention, 1947 (No. 81), the Committee proposes henceforth to follow general developments in this field in its examination of the reports on that Convention. It would, however, appreciate more detailed information on the activities of the inspectorate in regard to the enforcement of the provisions of the Rural Labour Code relevant to the application of the Abolition of Forced Labour Convention.

4. Other specific points arising out of the recommendations of the Commission of Inquiry. The Committee notes from the Government's report that there have been no significant changes as regards the employment of workers by various undertakings specifically mentioned in its previous observations. The Committee accordingly once more requests the Government to supply in future 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 appointed under article 26 of the I.L.O. Constitution);
- (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).

Mozambique. 1. Employment services. The Committee has noted the information given in the Government's special report concerning the extent of recruiting in Mozambique and the factors which, in the view of the authorities in Mozambique, make inappropriate the development of an extensive public employment service for workers from rural areas. The Government has stated that, of the 435,000 workers of rural origin in employment in Mozambique, only 44,000 were engaged through professional recruiters, and that only a small minority of the latter are working under a written contract, the majority being employed under engagements of indefinite duration. The Government has also stated that, in present conditions, the representatives or agents of employers do not need to undertake active recruiting operations, but function rather like agents of an employment service to whom rural workers present themselves when they wish to take wage-earning employment. In this context the authorities consider that the establishment of a public employment service for workers from rural areas would be unnecessarily costly, superfluous and even self-defeating. They mention the difficulty of providing an adequate network of employment offices for vast, sparsely populated regions, the impossibility of using the existing general administrative services for this work, the lack of flexibility of a public service

compared with the operation of the present recruiting system, and the suspicion with which the rural populations would regard a public service, fearing that it aimed at official control of their freedom of movement. The Government's report indicates that, in the urban areas, placing activities are undertaken by the trade unions, and that the experimental employment office for rural and assimilated workers set up in Lourenço Marques in 1965 placed 25 workers.

As regards the existing employment situation in Mozambique, the Committee recalls that the last detailed figures supplied by the Government concerning recruiting for employment within Mozambique related to the period July 1962 to June 1963. In that period some 117,000 workers were shown to have been recruited, the great majority under licences granted to professional recruiters (as distinct from direct recruiting by employers). The Committee would appreciate it if similarly detailed figures could be supplied with the next report, together with an indication of the factors that have led to the substantial reduction in the number of recruited workers which, taking as a basis the figure mentioned in the last report, would seem to have occurred since 1963.

As regards the establishment of a public employment service, the Committee recalls that, according to section 145 of the Rural Labour Code, which came into force on 1 October 1962, "a free public employment service shall be available for all workers". The Committee indicated in some detail in its special report of 1966 why it considered the progressive replacement of existing recruiting arrangements by such a public service to constitute an important further step in guaranteeing the effective respect for freedom of labour (and it has noted above that these preoccupations appear to be shared by the authorities of Angola). Accordingly, while recognising that a number of practical difficulties may have to be overcome in implementing the statutory directive laid down in the Rural Labour Code and that continuing effort over a considerable number of years may be necessary to establish a fully adequate public employment service available to all workers, the Committee hopes that the competent authorities will give further consideration to this matter in the light of the above-mentioned considerations, and that the Government will be in a position to indicate in the next report the measures taken and contemplated to give practical effect to the relevant provisions of the Rural Labour Code.

2. Wages. The Committee has noted the figures in the Government's special report showing the wages of unskilled workers in agriculture and industry in 1950, 1955, 1957, 1960 and 1966 in the various Districts of Mozambique. Since the figures prior to 1966 relate to cash wages, while those for 1966 refer to total remuneration (including the value of benefits in kind), it is difficult to draw any definite conclusions concerning the most recent period. The Committee would accordingly appreciate further information in future reports of the evolution of the cash wages of the workers in question, and also on any general measures taken with a view to improving conditions of employment.

3. Labour inspection. The Committee notes the information concerning the activities of the labour inspection services of Mozambique from January 1963 to June 1966. It observes that the staff of the inspectorate now consists of the chief inspector, five labour inspectors and 11 supervisors, and that the reorganisation of the inspectorate, involving the creation of three additional posts for labour inspectors and 36 additional posts of supervisors, is under consideration. As indicated in regard to Angola, the Committee proposes henceforth to follow general developments in this field in its examination of the reports on the Labour Inspection Convention. It would however appreciate more detailed information on the activities of the inspectorate in regard to the enforcement of the provisions of the Rural Labour Code relevant to the application of the Abolition of Forced Labour Convention.

4. Other matters arising out of the report of the Commission of Inquiry. In its previous report, the Government—referring to paragraph 746 of the report of the Commission of Inquiry appointed under article 26 of the I.L.O. Constitution—had stated that under new agreements concerning the employment of workers from Mozambique 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 would no longer be applied to workers from Portuguese territory. The Committee accordingly requests the Government to indicate:

- (a) whether the arrangements with the Republic of South Africa to which it has referred have been ratified by the Republic of South Africa and come into force;
- (b) the measures taken to ensure that the exemption from liability to penal sanctions of workers from Portuguese territory is known to all interested parties (employers, workers, and the competent judicial authorities) as well as to Portuguese officials responsible for looking after the interests of workers from Portuguese territory employed in South Africa.

El Salvador (ratification: 1958). The Committee regrets to note that for the second year in succession no report on this Convention has been supplied, and that accordingly no information is available in answer to the direct requests made by it since 1964 regarding in particular the following matters:

1. The Committee notes:

- (a) that, under sections 139A to 139C and 139E to 139G of the Penal Code (inserted by Decree No. 145 of 20 September 1962), sentences of penal servitude or rigorous imprisonment (involving, by virtue of sections 29 and 30 of the Penal Code, an obligation to perform compulsory labour) may be imposed on persons who advocate or make propaganda in favour of certain doctrines, distribute printed matter, recordings, etc. to further such doctrines, establish or direct groups for such purposes, etc.;
- (b) that, under sections 1 (7), (15) and (16), 3 and 4 of Legislative Decree No. 876 of 27 November 1952, similar sentences may be imposed for disseminating or advocating doctrines tending to destroy the social order or the political, legal or economic organisation of the nation or for meeting or joining with others or belonging to an association for such purposes.

The Committee hopes that the necessary measures will be taken in relation to the above-mentioned provisions to ensure, in accordance with Article 1 (a) of the Convention, that no form of forced or compulsory labour may be used by virtue thereof as a means of political coercion or as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system.

2. The Committee is once more, in a direct request, asking the Government to supply information on the practical application of a number of legislative provisions. It trusts that the Government will not fail to provide full particulars on these matters.

Sierra Leone (ratification: 1961). The Committee notes with interest that, following comments made by it concerning certain disciplinary provisions relating to seamen, the Abolition of Forced Labour Convention 1957 (Application to Merchant Seamen) Act, 1966, has repealed sections 222 to 224 of the Merchant Shipping Act, 1894 (under which seamen might be forcibly conveyed on board ship to perform their duties) and provides that persons charged with or convicted of the disciplinary offences defined in sections 221 and 225 (1) (b), (c) or (e) of the same Act shall not be required to perform any labour.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Cameroon (Western Cameroon), Central African Republic, China, Colombia, Cuba, Dahomey, Dominican Republic, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iran, Ireland, Jamaica, Jordan, Kenya, Kuwait, Liberia, Luxembourg, Malaysia, Mali, Netherlands, Niger, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Salvador, Senegal, Sierra Leone, Singapore, Somalia, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, Venezuela.*

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Ghana (ratification: 1958). Further to its previous observations, the Committee notes with interest that it is proposed to issue a Labour Decree, under which regulations relating to weekly rest in commerce and offices will be issued. The Committee trusts that the decree and regulations will be issued in the near future, in order to ensure the application of the Convention to all the establishments mentioned in Article 2 thereof.

Syrian Arab Republic (ratification: 1958). Following previous requests, the Committee takes note with satisfaction of the declaration communicated by the Government, accepting the obligations of the Convention in respect of establishments referred to in Article 3, paragraph 1, of the Convention.

Tunisia (ratification: 1958). Following previous requests, the Committee notes with satisfaction that the new Labour Code of 1966 eliminates the discrepancies which existed between the former legislation and Articles 8 and 13 of the Convention (temporary exemptions from weekly rest provisions and suspension in the event of national emergency).

Yugoslavia (ratification: 1958). Following previous requests, the Committee notes with satisfaction that the Basic Labour Relations Act of 4 April 1965, which is of general application, provides for compensatory rest in respect of work performed on the standard weekly rest day.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cuba, Denmark, Dominican Republic, Guatemala, Haiti, Honduras, Iraq, Italy, Kuwait, Pakistan, Syrian Arab Republic, Tunisia, United Arab Republic.*

Information supplied by *Costa Rica* in answer to a direct request has been noted by the Committee.

Convention No. 107: Indigenous and Tribal Populations, 1957

Argentina (ratification: 1960). The Committee notes that, as in the past, the report does not contain the information requested since 1963 on the application of the Convention, but merely states that in the absence of any new provision reference should be made to previous reports. These reports indicated that it was impossible to communicate the detailed information requested by the Committee because the application of the standards laid down by this instrument came within the competence of the provincial authorities. In these circumstances, the Committee has not yet had an

opportunity of evaluating the extent to which the provisions of the Convention are applied in Argentina where, however, according to the report in 1962 of the I.L.O. Technical Assistance Mission on the indigenous populations of the high plateaux of Jujuy, the standard of living of these populations and their economic and social conditions still raise a number of problems.

The Committee therefore reiterates the wish that the Government will supply in its next report the information requested in the report form relating to this Convention, approved by the Governing Body of the International Labour Office.

El Salvador (ratification: 1958). The Committee notes that, for the third time in succession, the report due on the application of this Convention was not received. Since 1961 the Committee has requested the Government to supply information concerning the populations of "indigenous race" (*raza indigena*) to which the Government referred in its first report, of which the largest group consists of the Pipils (numbering about 80,000) concentrated in the province of Sansonate.

In the absence of this information, the Committee has not yet had an opportunity of assessing the extent to which the provisions of the Convention are applied in El Salvador and it trusts that the Government will supply in its next report the information requested in the report form relating to this Convention, approved by the Governing Body of the International Labour Office.

United Arab Republic (ratification: 1959). The Committee notes that as the in past the report does not contain the information requested since 1963 on the application of the Convention but merely indicates that there are about 100,000 Bedouins in four governorships, out of a total population of 26 million, and that the criteria laid down in Article 1, paragraph 1 (*a*) and (*b*), of the Convention do not apply to these Bedouins whose economic and social conditions cannot be "regarded as being at a less advanced stage" than that achieved by the other sections of the community, and who are not "governed by customs or traditions" which are substantially different from those of the other sections.

The Committee has taken note in this connection of an information paper submitted by Mr. Kamal M. El Hassany, Director-General of the Ministry of Social Affairs of the United Arab Republic, to the Technical Meeting on Problems of Nomadism and Sedentarisation (I.L.O., Geneva, April 1964), from which document it appears that social problems are more acute for nomadic tribes and that the populations in the process of sedentarisation continue to observe their customs and traditions. As, on the one hand, the Convention provides for certain concrete measures for the benefit of the populations in question, so long as they are not fully integrated in the national community, and as, according to the above-mentioned document as well as to other official documents (such as "The Sedentarisation of the Bedouins in the Desert Governorships of the United Arab Republic" (Cairo, 1965)) the Government has put into effect programmes for the benefit of these populations, the Committee reiterates the wish that the Government will supply, in its next report, the detailed information on the application of the Convention as requested in the report form relating to this instrument, approved by the Governing Body of the International Labour Office.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *China, Costa Rica, Ghana, Mexico, Peru, Portugal, Syrian Arab Republic.*

Information supplied by *India* and *Tunisia* in answer to direct requests has been noted by the Committee.

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the following States: *Brazil, Ghana, Greece, Guatemala, Guyana, Honduras, Italy, Malta, Mexico, Tanzania (Tanganyika), Tunisia, United Kingdom.*

Convention No. 110: Plantations, 1958

Liberia (ratification: 1959). Following its previous requests the Committee has noted the text of the Act of 30 May 1966 to amend the Labour Practices Law which was attached to the report of the Government. It has noted with satisfaction that this Law regulates the recruitment of workers and labour contracts more strictly, thereby giving fuller effect to Parts II and III of the Convention. With regard to wages, however, certain provisions of the Law do not correspond with those of other instruments on the same subject—particularly Chapters 6 and 7 of the Labour Practices Law—as explained in greater detail in the direct request.

Furthermore, the Committee notes that the report for 1964-66 merely reproduces the information contained in the previous report which had given rise to a direct request in 1966. It is therefore bound to raise these points again in the direct request and trusts that the Government will take the necessary measures to supply all the information asked for and will bring the legislation into harmony with the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Cuba, Guatemala, Liberia, Mexico.*

Convention No. 111: Discrimination (Employment and Occupation), 1958

Requests regarding certain points are being addressed directly to the following States: *Bulgaria, Byelorussia, Canada, China, Costa Rica, Czechoslovakia, Dahomey, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Ivory Coast, Jordan, Liberia, Libya, Malagasy Republic, Mali, Mauritania, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Portugal, Somalia, Switzerland, Syrian Arab Republic, Tunisia, Ukraine, U.S.S.R., United Arab Republic, Upper Volta.*

Information supplied by *Denmark* and *Sweden* in answer to direct requests has been noted by the Committee.

Convention No. 112: Minimum Age (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Guatemala, Guinea, Liberia, Spain.*

Convention No. 113: Medical Examination (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Guinea, Liberia, Yugoslavia.*

Convention No. 114: Fishermen's Articles of Agreement, 1959

Requests regarding certain points are being addressed directly to the following States: *Costa Rica, Guatemala, Guinea, Liberia, Yugoslavia.*

Convention No. 115: Radiation Protection, 1960

Requests regarding certain points are being addressed directly to the following States: *Iraq, Syrian Arab Republic.*

Convention No. 117: Social Policy (Basic Aims and Standards), 1962

Zambia (ratification: 1964). *Article 14 of the Convention.* Following its previous observations, the Committee notes with satisfaction the Workmen's Compensation Act, No. 2 of 1965, which no longer contains any discriminatory clause.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Jordan, Syrian Arab Republic, Zambia.*

Convention No. 118: Equality of Treatment (Social Security), 1962

Requests regarding certain points are being addressed directly to the following States: *Ireland, Jordan, Malagasy Republic, Netherlands.*

Convention No. 119: Guarding of Machinery, 1963

Requests regarding certain points are being addressed directly to the following States: *Kuwait, Malagasy Republic, Sierra Leone, Sweden.*

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 22 March 1967

Reports received: 1,330. Reports not received: 232. Total: 1,562

(Article 22 of the Constitution)

Country	Reports received †		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Afghanistan	2	4, 14	2	105, 106	4
Albania	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Algeria	25	6, 10, 13, 14, 17, 18, 19, 24, 29, 42, 44, 63, 69, 73, 74, 77, 78, 87, 88, 89, 94, 95, 96, 97, 101	13	3, 11, 32, 56, 58, 62, 68, 71, 81, 92, 98, 99, 100	38
Argentina *.	33	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 22, 23, 26, 27, 30, 32, 33, 35, 36, 42, 50, 58, 68, 73, 81, 87, 88, 98, 100, 105, 107	0	—	33
Australia	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	8
Austria	11	4, 5, 11, 21, 27, 33, 87, 89, 98, 99, 100	0	—	11
Belgium	27	1, 5, 7, 8, 9, 11, 14, 15, 21, 26, 27, 32 *, 33, 43, 50 *, 58, 62, 64 *, 68, 84 *, 87, 97 *, 98, 100, 102 *, 107 *, 112	0	—	27
Bolivia	4	5, 14, 26, 27	0	—	4
Brazil	14	5, 7, 11, 14, 21, 22, 26, 58, 96, 98, 99, 100, 108, 110	0	—	14
Bulgaria	33	1, 3, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 30, 32, 35, 36, 37, 38, 39, 40, 43, 49, 58, 59, 60, 62, 68, 87, 98, 100, 106, 111, 112	0	—	33
Burma	12	1, 6, 11, 14, 15, 17, 21, 26, 27, 41, 52, 87	1	29	13

† For footnotes see end of table, p. 127.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Burundi	0	—	19	4, 11, 12, 14, 17, 18, 19, 26, 27, 29, 42, 50, 62, 64, 84, 85, 89, 94, 105	19
Byelorussia	11	11, 15, 47, 58, 59, 60, 87, 98, 100, 103, 111	0	—	11
Cameroon	4	11, 26, 87, 98	0	—	4
Eastern Cameroon . . .	3	5, 14, 33	0	—	3
Western Cameroon . . .	4	15, 50, 64, 97	0	—	4
Canada	11	1, 7, 8, 14, 15, 26, 27, 32, 58, 68, 111	0	—	11
Central African Republic *	19	3, 5, 11, 14, 26, 33, 52, 62, 67, 87, 88, 98, 99, 101, 104, 105, 111, 117, 119	3	94, 100, 118	22
Ceylon	7	5, 7, 8, 11, 15, 58, 99	0	—	7
Chad	8	3, 5, 11, 14, 26, 33, 87, 98	0	—	8
Chile	21	1, 2, 3, 5, 7, 8, 9, 11, 14, 15, 17, 20, 26, 27, 30, 32, 34, 35, 36, 37, 38	0	—	21
China	18	7, 11, 14, 15, 22, 26, 27, 32, 53, 58, 59, 73, 98, 100, 105, 107, 111, 112	1	117	19
Colombia	13	1*, 3*, 5*, 7, 8, 9*, 11, 14, 15, 20, 21, 26, 100	0	—	13
Congo (Brazzaville)	0	—	7	5, 11, 14, 26, 33, 87, 119	7
Congo (Kinshasa)	10	11, 14, 26, 27, 29, 50, 62, 64, 84, 85	0	—	10
Costa Rica	11	11, 87, 98, 99, 100, 106, 107, 111, 112, 113, 114	0	—	11
Cuba	29	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 30, 32, 58, 59, 60, 67, 81, 87, 97, 98, 99, 100, 103, 106, 107, 110	0	—	29
Cyprus	5	2, 11, 15, 84, 97	0	—	5
Czechoslovakia	15	1, 5, 11, 14, 21, 26, 27, 43, 49, 63, 98, 99, 100, 111*, 115	7	35, 36, 37, 38, 39, 40, 87	22
Dahomey	9	4, 5, 11, 14, 26, 33, 84, 87, 111	2	29, 105	11

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Denmark	16	5, 7, 8, 9, 11, 14, 15, 21, 58, 87, 94, 98, 102, 106, 111, 112	1	100	17
Dominican Republic * . .	22	1, 5, 7, 10, 19, 26, 29, 45, 52, 79, 81, 87, 88, 89, 90, 98, 100, 104, 105, 106, 107, 111	0	—	22
Ecuador	5	2, 24, 26, 35, 45	9	29, 37, 39, 95, 98, 100, 103, 105, 111	14
Ethiopia	3	11, 87, 98	0	—	3
Finland	15	7, 8, 9, 11, 14, 15, 20, 21, 27, 30, 32, 62, 87, 98, 100*	0	—	15
France	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	26
Gabon	14	3, 5, 11, 13, 14, 26, 29, 33, 87, 98, 99, 100, 105, 111	0	—	14
Fed. Rep. of Germany . .	19	3, 7, 8, 9, 11, 15, 22, 26, 27, 62, 87, 97, 98, 99, 100, 102, 111, 112, 114	0	—	19
Ghana	13	8, 15, 22, 26, 50, 59, 64, 69, 92, 98, 106, 108, 111	4	23, 58, 107, 117	17
Greece	11	5, 8*, 9*, 11, 14, 15*, 27, 29, 58*, 105, 108*	6	1, 3, 7, 87, 98, 102	17
Guatemala	3	58*, 81*, 88*	14	26, 30, 86, 87, 97, 98, 99, 100, 106, 108, 110, 111, 112, 119	17
Rep. of Guinea	0	—	16	4, 5, 6, 11, 14, 18, 26, 29, 33, 41, 81, 87, 95, 98, 111, 112	16
Guyana	12	5, 7, 11, 15, 26, 50, 64, 84, 86, 97, 98, 108	0	—	12
Haiti	0	—	9	1, 5, 14, 30, 81, 98, 100, 106, 107	9
Honduras	11	14, 29, 45, 78, 87, 98, 100, 105, 106, 108, 111	3	32, 42, 62	14

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Hungary	14	3, 7, 14, 15, 21, 26, 27, 41, 62, 87, 98, 100, 103, 111	0	—	14
Iceland *.	8	11, 15, 58, 87, 98, 100, 102, 111	0	—	8
India	14	1, 5, 11, 14, 15, 21, 26, 27, 32, 42, 100, 107, 111*, 118	0	—	14
Indonesia	0	—	6	19, 27, 29, 45, 98, 100	6
Iran *.	1	111	0	—	1
Iraq	6	1, 14, 26, 30, 59, 98	6	58, 88, 100, 106, 111, 115	12
Ireland	19	5, 7, 8, 11, 14, 15, 20, 21, 26, 27, 28, 43, 49, 68, 87, 98, 105, 108, 118	0	—	19
Israel	12	1, 5, 14, 20, 30, 87, 97, 98*, 102*, 106*, 111*, 112	1	117	13
Italy	28	3, 7, 8, 9, 11, 14, 15, 26, 27, 32, 35, 36, 37, 38, 39, 40, 58, 59, 60, 68, 87, 97, 98, 100, 102, 106, 108, 111	0	—	28
Ivory Coast	12	3, 5, 11, 14, 26, 33, 87, 98, 99, 100, 110, 111	0	—	12
Jamaica	12	7, 8, 11, 15, 26, 50, 58, 64, 86, 87, 97, 98	0	—	12
Japan	10	5, 7, 8, 9, 15, 21, 27, 50, 58, 98	0	—	10
Jordan	2	105, 111	1	119	3
Kenya	12	5, 11, 14, 15, 26, 32, 50, 58, 59, 64, 86, 98	0	—	12
Kuwait	5	1, 30, 81, 106, 119	2	87, 117	7
Laos	4	4, 6, 13, 29	0	—	4
Lebanon	0	—	7	14, 26, 45, 52, 81, 89, 90	7
Lesotho ¹	5	5, 11, 26, 64, 87	0	—	5
Liberia *.	7	29, 58, 87, 98, 110, 111, 112	6	53, 55, 65, 105, 113, 114	13

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Libya	0	—	4	29, 98, 100, 111	4
Luxembourg	22	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 29, 30, 59, 60, 87, 98, 102*, 105	0	—	22
Malagasy Republic	10	5, 11, 14, 26, 33, 87, 100, 111, 118, 119	0	—	10
Malawi	5	11, 26, 86, 98, 99	0	—	5
Malaysia	4	50, 64, 98, 105	0	—	4
States of Malaya	1	11	0	—	1
State of Sabah	3	15, 86, 97	0	—	3
State of Sarawak	5	7, 11, 14, 15, 86	0	—	5
Republic of Mali	11	5*, 11*, 13, 14*, 19*, 26*, 33*, 87*, 95, 98*, 111*	0	—	11
Malta	12	5, 7, 8, 11, 15, 26, 32, 35, 36, 87, 98, 108	0	—	12
Mauritania	12	3, 5, 11, 14, 15, 26, 33, 62, 84, 87, 96, 111	2	58, 112	14
Mexico *	23	8, 9, 11, 14, 21, 26, 27, 30, 32, 43, 49, 58, 62, 87, 99, 100, 102, 106, 107, 108, 110, 111, 112	0	—	23
Morocco	8	11, 14, 15, 26, 87, 98, 99, 111	0	—	8
Netherlands	20	5, 8, 9, 11, 14*, 15, 21, 25, 27, 29, 32, 33, 58, 62, 68, 87, 97, 99, 102, 118	0	—	20
New Zealand	18	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 87, 99	0	—	18
Nicaragua	15	1, 3, 5, 7, 8, 9, 11, 14, 15, 21, 26, 27, 28, 29, 30	0	—	15
Niger	8	5, 11, 14, 26, 33, 87, 98, 105	3	111, 117, 119	11
Nigeria	12	8, 11, 15, 26, 32, 50, 58, 59, 64, 87, 97, 98	0	—	12
Norway	25	5, 7, 8, 9, 11, 14, 15, 21, 26, 27, 30*, 32, 43, 49, 50, 58, 59, 68, 87, 97, 98, 100, 102, 111, 112	0	—	25

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Pakistan	17	1, 11, 14, 15, 21, 22, 27, 29, 32, 59, 87, 96, 98, 105, 106, 107, 111	0	—	17
Panama	10	3, 12, 17, 30, 42, 45, 52, 81, 87, 100	0	—	10
Paraguay	4	26, 87, 99, 100	0	—	4
Peru	20	1, 8, 9, 11, 14, 20, 26, 27, 32, 44, 58, 59, 62, 67, 68*, 88, 99*, 105, 107*, 112*	10	35, 36, 37, 38, 39, 40, 87, 98, 100, 102	30
Philippines	11	59*, 87, 88, 89, 90, 94*, 95, 98, 99, 100*, 111	0	—	11
Poland	21	5, 7, 8, 9, 11*, 14, 15, 27, 35, 36, 37, 38, 39, 40, 62, 68, 87*, 98*, 100, 111*, 115	0	—	21
Portugal *	12	1, 7, 14, 26, 27, 68, 89, 98, 105, 106, 107, 111	0	—	12
Rumania	13	1, 3, 5, 7, 8, 9, 11, 14, 15, 27, 87, 98, 100	0	—	13
Rwanda *	6	11, 14, 26, 50, 62, 64	0	—	6
El Salvador	0	—	4	12, 104, 105, 107	4
Senegal	10	5, 11, 13, 14, 26, 33, 87, 98, 100, 102	1	99	11
Sierra Leone	16	5, 7, 8, 15, 26, 32*, 50, 58, 59, 64, 86, 87, 98, 99, 105, 119	0	—	16
Singapore	10	5, 7, 8, 11, 15, 32, 50, 64, 85, 98	0	—	10
Somali Republic	3	84, 105, 111	0	—	3
former British Somaliland	2	50, 64	0	—	2
Republic of South Africa ² .	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Spain	10	1, 3, 9, 20, 26, 30, 32, 33, 62, 112	7	5, 7, 8, 11, 14, 15, 27	17
Sudan	2	26, 98	0	—	2
Sweden	17	7, 8, 9, 11, 14, 15, 20, 21, 27, 32, 58, 87, 98, 100*, 102*, 111*, 119	0	—	17

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Switzerland	10	5, 8, 11, 14, 15, 26, 27, 58, 62, 111	0	—	10
Syrian Arab Republic . . .	13	1, 11, 14, 26, 30, 87, 98, 100, 106, 107*, 111, 115*, 117*	0	—	13
Tanzania	8	11, 15, 26, 50, 59, 64, 86, 98	0	—	8
Tanganyika	2	32, 108	0	—	2
Zanzibar	0	—	5	5, 7, 58, 85, 97	5
Thailand	0	—	1	104	1
Togo	7	5, 11, 14, 26, 33, 84, 87	0	—	7
Trinidad and Tobago . . .	5	15, 50, 87, 97, 98	0	—	5
Tunisia	7	29*, 62, 105*, 106, 107*, 108, 111	9	11, 14, 26, 87, 98, 99, 112, 113, 114	16
Turkey *	6	11, 14, 15, 58, 96, 98	0	—	6
Uganda	7	5, 11, 26, 50, 64, 86, 98	0	—	7
Ukraine	14	11, 15, 45, 47, 58, 59, 60, 79, 87, 98, 100, 103, 111, 112	0	—	14
U.S.S.R.	13	11, 15, 47, 52, 58, 59, 60, 87, 98, 100, 103, 111, 112	0	—	13
United Arab Republic . .	14	1, 11, 14, 26, 30, 87*, 88*, 96*, 98*, 100*, 106, 107*, 111, 115	0	—	14
United Kingdom	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	24
United States	1	58	0	—	1
Upper Volta *	9	5, 11, 14, 26, 33, 87, 97, 98, 111	0	—	9
Uruguay	40	1, 2, 8, 9, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 42, 43, 45, 52, 58, 59, 60, 62, 63, 67, 73, 87, 94, 95, 97, 98, 99, 101, 103	0	—	40

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Venezuela	18	1, 2, 3, 5, 6, 7, 11, 13, 14, 19*, 22, 26, 27, 29, 41, 45*, 88*, 105*	1	21	19
Viet-Nam	0	—	13	4, 5, 6, 13, 14, 26, 27, 29, 45, 52, 81, 98, 111	13
Yugoslavia	17	3*, 5, 7, 8, 9, 11*, 14, 15, 27, 58, 87*, 98*, 100*, 102*, 106, 111*, 112	2	48, 103	19
Zambia	9	5, 11, 18, 26, 50, 64, 86, 97, 117	0	—	9
<i>Other States</i>					
Barbados	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	24
Western Samoa	3	14, 50, 64	0	—	3

* Received too late to be summarised in Report III (Part I).

¹ The reports communicated by the Government of Lesotho (formerly Basutoland), which became a Member of the I.L.O. in 1966 cover a period, preceding its admission to the I.L.O. The Government has also submitted reports on Conventions Nos. 7, 8, 15, 32, 35, 36, 37, 38, 39, 40, 50, 68, 84, 86, 97, 98, 102, 108.

² The notice given by the Republic of South Africa of its withdrawal from the I.L.O. expired on 11 March 1966, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee ¹		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	— ²	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ³	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1,026	212	20.6	840	81.8	917	89.3
1953-1954	1,175	268	22.8	1,077	91.7	1,119	95.2
1954-1955	1,234	283	22.9	1,063	86.1	1,170	94.8
1955-1956	1,333	332	24.9	1,234	92.5	1,283	96.2
1956-1957	1,418	210	14.7	1,295	91.3	1,349	95.1
1957-1958	1,558	340	21.8	1,484	95.2	1,509	96.8
1958-1959	995 ⁴	200	20.4	864	86.8	902	90.6
1958-1960	1,100 ⁴	256	23.2	838	76.1	963	87.4
1959-1961	1,362 ⁴	243	18.1	1,090	80.0	1,142	83.8
1960-1962	1,309 ⁴	200	15.5	1,059	80.9	1,121	85.6
1961-1963	1,624 ⁴	280	17.2	1,314	80.9	1,430	88.0
1962-1964	1,495 ⁴	213	14.2	1,268	84.8	1,356	90.7
1963-1965	1,700 ⁴	282	16.6	1,444	84.9	1,527	89.8
1964-1966	1,562 ⁴	245	16.3	1,330	85.1	—	—

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February in 1932 and 23 July in 1945; the date limit for the receipt of reports has accordingly varied. ² The Conference did not meet in 1940.

³ First year for which this figure is available.

⁴ As a result of a decision by the Governing Body, detailed reports were requested only on certain ratified Conventions.

II. Observations on the Application of Conventions in Non-Metropolitan Territories

(Article 22 and Article 35, Paragraphs 6 and 8, of the Constitution)

A. GENERAL OBSERVATIONS

Denmark

The Committee notes with regret that for the third year in succession none of the reports due in respect of the application of Conventions in the Faroe Islands and Greenland has been supplied. The Committee trusts that the Government will take all appropriate steps to ensure the supply of reports for these territories, and that it will at its next session have before it full information regarding all the Conventions in question, including indications concerning measures taken in response to the various observations and direct requests which it has had occasion to address to the Government.

New Zealand

The Committee regrets to note that none of the 18 reports due in respect of the Cook Islands and Niue has been received. It trusts that these reports will be available for examination at its next session and that all reports will be supplied in future.

United Kingdom

The Committee regrets to note that the reports due in respect of the application of ratified Conventions in Southern Rhodesia have not been received, and that accordingly no information is available in answer to the observations made by it in 1966 concerning Conventions Nos. 84, 86 and 105. In these circumstances, the Committee can only refer to its previous observations.

The Committee also hopes that the reports in respect of the application of Conventions in St. Christopher-Nevis-Anguilla, none of which has been received, will be available for examination at its next session.

South West Africa

The Committee notes that no report has been received for the period ending 30 June 1966 in respect of the implementation of Conventions applicable to South West Africa. It recalls that it has had occasion in previous years to point out discrepancies between the legislation of the territory and certain of the Conventions concerned (Conventions Nos. 42 and 89).

The Committee notes that the question of South West Africa is at present under consideration by the United Nations. It hopes that appropriate measures will be taken to ensure the full implementation of all Conventions which are applicable to the territory (namely, the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), the Workmen's Compensation (Occupational Diseases)

Convention (Revised), 1934 (No. 42), the Underground Work (Women) Convention, 1935 (No. 45) and the Night Work (Women) Convention (Revised), 1948 (No. 89)) and that reports concerning the application of these Conventions will be available to the Committee in future years.

B. INDIVIDUAL OBSERVATIONS

Convention No. 2: Unemployment, 1919

Requests regarding certain points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Seychelles).

Convention No. 3: Maternity Protection, 1919

France

Overseas Departments (Guadeloupe, French Guiana, Martinique, Réunion).

Referring to its previous observations concerning Article 4 of the Convention (prohibition of dismissal), the Committee notes with satisfaction that Act No. 66-1044 of 30 December 1966 concerning security of employment in case of maternity has amended section 29, Book I of the Labour Code in order to comply with the Convention.

The Committee also notes with satisfaction that following the suggestion made in 1965, the Government has decided to cancel the modification regarding Article 3 (c) of the Convention (maternity benefit paid by the security scheme) which appeared in the declaration of application concerning this Convention.

Overseas Territories (Comoro Islands, New Caledonia, French Polynesia, St. Pierre and Miquelon).

The Committee notes with interest that the Government considers cancelling, in the near future, the modification concerning Article 3 (c) of the Convention requested in the declaration concerning the application of this Convention, since maternity benefit is now provided in these territories by a social security scheme.

French Somaliland.

Referring to its previous requests concerning Article 3 (c) of the Convention (last part of the sentence, relating to a mistake on the part of the medical adviser in estimating the date of confinement), the Committee notes with interest that a draft order, supplementing section 1 of Order No. 66/61/SPCG of 16 May 1966 to bring it into line with the Convention, is to be submitted to the Council of the Government. The Committee hopes that this amendment will be brought into force in the near future.

The Committee also notes with interest that by virtue of the above-mentioned order of 16 May 1966 responsibility for maternity benefit has been taken over by the Family Allowances and Workmen's Compensation Fund and that the Government intends, as soon as free medical care can also be provided, to cancel the modification included in the declaration concerning the application of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (Overseas Departments: Guadeloupe, French Guiana, Martinique, Réunion; Overseas Territories: Comoro Islands, St. Pierre and Miquelon).

Convention No. 5: Minimum Age (Industry), 1919*Denmark*

Faroe Islands. The Committee notes with regret that no report has been received since 1963. The Committee recalls once again that the legislation required for the application of the Convention has been under consideration since 1955. It urges the Government to take steps without further delay for the adoption of the necessary legislation.

United Kingdom

Seychelles. Following its observation of 1965, the Committee notes with satisfaction that section 11 (1) and (2) of Ordinance No. 26 of 1945 has been amended by Ordinance No. 29 of 1964 so that young persons under the age of 14 years can no longer be employed in industrial undertakings.

Solomon Islands. Article 1 of the Convention. Following its previous requests, the Committee notes with satisfaction that Ordinance No. 20 of 1964 has supplemented the definition of "industrial undertakings" given in the Labour Ordinance, in order to bring it into conformity with Article 1 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Somaliland), *United Kingdom* (Bahamas, British Virgin Islands, Falkland Islands, Fiji, Hong Kong, St. Vincent, Swaziland).

Information supplied by the *United Kingdom* (Antigua, Gibraltar) in answer to direct requests has been noted by the Committee.

Convention No. 6: Night Work of Young Persons (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes with regret that the Government has failed once again to supply a report regarding the application of this Convention. It notes from a statement made by a Government representative to the Conference Committee in 1966 that the subject-matter of this Convention falls exclusively within the scope of the legislative powers of the Faroe Islands, whose authorities have been informed of the necessity of taking action called for by the Committee.

The Committee recalls that the final Bill to introduce the prohibition of night work for young persons was to be submitted to the Parliament of the Faroe Islands in the course of 1964-65, and trusts that this Bill will be enacted without further delay in accordance with the Government's repeated assurances, since 1957, to give effect to the Convention.

Greenland.

The Committee notes with regret that the report for 1965-66 has not been received. The Committee is bound, therefore, to repeat the terms of the direct requests made since 1964, as follows:

The Committee takes due note from the Government's reply to the direct request of 1962 that necessary measures will be taken in the very near future to ensure the compliance with the Convention which prohibits night work for young persons during the period of at least 11 consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning (Article 3).

The Committee trusts that the Government will make every effort to take the necessary action without further delay.

France

French Somaliland.

Further to its previous observations, the Committee takes note with interest of the promulgation of Order No. 108 of 28 January 1966, whereof section 2 (b) prohibits the employment of young persons under the age of 18 years at the port of Djibouti which, according to the report, is, apart from three bakeries, the only place where night work is performed.

Moreover, the Committee takes due note of the Government's statement that, with a view to giving full effect to the Convention, it will bear in mind the possibility of introducing legislative measures aimed at the general prohibition of night work by young persons in all kinds of activities, and expresses the hope that the next report will contain information on the progress achieved in this connection.

Convention No. 7: Minimum Age (Sea), 1920

United Kingdom

Gilbert and Ellice Islands.

Article 1 of the Convention. Following its previous request concerning the repeal of the clause contained in section 66 (1) of the Labour Ordinance of 1951, the Committee notes with regret that this same clause is reproduced in section 83 (1) of the new Labour Ordinance of 1965.

In these circumstances, the Committee requests the Government to indicate in future reports any exclusions authorised under section 83 (1) of the new ordinance.

Solomon Islands.

Following its previous requests, the Committee notes with satisfaction that Ordinance No. 20 of 1964 has amended section 82 of Labour Regulation No. 3 of 1960 to give effect to Article 1 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, St. Helena, St. Lucia).

Information supplied by the *United Kingdom* (Antigua) in answer to a direct request has been noted by the Committee.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920

A request regarding certain points is being addressed directly to the *United Kingdom* (Solomon Islands).

Information supplied by the *United Kingdom* (St. Helena, British Virgin Islands) in answer to direct requests has been noted by the Committee.

Convention No. 9: Placing of Seamen, 1920

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 10: Minimum Age (Agriculture), 1921

A request regarding certain points is being addressed directly to the *United Kingdom* (Seychelles).

Convention No. 11: Right of Association (Agriculture), 1921*Denmark**Faroe Islands.*

Since 1963 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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia* (New Guinea, Papua), *Denmark* (Faroe Islands), *United Kingdom* (St. Christopher-Nevis-Anguilla).

Information supplied by the *United Kingdom* (Grenada, Swaziland) in answer to direct requests has been noted by the Committee.

Convention No. 13: White Lead (Painting), 1921*Netherlands**Surinam.*

The Committee notes with regret that once again no new information has been supplied in reply to its previous observations dealing with the following points:

Article I of the Convention. Section 1, paragraph 3, of the order of 19 October 1949 does not prohibit the use of chrome yellow containing sulphate of lead. As this product may have the harmful effects which the Convention aims to prevent, the Committee hopes that the order will be amended 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. There exist no 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. There are no regulations 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 measures will be taken without further delay to ensure compliance with the above-mentioned requirements of the Convention.

Convention No. 14: Weekly Rest (Industry), 1921

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921*Denmark**Greenland.*

Referring to its previous comments, the Committee notes from the statement made to the Conference Committee in 1966 by a representative of the Government that the Commission that was to meet in 1960 held its session only in 1966 and has not yet made specific proposals concerning the application of this Convention. It also notes that the Government hoped that it could submit the relevant information in its report for 1964-66.

As this information has not been received, the Committee trusts that the efforts made to give full effect to the Convention will lead to results in the near future.

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**Surinam.*

The Committee notes the Government's reply to its direct requests of 1965 and 1966, stating that a new draft decree complying with the Convention will be ready for submission to the States of Surinam after a few amendments have been made.

The Committee trusts that the Government will do everything possible to bring the legislation into full conformity with the Convention in the near future, in particular as regards Article 7 (additional compensation for injured workmen who must have the constant help of another person) and Article 10 (renewal of artificial limbs and surgical appliances).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925*Netherlands**Surinam.*

Referring to its previous observations, the Committee notes with interest from the Government's report for 1963-65 that new draft accident regulations will provide for equality of treatment for employees, irrespective of their nationality. The Committee trusts that the Government will take all necessary steps to ensure that the national legislation is thus brought into conformity with the Convention in the near future.

* * *

In addition, a request regarding certain other points is being addressed directly to *Denmark* (Greenland).

Convention No. 22: Seamen's Articles of Agreement, 1926

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, St. Christopher-Nevis-Anguilla, Seychelles).

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Requests regarding certain points are being addressed directly to the *United Kingdom* (British Virgin Islands, Gilbert and Ellice Islands, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, Solomon Islands).

Information supplied by the *United Kingdom* (Seychelles) in answer to a direct request has been noted by the Committee.

Convention No. 29: Forced Labour, 1930*Netherlands**Surinam.*

The Committee notes with interest from the Government's report that consideration is being given to the introduction of penal sanctions for the illegal exaction of forced and compulsory labour, as required by Article 25 of the Convention. As the Committee has drawn attention since 1957 to the need for such measures, it hopes that they will be adopted at an early date.

* * *

In addition, a request regarding certain other points is being addressed directly to *France* (French Polynesia).

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Requests regarding certain points are being addressed directly to the *United Kingdom* (Falkland Islands, Mauritius).

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932*Netherlands**Netherlands Antilles.*

The Committee notes the information supplied by the Government in reply to its observation of 1965, before the Conference Committee in the same year and in the report for 1964-66.

Article 5 of the Convention. The Government states that it has not been considered necessary to enact the decree to define dangerous work that is prohibited for young persons under section 17 (1) of the ordinance of 22 August 1952, since undertakings where such work is performed do not employ young persons. As in the absence of a specific definition of such work there is no guarantee that young persons cannot be employed on work which may be dangerous to their life, health or morals, the Committee trusts that the Government will not fail to make the necessary regulations in order to give full effect to the provisions of this Article of the Convention.

Article 6. The Government states that certain conditions must be fulfilled, particularly minimum-age requirements, prior to the granting by the Chief of Police of the permit to engage in hawking on the public streets. Since neither the police regulations nor instructions (to which the Government had referred in previous reports) have been supplied, the Committee trusts that the Government will not fail to append these texts to its next report.

* * *

In addition, a request regarding certain other points is being addressed directly to *France* (St. Pierre and Miquelon).

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Information supplied by the *United Kingdom* (Falkland Islands, Gibraltar) in answer to direct requests has been noted by the Committee.

Convention No. 36: Old-Age Insurance (Agriculture), 1933

Information supplied by the *United Kingdom* (Falkland Islands) in answer to a direct request has been noted by the Committee.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934*Netherlands**Netherlands Antilles.*

The Committee notes with interest the promulgation of the National Accidents Insurance Ordinance No. 14 of 1966 recalling its observations since 1957 concerning the need for measures to complete the list of occupational diseases in accordance with the Schedule appended to the Convention and since the ordinance is now in force, the Committee takes note of the Government's statement that the Committee's request will be complied with. The Committee therefore expresses the hope that the regulations to be issued under section 1 of the above ordinance, to determine the list of occupational diseases for the purposes of compensation, will be enacted as soon as possible and will secure full conformity between the national legislation and the Convention.

Surinam.

The Committee notes the reply of the Government to its previous requests and regrets to note that the Bill which was to ensure full conformity with the Convention and to which the Government has been referring since 1956, has not yet been adopted.

The Committee trusts that the Government will make every possible effort to ensure the adoption of this Bill in order to complete the list of occupational diseases and the corresponding trades, industries and processes in accordance with Article 2 of the Convention, particularly as regards anthrax infection (the present legislation does not cover "loading and unloading or transport of merchandise"), phosphorous poisoning by phosphorus or its compounds, arsenic poisoning by arsenic or its compounds, poisoning by benzene or its homologues, their nitro- and amido-derivatives, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, pathological manifestations due to radiation and primary epitheliomatous cancer of the skin (the present legislation does not refer to these diseases or contain a list of the trades, industries or processes liable to cause them).

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Fiji, Hong Kong).

Convention No. 50: Recruiting of Indigenous Workers, 1936*United Kingdom**Hong Kong.*

Following its earlier observations concerning the application of this Convention, the Committee notes with satisfaction that the Employers and Servants (Amendment) Ordinance, 1965, and the Contracts for Overseas Employment Ordinance, 1965, have

prohibited any operation undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services directly to an employer or to an employment or emigration office registered with the Commissioner of Labour.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Hong Kong, Mauritius, Swaziland).

Convention No. 58: Minimum Age (Sea) (Revised), 1936

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 62: Safety Provisions (Building), 1937

Netherlands

Surinam.

In its observations made since 1958 the Committee has pointed out the fact that Articles 6, 12, 13 and 16 of the Convention receive no application and that Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 are only partially applied. As the report for 1963-65 (which arrived after the Committee's session in 1966) indicates no progress in implementing the above provisions of the Convention, the Committee can only urge the Government, once again, to take all necessary measures to give full effect to the Convention without further delay and to provide detailed information on the progress achieved in this respect.¹

Convention No. 63: Statistics of Wages and Hours of Work, 1938

Requests regarding certain points are being addressed directly to the *United Kingdom* (Gilbert and Ellice Islands, St. Helena, St. Lucia).

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

United Kingdom

British Honduras.

The Committee notes with satisfaction that the Labour Ordinance, 1959, has been amended by Ordinance No. 20 of 1964 to give full effect to Article 10 of the Convention.

Hong Kong.

Following its earlier observations concerning the application of this Convention, the Committee notes with satisfaction that, by virtue of the Employers and Servants (Amendment) Ordinance, 1965, and the Contracts for Overseas Employment Ordinance, 1965, contracts of employment to be performed within Hong Kong cannot be made for a period exceeding six months and, in the case of overseas employment provision is made for the conclusion of appropriate written contracts, their official attestation, and the medical examination of the workers concerned.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

Solomon Islands.

The Committee notes with satisfaction that, following its previous direct requests, the Labour Ordinance has been amended by Ordinance No. 20 of 1964 to ensure conformity with Article 3, paragraph 4, and Article 6, paragraphs 3 and 5, of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Hong Kong, Seychelles, Swaziland).

Information supplied by the *United Kingdom* (Bahamas, Fiji Islands) in answer to direct requests has been noted by the Committee.

Convention No. 69: Certification of Ships' Cooks, 1946*Netherlands**Netherlands Antilles.*

Following its previous observations, the Committee notes with interest that a Nautical Training College, which also provides for the training of ships' cooks, has been established. In these circumstances, the Committee trusts that the Government's next report will include details of the examination for the certificate of ship's cook, in accordance with the Convention.

Convention No. 81: Labour Inspection, 1947*Netherlands**Surinam.*

The Committee regrets to note that, in spite of comments which it has been making for many years, the report yet again contains no reply to its previous observations.

Since, according to the report for 1958-59, there were at that time no legislative provisions governing the activities of the labour inspection services, and since subsequent reports indicated that there had been no change since then, the essential provisions of the Convention are still not applied. Moreover, the rules governing the conditions of service of public officials, which were the subject of a Bill tabled in 1960, do not appear to have been adopted.

In these circumstances, the Committee can only draw attention once again to the Government's continuing failure to give effect to the Convention and supply information on its application. It can only yet again request the Government to take the necessary measures without further delay to give effect to Articles 6, 7, 8, 9, 12, 13, 20 and 21 of the Convention, referred to in its previous observations.

*United Kingdom**Brunei.*

Following its previous requests, the Committee notes with satisfaction that the Workmen's Compensation (Amendment) Act of 30 December 1964 provides under section 2 for cases of occupational disease to be reported to the Labour Commissioner, thereby giving effect to Article 14 of the Convention.

The Committee also notes the annual report of the Labour Department for 1964. This report does not contain statistics of workplaces liable to inspection (Article 21 (c)), inspection visits (Article 21 (d)) or violations and penalties imposed (Article 21 (e)); the Committee hopes that this information will be given in future annual reports on the activities of the inspection authority.

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947*United Kingdom**British Virgin Islands.*

In 1964, 1965 and 1966 the Committee had made a direct request concerning the application of this Convention. In the absence of a report for 1964-66, 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.

Seychelles.

Following its previous requests, the Committee notes with satisfaction that the Employment of Servants Ordinance, No. 25 of 1945 has been amended by Ordinance No. 28 of 1964 in order to give effect to Article 16, paragraph 1, of the Convention concerning the manner of repayment of advances on wages.

Swaziland.

Article 18 of the Convention. Following its previous observations, the Committee notes with satisfaction that section 36 of Act No. 17 of 1965 formally revokes the African Labour Proclamation of 1954 and that the new Act contains no discriminatory clauses.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (British Virgin Islands, St. Vincent, Swaziland).

Information supplied by the *United Kingdom* (Brunei) in answer to a direct request has been noted by the Committee.

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Aden.*

See under Convention No. 87.

Bahamas.

The Committee notes with satisfaction from the Government's report that Rule 4 of Part I of the Second Schedule to the Trade Union and Industrial Conciliation Act, concerning the registration of trade unions and regarding which the Committee of Experts had made a direct request to the Government, has been repealed.

Other points concerning this Act are being dealt with in a direct request.

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, Brunei, Fiji, Gilbert and Ellice Islands, Hong Kong).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to the *United Kingdom* (Swaziland).

Convention No. 86: Contracts of Employment (Indigenous Workers) 1947*United Kingdom**Hong Kong.*

Following its earlier observations concerning the application of this Convention, the Committee notes with satisfaction that maximum periods of contracts of employment have been prescribed by the Employers and Servants (Amendment) Ordinance, 1965, and the Contracts for Overseas Employment Ordinance, 1965.

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition a request regarding certain other points is being addressed directly to the *United Kingdom* (Hong Kong).

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948*Denmark**Faroe Islands.*

Since 1963 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.

*Netherlands**Surinam.*

Since 1963 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.

*United Kingdom**Aden.*

The Committee has noted from the statement made by the Government in reply to a previous observation that the new Bill entitled "The Trade Disputes (Arbitration, Inquiry and Settlement) Ordinance, 1965" was withdrawn from the Legislative Council and differences within the trade union movement had hampered further progress in the matter. The Committee once again expresses the hope that the Industrial Relations (Conciliation and Arbitration) Ordinance, No. 6 of 1960 will be amended in such a way as to remove the privileged situation of the Crown in disputes. The Committee would be glad if the Government would keep it informed of any new development which may take place in this regard.

* * *

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, Bermuda, Mauritius, Montserrat, St. Christopher-Nevis-Anguilla, St. Vincent, Swaziland).

Convention No. 88: Employment Service, 1948

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 94: Labour Clauses (Public Contracts), 1949*Netherlands**Surinam.*

The Committee has noted the statement in the Government's report for 1963-65 (which was received after the Committee's meeting in 1966) that contracts within the scope of the Convention concluded by the Ministry of Public Works and Transport contain provisions regarding such matters as canteens, shelters, toilets, drinking water, first aid, accident insurance and safety.

The Committee recalls that similar information had already been given in the report for 1955-56. Since 1956 the Committee has pointed out repeatedly the need for the inclusion in all public contracts falling within the Convention of clauses which would, in conformity with Article 2 of the Convention, ensure to the workers concerned appropriate standards of wages (including allowances), hours of work and other conditions of labour. In its report for 1958-59 the Government stated that it was intended as soon as possible to introduce provisions complying with the Convention which would deal with all these matters.

The Committee can only once more express its regret that, in spite of these statements of intention, measures to secure the effective implementation of the Convention, which was accepted by Surinam in 1955, have not been taken.¹

*United Kingdom**British Virgin Islands.*

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (British Virgin Islands, Brunei, Swaziland).

Convention No. 95: Protection of Wages, 1949*Netherlands**Surinam.*

The Committee notes with regret that the Government's report contains no information in answer to its previous observations and direct requests regarding the application of Articles 2, 4 (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 hopes that the necessary action will be taken without further delay.

¹ The Government is asked to supply full particulars to the Conference at its 51st Session and to report in detail for the period ending 30 June 1967.

*United Kingdom**Bahamas.*

The Committee notes with satisfaction that, following its earlier comments, the Truck (Amendment) Act 1965 contains provisions giving effect to Articles 5, 12 (1) and 13 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Surinam), *United Kingdom* (Bahamas, Brunei, Swaziland).

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 97: Migration for Employment (Revised), 1949

Requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, British Virgin Islands).

Information supplied by the *United Kingdom* (Bahamas, St. Lucia) in answer to direct requests has been noted by the Committee.

Convention No. 98: Right to Organise and Collective Bargaining, 1949*Denmark**Faroe Islands.*

Since 1963 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.

*United Kingdom**Aden.*

See under Convention No. 87 as regards workmen employed by or under the Crown.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *United Kingdom* (Antigua, Brunei, Fiji, St. Christopher-Nevis-Anguilla, Swaziland).

Information supplied by the *United Kingdom* (Bermuda, Falkland Islands, Montserrat) in answer to direct requests has been noted by the Committee.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951*France**Overseas Departments* (Guadeloupe, French Guiana, Martinique, Réunion).

The Committee has noted the information supplied by the Government, to the Conference Committee in 1965 and in the last report, in answer to its previous observations.

The Committee recalls that since 1957 it has drawn attention to the need for measures to implement in the overseas departments the requirements of paragraphs 2 and 3 of Article 3 of the Convention, which provide for the consultation of representative organisations of the employers and workers concerned and the participation of such employers and workers in the operation of the minimum wage-fixing machinery.

It appears from the available information that the guaranteed inter-occupational wage for metropolitan France is fixed, in accordance with the provisions of section 31x of the Labour Code, after consultation of the Superior Collective Agreements Board (a fact specifically stated in the preamble of the relevant decrees), thus meeting the above-mentioned requirements of the Convention for metropolitan France.

As regards the overseas departments, a decree of 20 August 1952 made provision for the establishment in each department of a committee, including employers' and workers' representatives, to follow the movement of the cost of living for purposes of adjustment of the guaranteed inter-occupational minimum wage. According to the Government's reports, owing to certain economic and technical difficulties, such departmental committees have not in fact been established. Although the Government has referred to its policy of making adjustments in the minimum wages applicable in the overseas departments within four months of any modifications in the minimum wage for metropolitan France, the former continue to be fixed by decree without provision being made for the prior consultation of representative organisations of the employers or workers in these departments, or the participation of such employers and workers in the minimum wage-fixing machinery. A Government representative moreover stated before the Conference Committee in 1958 that there was no prior consultation of the Superior Collective Agreements Board on the minimum wages fixed for the overseas departments, and the preambles to the decrees fixing these minimum wages continue not to mention any such consultation.

The Committee accordingly expresses the hope once more that appropriate measures will be taken to implement Article 3, paragraphs 2 and 3, of the Convention, in respect of the overseas departments.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla, Solomon Islands).

Convention No. 101: Holidays with Pay (Agriculture), 1952

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 105: Abolition of Forced Labour, 1957

United Kingdom

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (British Virgin Islands, Fiji).

Convention No. 106: Weekly Rest (Commerce and Offices), 1957*Denmark**Faroe Islands.*

In 1964, 1965 and 1966 the Committee 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.

Greenland.

See under Convention No. 106, *Denmark* (Faroe Islands).

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands, Greenland).

Convention No. 108: Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the *United Kingdom* (Antigua, British Honduras, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Mauritius, Montserrat, St. Helena, St. Lucia, Solomon Islands).

Convention No. 118: Equality of Treatment (Social Security), 1962

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

**Appendix. Detailed Reports Received and Detailed Reports Not Received
by 22 March 1967**

(Non-Metropolitan Territories)

Reports expected: 1,112. Reports received: 948. Reports not received: 164.

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 1966 are printed in *italic type*.

The territories enumerated below are listed without prejudice to any questions of a political character, regarding which the Committee is not competent to express an opinion.

(Articles 22 and 35 of the Constitution)

Countries and territories	Reports received †		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Australia	32		0		
Nauru	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	6
New Guinea	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	1,576
Norfolk Island	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	1
Papua	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	573
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	37
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	40
France	236		0		
Overseas Departments:					
French Guiana	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	36

† For footnotes see end of table, p. 149.

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Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
France (<i>concl.</i>):					
Guadeloupe	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	316
Martinique	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	321
Réunion	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	397
Overseas Territories:					
Comoro Islands	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	210
French Polynesia	27	3*, 5, 8, 9, 11, 14, 15, 26, 27, 29, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	82
French Somaliland	27	3*, 5, 6, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	81
New Caledonia	26	3*, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35*, 36*, 37*, 38*, 43, 49, 58, 62, 68, 84, 87, 97*, 98, 99, 100	0	—	89
St. Pierre and Miquelon *	26	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 97, 98, 99, 100	0	—	5
Netherlands	55		11		
Netherlands Antilles	18	5, 8, 9, 11, 14, 15, 21, 26, 27, 33, 58, 68, 69, 87, 97, 99, 102, 118	3	16, 32, 62	208
Surinam	37	2, 5*, 8, 9, 10, 11*, 12, 13, 15, 16, 19*, 21, 22, 23, 26, 27*, 29, 32*, 45, 48, 58, 68, 69, 71, 73, 74, 88, 89, 90, 92, 94, 95, 96, 97, 99, 101, 105	8	14, 33, 42, 62, 81, 87, 102, 118	322

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
New Zealand	18		18		
Cook Islands and Niue	0	—	18	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99	25
Tokelau Island	18	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99	0	—	2
United Kingdom	602		73		
Aden	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	231
Antigua	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	60
Bahamas	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87*, 97, 98, 99, 102, 108	0	—	134
Bermuda	22	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 97, 98, 99, 102	2	87, 108	48
British Honduras	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	106
British Virgin Islands *	22	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 99, 102	8	10, 12, 82, 94, 98, 105, 108, 115	8
Brunei *	28	5, 7, 8, 10, 11, 12, 15, 26, 32, 35, 36, 37, 38, 39, 40, 42, 50, 63, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	101
Dominica	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	67
Falkland Islands	24	5*, 7, 8, 11, 15, 26, 32, 35*, 36*, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98*, 99, 102, 108	0	—	2

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>cont.</i>):					
Fiji	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 42, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 115	0	—	464
Gibraltar	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39*, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	24
Gilbert and Ellice Islands	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 42, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	53
Grenada	23	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 108*	1	102	93
Guernsey	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	42
Hong Kong	26	5, 7, 8, 11, 15, 26, 32*, 35, 36, 37, 38, 39, 40, 42, 50, 64, 68, 84, 86, 87, 97*, 98, 99, 102, 108, 115	0	—	3,804
Jersey	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	58
Isle of Man	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	48
Mauritius	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	741
Montserrat	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	13
St-Christopher-Nevis-Anguilla . . .	0	—	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 94, 97, 98, 99, 102, 108	59

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (concl.) :					
St. Helena	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 63, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	5
St. Lucia	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 63, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	94
St. Vincent	16	8, 11, 15, 35, 36, 37, 38, 39, 40, 50, 64, 68, 69, 74, 86, 92	13	5, 7, 26, 32, 63, 84, 87, 97, 98, 99, 102, 105, 108	87
Seychelles	27	5, 7, 8, 10, 11, 15, 26*, 32, 35, 36, 37, 38, 39, 40, 50, 64*, 68, 82, 84, 86, 87, 97, 98, 99, 102, 108*, 115*	0	—	47
Solomon Islands	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	0	—	137
Southern Rhodesia ² . .	0	—	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 105, 108	4,260
Swaziland ²	25	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 82, 84, 86, 87*, 97, 98*, 99, 102, 108	0	—	288
United States of America .	5		0		
American Samoa	1	58	0	—	23
Guam	1	58	0	—	72
Puerto Rico	1	58	0	—	2,633
Trust Territory of Pacific Islands	1	58	0	—	90
Virgin Islands	1	58	0	—	43
Other Territory					
South West Africa . . .	0	—	7	2, 19, 26, 42, 45, 63, 89	574

* Reports received too late to be summarised in Report III (Part I).

¹ Source: United Nations; *Demographic Year Book*, 1965.

² Territories having no seaboard.

III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Albania

The Committee notes with regret that the Government has supplied no information in reply to the repeated observations made since 1964. The Committee is therefore bound to refer to its previous comments concerning the nature of the competent authorities to which Conventions and Recommendations should be submitted and the information to be supplied.

Algeria

The Committee notes that the Government has supplied no information in reply to its requests of 1965 and 1966. It hopes 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 47th, 48th and 49th Sessions of the Conference and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Belgium

The Committee notes the information supplied indicating that the Government is examining the Committee's requests of 1965 and 1966. The Committee hopes that the Government will indicate whether the instruments adopted at the 47th and 48th Sessions, as well as those adopted at the 49th Session of the Conference, have 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.

Bolivia

The Committee notes with regret that the Government has supplied no information in reply to its observation of 1966. It had noted that due to lack of time the examination of the instruments by Congress had not been possible but that efforts to this effect were to be made when the next session started. 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

The Committee notes the information supplied by the Government indicating that the instruments adopted at the 49th Session of the Conference were submitted to the Praesidium of the National Assembly. In the absence of any other new information, the Committee once more expresses the hope that the Government will

deem it possible to communicate these instruments also to the National Assembly itself, and to supply the information and documents called for in the Memorandum adopted by the Governing Body.

Burma

The Committee notes the information communicated by the Government to the Conference Committee in 1966 regarding the compilation of the instruments adopted since the 44th Session of the Conference in a book to be submitted to the competent authorities in 1966. The Committee would be grateful if the Government would indicate whether these instruments have 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.

Burundi

The Committee notes that the Government has not supplied any information in reply to its requests of 1965 and 1966. 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 47th, 48th and 49th Sessions of the Conference and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Byelorussia

The Committee notes the information supplied by the Government that the instruments adopted at the 49th Session of the Conference were submitted to the Praesidium of the Supreme Soviet. In the absence of other new information, the Committee once more expresses the hope that the Government will deem it possible to communicate these instruments also to the Supreme Soviet itself. In addition the Committee requests once more the Government to take the necessary steps with a view to supplying the information and documents called for in the Memorandum adopted by the Governing Body.

Ceylon

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1965 and 1966. 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 47th, 48th and 49th Sessions of the Conference, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this respect (as well as any further information on the action taken or proposed on the instruments adopted at the 44th, 45th and 46th Sessions of the Conference, the texts of which were previously submitted to Parliament).

Chile

Following its previous observations and requests, the Committee notes with interest the information and documents supplied by the Government indicating that the instruments adopted at the 48th Session of the Conference have been submitted to the National Congress. The Committee hopes that the Government will also supply the information and the documents called for in the Memorandum adopted by the Governing Body in respect of the instruments adopted at the 46th and 49th Sessions of the Conference.

Colombia

The Committee notes with regret that the Government has supplied no information in reply to its previous requests concerning the submission to the competent authorities of the instruments listed in the last column of the table of Appendix I, section III, of the Committee's report. It hopes that the Government will soon supply full information as required in the Memorandum adopted by the Governing Body in this connection.

Dahomey

The Committee noted the statement made by a Government representative to the Conference Committee in 1966 indicating that due to political changes certain measures for the submission to the competent authorities of the instruments adopted since 1960 were not taken. The Committee hopes that the Government will soon find it possible to submit to the competent authorities the instruments listed in the last column of the table in Appendix I to this section, and supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Dominican Republic

The Committee notes that the Government has supplied no information in reply to its requests of 1965 and 1966. It hopes that the Government will soon indicate what measures have been taken to submit to the competent authorities the instruments adopted since the 44th Session of the Conference, and will supply the relevant information called for in the Memorandum adopted by the Governing Body in this connection.

Ecuador

The Committee notes the statement made by a Government representative to the Conference Committee in 1966, as well as the information supplied by the Government, indicating that because of political difficulties the Conventions and Recommendations adopted by the Conference have not been submitted to the National Congress which had not met since 1963. The Committee hopes that these difficulties will soon be overcome and that the Government will find it possible to submit to the competent authorities (be it the National Congress or another authority when there is no National Congress) the numerous 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 the information supplied by the Government in reply to its observation of 1966, indicating that the instruments adopted at the 41st to 49th Sessions of the Conference have been submitted to the Council of Ministers, which the Government considers to be the competent authority, and that the instruments adopted from the 31st to 40th Sessions will be submitted to the competent authorities shortly. The Committee wishes, however, to recall that the Conference has always considered that, in order to fulfil the objectives contemplated by article 19 of the I.L.O. Constitution, the instruments adopted by the Conference should also normally be transmitted to the national legislative body, it being understood that the Government remains entirely free as to the measures it intends to take or to propose on these instruments. The Conference would therefore certainly highly appreciate it if in future the Government could take appropriate measures with a view to submitting

the instruments also to the Legislative Chambers of the Empire (Parliament). The Committee hopes that the Government will indicate whether all the instruments listed in the last column of the table of Appendix I to this section have been submitted to the competent authorities.

France

The Committee notes that for several years the Government has stated that particulars would be supplied on the measures taken or to be taken on the instruments which are regularly submitted to the competent committee of the National Assembly. It notes with regret however that the Government fails to supply any further information and in particular the information and documents called for in the Memorandum adopted by the Governing Body in this connection. The Committee trusts that the Government will take the necessary steps to supply all the information and documents in question.

Greece

Following its previous observations, the Committee notes with interest the information and documents supplied by the Government regarding the submission to Parliament of the instruments adopted at the 48th and 49th Sessions of the Conference. It hopes that the Government will soon take similar steps in respect of all the instruments listed in the last column of the table to Appendix I to this section.

Guatemala

The Committee notes the statement made by a Government representative to the Conference Committee in 1966 indicating that the Conventions have been submitted to the competent authorities. The Committee draws the Government's attention to the fact that by virtue of the obligations imposed by article 19 of the Constitution of the I.L.O., Recommendations as well as Conventions must be submitted to the competent authorities in all cases. 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 and will supply all information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Haiti

The Committee notes with interest the information supplied by the Government that the instruments adopted at the 49th Session of the Conference have been transmitted to the Legislative Chambers and the State Department for Foreign Affairs, and that a report on these instruments would be submitted later to these authorities. It notes however, with regret, that no information has been supplied on the submission to the competent authorities of the various instruments adopted since the 31st Session of the Conference, which are listed in the last column of the table in Appendix I to the present section. The Committee trusts that the Government will soon take appropriate measures with a view to submitting to the Legislative Chambers these instruments and that it will supply all the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Honduras

The Committee notes the statement made by a Government representative to the Conference Committee in 1966, indicating that in future the Government would try to fulfil its constitutional obligations as regards the submission of the instruments adopted by the Conference to the competent authorities. The Committee trusts that

the Government will soon be able to indicate that the instruments adopted since the 45th Session of the Conference have 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.

Hungary

No information having been supplied in regard to the observation made in 1966, the Committee refers to its previous comments and expresses the hope that the Government will find it possible to submit the instruments adopted by the Conference not only to the Presidential Council, but also to the National Assembly. In addition, the Committee requests once more the Government to supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection (in particular, the information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations). The Committee hopes that the Government will soon supply the information and documents in question in respect of the submission of the instruments adopted at the 49th Session.

Iceland

The Committee notes the information supplied by the Government indicating that the instruments adopted at the 46th and 47th Sessions of the Conference were submitted, and arrangements have been made to submit to the Althing (Parliament) the instruments adopted at the 48th and 49th Sessions. The Committee would be grateful if the Government would indicate whether these instruments adopted at the 48th and 49th Sessions have now been submitted to the competent authorities.

Iraq

The Committee notes the information communicated by the Government to the Conference Committee in 1966 indicating that the instruments adopted by the Conference are being submitted to a committee on I.L.O. Conventions and Recommendations in chronological order with a view to their ultimate transmission to the competent authorities and that full information will be supplied in accordance with the Memorandum adopted by the Governing Body. 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.

Jordan

The Committee notes the statement made by a Government representative to the Conference Committee in 1966 that the Government hoped to be able to supply to the next session of the Committee a full report on the submission to the competent authorities of the instruments adopted by the Conference. The Committee however notes with regret that no information has been supplied so far in reply to its previous comments. It trusts that the Government will take the necessary steps to submit to the legislative body the numerous instruments listed in the last column of the table of Appendix I to this section, and will supply 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 1966 indicating that constant efforts were being made to

overcome fully the difficulties which delayed it in fulfilling its obligations under article 19 of the Constitution of the I.L.O. The Committee once more hopes that these difficulties have been overcome and that the Government will soon take the necessary 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 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 to the Conference Committee in 1966 indicating that copies of the instruments adopted by the Conference and the recommendations of the Executive Authorities will be forwarded to the appropriate legislative authorities in all cases. The Committee once more expresses the hope that the Government will soon take appropriate measures with a view to submitting to the legislative authorities the numerous instruments listed in the last column of the table of Appendix I to this section, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Libya

The Committee notes the information supplied by the Government, as well as the statement made by a Government representative to the Conference Committee in 1966, that the Council of Ministers had decided to submit to Parliament at its next session (November 1966) all the Conventions adopted by the Conference since its 35th Session. It recalls in this connection that Recommendations as well as Conventions 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 the Government will indicate whether the Conventions as well as the Recommendations adopted from the 35th Session of the Conference onwards, have now been submitted to Parliament, and will supply the information and documents called for in the Memorandum adopted in the Governing Body in this connection.

Malaysia

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1965 and 1966. It trusts that the Government will take the necessary steps, as required by article 19, paragraphs 5 (b) and 6 (b), or paragraph 7 (b), as the case may be, of the Constitution of the I.L.O. to submit to the competent authorities the instruments adopted at the 47th, 48th and 49th Sessions of the Conference, and will supply the information and documents called for in this connection in the Memorandum adopted by the Governing Body.

Mali

The Committee notes the statement made by a Government representative to the Conference Committee in 1966 indicating that the instruments adopted at the 44th to the 49th Sessions of the Conference had been submitted to the competent authorities, whose conclusions were to be communicated to the I.L.O. shortly. The Committee hopes that the Government will soon supply the information and documents called for in the Memorandum adopted by the Governing Body indicating that these instruments had been submitted to the competent legislative authorities.

Mexico

The Committee notes the information supplied by the Government indicating that the Conventions adopted at the 49th Session of the Conference will be submitted to Congress. It notes however with regret that the Government has not indicated whether the Recommendations adopted at the 49th Session are also to be submitted to Congress. The Committee must again draw the Government's attention to the fact that the procedure provided for in article 19 of the I.L.O. Constitution applies to Recommendations as well as Conventions, irrespective of the Government's proposals regarding the ratification of Conventions or the action to be taken on Recommendations.

The Committee hopes that the Government will do everything possible to supply information on the submission to Congress of all the instruments indicated in the last column of the table to Appendix I to this section.

Netherlands

The Committee notes with interest the information supplied by the Government regarding the submission to the competent authorities of several instruments adopted by the Conference. It hopes that the Government will soon be able to indicate whether the remaining instruments listed in the last column of the table to Appendix I to this section have also been submitted to the competent authorities.

Nicaragua

The Committee notes the statement made by a Government representative to the Conference Committee in 1966 indicating that proposals regarding the ratification of several Conventions adopted by the Conference were to be submitted to Parliament. It draws the Government's attention to the fact that Conventions as well as 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 expresses the hope that the Government will take appropriate measures to submit to Parliament all the Conventions and Recommendations adopted since the 40th Session of the Conference, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Pakistan

The Committee notes the information supplied by the Government that the instruments adopted at the 49th Session of the Conference are still under examination prior to their submission to the competent authorities. It notes with regret that despite the indication given by a Government representative to the Conference Committee in 1966, no information has been supplied in reply to the Committee's observations of 1965 and 1966. 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 49th Sessions of the Conference.

Panama

The Committee notes the statement made by a Government representative to the Conference Committee in 1966 indicating that the Conventions adopted by the Conference since its 31st Session (other than those which have been ratified) were being considered with a view to their submission to the Legislative Chambers. It deems it necessary to recall, in this connection, that Recommendations as well as Conventions must be submitted to the competent authorities in all cases, even if it is not proposed to ratify Conventions or to give effect to the Recommendations.

The Committee expresses the hope 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.

Paraguay

The Committee notes with deep regret that the Government has failed to supply any information in reply to its repeated observations. The Committee notes that, in spite of its various comments made regarding 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 does not appear to have taken the necessary measures to fulfil this obligation. The Committee once more 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 to 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 with interest the statement made by a Government representative to the Conference Committee in 1966, as well as the information supplied by the Government indicating that several instruments adopted by the Conference have been submitted to the National Congress and that measures are being taken to submit other Conventions to the competent authorities shortly. The Committee hopes that the Government will indicate whether all the instruments listed in the last column of the table of Appendix I to this section have 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.

Poland

Further to its previous observation, the Committee notes with satisfaction the information and documents supplied by the Government indicating that numerous instruments adopted by the Conference have been transmitted to the Praesidium of the Diet with the resolutions of the Council of State relating to the action taken or proposed, and that preparatory work for the submission of the remaining instruments was already finished. The Committee would be glad if the Government would indicate whether the instruments listed in the last column of the table to Appendix I to this section have now been submitted (and would also supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection).

Rumania

Following its previous comments, the Committee notes with interest the information and documents supplied by the Government indicating that the instruments adopted at the 49th Session of the Conference were submitted to the Council of State and to the competent committees of the National Assembly.

El Salvador

The Committee notes with regret that the Government has supplied no information in reply to its observation made in 1966. Except for Conventions Nos. 104, 105 and 107 which have been ratified, the Government appears to have taken no measures to submit to the competent authorities the instruments adopted by the Conference since its 31st Session. The Committee deems it necessary to draw 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 to the competent authorities the Conventions and Recommendations adopted by the Conference, even when it is not proposed to ratify these Conventions or give effect to these Recommendations. The Committee trusts that the Government will take the necessary measures to submit to the competent authorities the instruments in question and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Somalia

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1965 and 1966. 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 by the Conference since its 45th Session, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Spain

The Committee notes the information supplied by the Government regarding the transmission to the relevant administrative departments of the instruments adopted at the 49th Session of the Conference. It further notes the statement made by the Government representative to the Conference Committee in 1966 indicating that the Government was trying to find a formula which would permit direct communication to the Cortes of all instruments adopted by the Conference in conformity with the provisions of paragraph III (c) of the Memorandum adopted by the Governing Body in this connection. The Committee hopes that the Government will soon be able to find the formula whereby all instruments adopted by the Conference could be submitted to the Cortes and that the Government will shortly indicate whether it has found it possible to submit to the Cortes all the instruments listed in the last column of the table in Appendix I to this section, and will supply the information called for in the Memorandum adopted in this connection by the Governing Body.

Syrian Arab Republic

The Committee notes with interest the information supplied by the Government indicating that several Conventions and Recommendations adopted by the Conference have been submitted to the competent authorities. The Committee hopes that the Government will soon take appropriate measures with a view to submitting to the competent authorities the remaining instruments listed in the last column of the table to Appendix I to this section, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Tanzania

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1965 and 1966. It had noted that the instruments adopted at the 47th Session of the Conference were to be submitted to the National Assembly. It trusts that the Government will take the necessary steps, as required by article 19 of the Constitution of the I.L.O., to submit to the competent authorities these instruments as well as those adopted at the 48th and 49th Sessions of the Conference and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Thailand

The Committee notes with interest the information supplied by the Government, as well as the statement made by a Government representative to the Conference

Committee in 1966, indicating that the instruments adopted at the 37th to the 47th Sessions of the Conference have been submitted to the Constituent Assembly and that measures are taken for the submission of those adopted at the 48th and 49th Sessions to the competent authorities. The Committee hopes that the Government will indicate whether these instruments adopted at the 48th and 49th Sessions 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 respect of all the instruments.

Trinidad and Tobago

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1965 and 1966. 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 47th, 48th and 49th Sessions of the Conference, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Tunisia

The Committee notes that the information supplied by the Government stated that the instruments adopted by the Conference have been submitted to the competent authorities, without specifying the nature of these authorities. The Committee would appreciate it if the Government would indicate whether the instruments have been submitted to the National Assembly and, generally, would supply the information and documents called for in the Memorandum adopted by the Governing Body on this matter.

Ukraine

The Committee notes the information supplied by the Government indicating that the Conventions and Recommendations adopted at the 49th Session of the Conference have been submitted to the Praesidium of the Supreme Soviet. In this regard, the Committee once more expresses the hope that the Government will also find it possible to communicate the instruments adopted by the Conference to the Supreme Soviet itself. In addition, it requests once more the Government to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection (in particular, the information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations).

United Arab Republic

The Committee notes the information supplied by the Government to the Conference Committee in 1966, indicating that the delay in supplying full information on the submission to the competent authorities of the numerous instruments listed in the last column of the table in Appendix I to this section 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 the information and documents called for in the Memorandum adopted by the Governing Body in respect of all the instruments in question.

U.S.S.R.

The Committee notes the information supplied by the Government that the Conventions and Recommendations adopted at the 49th Session of the Conference have been submitted to the Praesidium 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. In addition, it requests once more the Government to supply the information and the documents called for in the Memorandum adopted by the Governing Body (in particular the information concerning proposals and comments with regard to the action to be taken concerning Conventions and Recommendations).

Viet-Nam

The Committee notes with regret that the Government has supplied no information in reply to its requests of 1965 and 1966. It had noted that preparatory work was in process for the submission to the competent authorities of the instruments adopted at the 45th, 46th and 47th Sessions of the Conference. The Committee trusts that the Government will indicate whether these instruments as well as those adopted at the 48th and 49th Sessions, have since 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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Afghanistan, Austria, Brazil, Cameroon, Central African Republic, China, Congo (Kinshasa), Cuba, Czechoslovakia, Finland, Gabon, Ghana, Guinea, Indonesia, Italy, Jamaica, Kenya, Kuwait, Laos, Malagasy Republic, Malawi, Mauritania, Niger, Nigeria, Philippines, Portugal, Rwanda, Senegal, Sierra Leone, Sudan, Togo, Upper Volta, Uruguay, Yemen, Yugoslavia.*

**Appendix I. Position of the Individual Members with Regard to the Obligation
to Submit Conference Decisions to the Competent Authorities**

(31st to 49th Sessions of the International Labour Conference 1948-65)

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 re-admission 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, 48th and 49th
Albania	31st to 47th	48th and 49th
Algeria		47th, 48th and 49th
Argentina	31st to 49th	—
Australia	31st to 49th	—
Austria	31st to 46th (C 117, R 116, 117), 47th, 48th (C 120, 121, R 120, 121) and 49th	46th (C 118) and 48th (C 122, R 122)
Belgium	31st to 46th	47th, 48th and 49th
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, 48th and 49th
Brazil	31st to 43rd, 44th (C 115), 45th, 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122) and 49th	44th (R 113, 114), 46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122)
Bulgaria	31st to 49th	—
Burma	31st to 43rd	44th, 45th, 46th, 47th, 48th and 49th
Burundi		47th, 48th and 49th
Byelorussia	37th to 49th	—
Cameroon		44th, 45th, 46th, 47th, 48th and 49th

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)
Canada	31st to 49th	—
Central African Republic	45th, 46th, 47th and 48th	49th
Ceylon	31st to 46th	47th, 48th and 49th
Chad	45th to 49th	—
Chile	31st to 45th	46th, 47th, 48th and 49th
China	31st (C 87, 88, 89; R 83), 32nd (C 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th and 49th	31st (C 90)
Colombia	31st to 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108) to 44th, 45th (C 116)	40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th, 47th, 48th and 49th
Congo (Brazzaville) . .	45th to 49th	—
Congo (Kinshasa) . . .	45th to 48th, 49th (C 123, 124)	49th (R 123, 124, 125)
Costa Rica	31st to 49th	—
Cuba	31st to 40th, 41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th (R 113, 114), 45th to 49th (R 123, 124, 125)	41st (C 108), 44th (C 115), 49th (C 123, 124)
Cyprus	45th to 49th	—
Czechoslovakia	31st to 48th	49th
Dahomey		45th, 46th, 47th, 48th and 49th
Denmark	31st to 49th	—
Dominican Republic . .	31st to 43rd, 47th (C 119)	44th, 45th, 46th, 47th (R 118, 119), 48th and 49th
Ecuador	32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90), 35th (C 102, 103), 36th, 38th (C 104), 40th (C 105), 42nd (C 111)	31st, 32nd (R 87), 33rd, 34th (R 91, 92), 35th (C 101; R 93, 94, 95), 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd, 44th, 45th, 46th, 47th, 48th and 49th
Ethiopia	31st (C 87, 88), 32nd (C 98), 41st to 49th	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 and 40th
Finland	31st to 47th	48th and 49th
France	31st to 49th	—

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)
Gabon	48th	45th, 46th, 47th and 49th
Germany (Federal Republic)	34th to 49th	—
Ghana	40th to 45th, 47th and 49th	46th and 48th
Greece	31st, 32nd, 34th (C 99, 100) and 35th (C 101, 102, 103) and 40th (C 105) 41st (C 108), 47th, 48th and 49th	33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th, 45th and 46th
Guatemala	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100), 35th (C 101, 102), 39th, 40th (C 105, 106), 41st, 42nd and 43rd (C 112, 113, 114), 45th (C 116), 46th (C 118), 47th (C 119) and 48th	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 49th
Republic of Guinea . . .	43rd to 49th	—
Haiti	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th, 48th and 49th	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, 48th and 49th
Hungary	31st to 48th	49th
Iceland	31st to 47th	48th and 49th
India	31st to 49th	—
Indonesia	33rd to 38th, 40th, 41st, 43rd to 46th and 48th	39th, 42nd, 47th and 49th
Iran	31st to 49th	—
Iraq	31st (C 88), 32nd (C 95, 98), 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 (C 91, 92, 93, 94, 96, 97; R 84, 85, 86, 87), 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, 48th, and 49th
Ireland	31st to 48th	49th
Israel	32nd to 49th	—
Italy	31st to 47th	48th and 49th

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)
Ivory Coast	45th to 49th	—
Jamaica	47th	48th and 49th
Japan	35th to 49th	—
Jordan	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120), 49th (C 123, 124)	39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110), 43rd, 44th, 45th (R 115), 46th (R 116, 117) and 47th (R 118, 119), 48th (C 121, 122; R 120, 121, 122), 49th (R 123, 124, 125)
Kenya		48th and 49th
Kuwait	45th to 49th	—
Laos		48th and 49th
Lebanon	31st (C 89, 90)	31st (C 87, 88; R 83), 32nd to 49th
Liberia	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd and 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, 47th and 49th
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, 48th and 49th
Luxembourg	31st to 49th	—
Malagasy Republic . .	45th to 48th	49th
Federation of Malaya .	41st to 46th	47th, 48th and 49th
Malawi	48th	49th
Republic of Mali . . .	44th to 49th	—
Malta	49th	—
Islamic Republic of Mauritania	45th (C 116), 46th and 48th	45th (R 115), 47th and 49th
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, 48th and 49th
Morocco	39th to 49th	—

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)
Netherlands	31st to 40th (C 105, 106), 41st (C 108), 43rd (C 112), 44th to 47th, 48th (C 120, 122; R 120, 121), 49th (C 123, 124)	40th (C 107; R 103, 104), 41st (C 109; R 105, 106, 107, 108, 109) 42nd, 43rd (C 113, 114; R 112), 48th (C 121; R 122) and 49th (R 123, 124, 125)
New Zealand	31st to 49th	—
Nicaragua		40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th and 49th
Niger	45th to 49th	—
Nigeria	45th (C 116) and 48th	45th (R 115), 46th, 47th and 49th
Norway	31st to 49th	—
Pakistan	31st to 44th	45th, 46th, 47th, 48th and 49th
Panama	31st (C 87), 32nd (C 98), 34th (C 100), 40th (C 105) and 42nd (C 111)	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th, 40th (C 106, 107; R 103, 104), 41st, 42nd (C 110; R 110, 111), 43rd, 44th, 45th, 46th, 47th, 48th and 49th
Paraguay		40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th and 49th
Peru	31st to 41st, 42nd (C 110, 111; R 110), 43rd (C 112, 113, 114), 48th (C 120, 121, 122) and 49th	42nd (R 111), 43rd (R 112), 44th, 45th, 46th, 47th and 48th (R 120, 121, 122)
Philippines	31st to 49th	—
Poland	31st (C 87, 89), 32nd (C 91, 92, 93, 95, 96, 97, 98; R 84, 85, 86), 34th (C 100; R 90, 92); 35th (C 101; R 93, 94), 36th, 38th (C 104; R 100), 40th (C 105, 106, 107; R 104), 41st (C 109; R 105, 106, 107, 108, 109), 42nd (C 110, 111; R 110), 43rd (C 112, 114), 44th (C 115), 45th (C 116), 46th (C 117; R 116), 47th (R 118, 119) and 48th (R 120)	31st (C 88, 90; R 83) 32nd (C 94; R 87), 33rd, 34th (C 99; R 89, 91), 35th (C 102, 103; R 95), 37th, 38th (R 99), 39th, 40th (R 103), 41st, 42nd (R 111), 43rd (C 113; R 112), 44th (R 113, 114), 45th (R 115), 46th (C 118; R 117), 47th (C 119), 48th (C 120, 121, 122; R 121, 122) and 49th
Portugal	31st to 49th	—
Rumania	39th to 49th	—
Rwanda		47th, 48th and 49th
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 to 49th

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); 48th and 49th (R 123, 124, 125)	44th, 45th, 46th (C 117, 118), 47th (C 119; R 118), 48th and 49th (C 123, 124)
Sierra Leone	45th, 47th (C 119)	46th, 47th (R 118, 119), 48th and 49th
Somali Republic		45th, 46th, 47th, 48th and 49th
Spain	39th to 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116)	43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th, 47th, 48th and 49th
Sudan	39th to 47th	48th and 49th
Sweden	31st to 49th	—
Switzerland	31st to 49th	—
Syrian Arab Republic	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 34th, 35th, 36th (R 97), 38th (C 104), 39th (R 102), 40th, 41st, 42nd, 43rd (C 112, 113, 114), 44th, 45th (C 116), 46th and 48th (C 120, 121, 122; R 121, 122)	32nd (R 87), 33rd, 36th (R 96), 37th, 38th (R 99, 100), 39th (R 101), 43rd (R 112), 45th (R 115), 47th, 48th (R 120) and 49th
Tanzania	46th	47th, 48th and 49th
Thailand	31st to 47th	48th and 49th
Togo	44th to 48th	49th
Trinidad and Tobago		47th, 48th and 49th
Tunisia	39th to 49th	—
Turkey	31st to 49th	—
Uganda	47th to 49th	—
Ukraine	37th to 49th	—
U.S.S.R.	37th to 49th	—
United Arab Republic	31st (C 87, 88, 89; R 83), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101), 38th, 39th, 40th, 42nd, 44th and 45th, 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, 48th and 49th
United Kingdom	31st to 49th	—
United States	31st to 47th, 48th and 49th (R 123)	49th (C 123, 124 R 124, 125)
Upper Volta	45th and 48th	46th, 47th and 49th
Uruguay	31st to 47th	48th and 49th

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)
Venezuela	31st to 45th (C 116), 46th, 47th, 48th and 49th	45th (R 115)
Viet-Nam	33rd to 44th	45th, 46th, 47th, 48th and 49th
Yemen		49th
Yugoslavia	31st to 47th	48th and 49th
Zambia	49th	—

**Appendix II. Tables Showing the Position of Members with Regard to the Obligation Submit Conference Decisions
to the Competent Authorities**

**TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN THE PRESCRIBED TIME LIMITS, INFORMATION
INDICATING THAT CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES**

Number of States in which, according to information supplied by governments	Sessions at which decisions were adopted																		
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April /May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)	48th (June /July 1964)	49th (June 1965)
All the decisions have been submitted .	16	17	21	25	25	28	29	24	38	38	34	36	34	38	34	38	32	37	49
Some of these decisions have been sub- mitted	7	2	— ¹	4	3	1	— ¹	4	1	13	3	7	8	1	9	6	9	6	6
None of these decisions has been sub- mitted (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	67	59
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	114

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 22 MARCH 1967

Number of States in which, according to information supplied by governments	Sessions at which decisions were adopted																		
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April /May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)	48th (June /July 1964)	49th (June 1965)
All the decisions have been submitted .	47	45	49	49	50	51	46	51	59	58	57	59	53	55	51	54	53	52	49
Some of these decisions have been submitted	12	15	3 ¹	14	12	2	2 ¹	10	3	15	8	15	14	7	20	15	16	12	6
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	1	1	11	1	4	13	21	8	14	4	14	5	13	21	30	33	39	46	59
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	114

¹ At this session the Conference adopted one Recommendation only.

PART THREE

HOURS OF WORK

General Survey on the Reports concerning the Hours of Work (Industry) Convention, 1919 (No. 1), the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), the Forty-Hour Week Convention, 1935 (No. 47) and the Reduction of Hours of Work Recommendation, 1962 (No. 116).

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INTRODUCTION

HISTORICAL BACKGROUND

1. In the preamble to the Constitution of the International Labour Organisation as adopted in 1919, regulation of hours of work occupies pride of place among the urgent measures required in order to improve the condition of the workers. The General Conference of the I.L.O., meeting in its First Session in October 1919 at Washington, examined as the first item on its agenda the question of the application of the principle of the eight-hour day or of the 48-hour week.¹ The Hours of Work (Industry) Convention, 1919 (No. 1), which it adopted at this session, was the first of the long series of instruments constituting international labour standards, many others of which were also to deal with hours of work.

2. The question of hours of work was one of the very first subjects dealt with by both national and international labour regulations. It is a fundamental question and it raises social problems relating to the need to safeguard not only workers' health but also decent working and living conditions, as well as economic problems relating to production. The drive towards reduction of the working day developed at the beginning of the nineteenth century in the countries of Europe where the early stages of industrialisation had caused the worst abuses and where various studies show that 14- and 16-hour working days were not rare, particularly in the textile industry. This led to the gradual adoption of various laws which first of all limited hours of work for children, as in the United Kingdom in 1833 where the maximum duration was reduced to ten hours per day and then to nine; this was followed by the adoption of laws of more general scope applying to adults in various other countries, the duration of work being gradually reduced in the course of the nineteenth century to 12, 11 and then ten hours per day in several countries. The ten-hour working day was fairly general in Europe at the beginning of the First World War. At the same time the workers' campaign for an eight-hour day was continued at both national and international level, and in 1866 the First Congress of the International Association of Workers, held in Geneva, just a hundred years ago, included this standard among its first claims, demanding that it should be the principle for the organisation of work.

3. During the First World War, the pressure brought by workers' organisations, particularly at the Conferences of Leeds in 1916 and Berne in 1917, with a view to ensuring that the peace settlement should be accompanied by an improvement in workers' conditions of living, the repercussions of the Revolution of October 1917 and the political and social changes which occurred in several countries, were among

¹ The question of hours of work has also been dealt with in other international texts of major importance such as the Universal Declaration of Human Rights of 1948 and the International Covenant on Economic, Social and Cultural Rights adopted by the United Nations General Assembly on 16 December 1966, both of which provide that everyone is entitled to reasonable limitation of working hours, but without prescribing a given maximum (articles 24 and 7 respectively), the Inter-American Charter of Social Guarantees adopted at Bogotá in 1948, which proclaims the principle of the eight-hour day and the 48-hour week (article 12) and the European Social Charter of 1961 which provides for reasonable working hours and their progressive reduction (article 2).

the factors which accelerated the adoption and generalisation of the eight-hour day. Soon after the end of hostilities the great majority of European countries had instituted the eight-hour day as a statutory standard. In the United Kingdom, numerous collective agreements applied a working week of 48 hours or less. In the American Continent, the eight hour day became generally applied by means of collective agreement in the United States by 1919; the eight-hour day was also included in the Mexican Constitution of 1917, in which year Uruguay also adopted that standard.

4. As mentioned above, the Constitution of the I.L.O. confirmed the principle at the international level by including, among the general principles which States considered to be of particular and urgent importance, the adoption of the eight-hour day or the 48-hour week as an aim to be attained wherever it had not yet been.¹

INTERNATIONAL STANDARDS

5. The Hours of Work (Industry) Convention, 1919 (No. 1) gave specific expression to the principle established by the Treaty of Versailles with regard to industrial undertakings in their broadest meaning. It should be noted that, with a view to ensuring the uniform application of the Convention at the European level, a Conference of the Ministers of Labour was held in London in 1926 and agreed on the interpretation to be given to certain provisions of this instrument.² In 1930 a new instrument was adopted, the Hours of Work (Commerce and Offices) Convention (No. 30), which provided for a 48-hour week in this sector. This meant that international standards were established, with certain exceptions, for all activities except agriculture.

6. The new production methods (rationalisation, mechanisation) had in the meantime induced certain employers to make a further reduction in hours of work. The five-day week consisting of 40 or 45 hours had already been introduced in several major industries in America and Europe. The 1929 crisis and its aftermath soon led other employers to follow this pattern.³ The International Federation of Trade Unions took up the theme at its congress held at Stockholm in 1930. In January 1931 the Unemployment Committee of the Governing Body of the I.L.O. began to deal with the question of reduction of hours of work as a means of overcoming unemployment.

7. In 1932 the Conference adopted a resolution submitted by Léon Jouhaux: in order to combat unemployment, which was described as both an effect and a cause of the aggravation of the crisis, the I.L.O. was invited to investigate the question of the adoption of international regulations to introduce the 40-hour week in all industrial countries.⁴

8. The problem was approached successively from two angles: through general regulations and through special regulations. It was attempted first of all to adopt two Conventions of general scope, corresponding to those already existing with

¹ See Part XIII of the Treaty of Versailles (Article 427).

² The Ministers of Labour of Germany, Belgium, France, Great Britain and Italy participated in the Conference. For information on the conclusions of the Conference, see International Labour Code, Geneva, I.L.O., 1951, Vol. I, article 240 (note 204), article 241 (notes 206, 207, 209), article 243 (note 215).

³ See I.L.O.: *Hours of Work and Unemployment*, Report to the Preparatory Conference, January 1933 (Geneva, 1933), pp. 77-97.

⁴ *Idem*: *Record of Proceedings*, International Labour Conference, 16th Session, Geneva, 1932 (Geneva, 1932), pp. 424 and 838.

regard to industry and commerce and offices. Since the drafts in question did not obtain the majority needed for their adoption in 1934 the following procedure was applied: the Forty-Hour Week Convention, 1935 (No. 47), laid down the principle only, and it was left to separate instruments to govern application of this principle in various sectors. Between 1935 and 1937 three Conventions were adopted in this manner.¹

9. In 1937, in accordance with the view that progress by sector was too slow to permit general reduction in hours of work, which was a socially desirable aim in the light of economic progress, the Conference adopted a resolution submitted by the Workers' delegates and aiming at general reduction of work in all sectors not yet covered by existing instruments. In 1939 draft Conventions were submitted to the Conference concerning reduction of hours of work in three principal sectors, namely industry, commerce and offices, and coal mines. In view of the developments that had taken place in the situation and the international climate on the eve of the Second World War, the question was adjourned *sine die*.

10. Discussion on this question was resumed in the Industrial Committees which the I.L.O. established after the war.² After a period of reconversion and reconstruction and as a result of the progress accomplished in the economic and technological spheres, the reduction of hours of work again became one of the primary claims of labour in the industrialised countries. Resolutions adopted by the Conference in 1954³ and 1958⁴ resulted in the adoption of the Reduction of Hours of Work Recommendation, 1962 (No. 116).⁵

11. Thus, between 1919 and 1962, the Conference adopted a total of 14 Conventions and ten Recommendations on the question of hours of work⁶, apart from

¹ Namely Conventions Nos. 49, 51 and 61 referring to reduction of hours of work in glass-bottle works, public works and the textile industry respectively.

² Various resolutions adopted by the Industrial Committees have advocated the introduction of the 40-hour week: the Textiles Committee, in 1946; the Petroleum Committee in 1948; the Coal Mines Committee in 1951; the Building, Civil Engineering and Public Works Committee in 1956.

³ See I.L.O.: *Record of Proceedings*, International Labour Conference, 37th Session, Geneva, 1954 (Geneva, 1954) pp. 581-582.

⁴ *Ibid.*, 42nd Session, Geneva, 1958 (Geneva, 1958) p. 783, Resolution No. 24.

⁵ Four related resolutions were adopted in 1961 concerning hours of work in agriculture, in maritime fishing and in maritime transport and publication of information on hours of work. *Ibid.*, *Hours of Work*, Report IX, International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962).

⁶ The Hours of Work (Industry) Convention, 1919 (No. 1); the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30); the Hours of Work (Coal Mines) Convention, 1931 (No. 31); the Sheet-Glass Works Convention, 1934 (No. 43); the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46); the Forty-Hour Week Convention, 1935 (No. 47); the Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49); the Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51); the Hours of Work and Manning (Sea) Convention, 1936 (No. 57); the Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61); the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67); the Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76), and revised Conventions on the same subject: No. 93 (1949) and No. 109 (1958).

The Hours of Work (Fishing) Recommendation, 1920 (No. 7); The Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8); the Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37); the Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38); the Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39); the Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49); the Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65); the Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66); the Wages, Hours of Work and Manning (Sea) Recommendation, 1958 (No. 109); the Reduction of Hours of Work Recommendation, 1962 (No. 116).

instruments concerning related aspects such as weekly rest or night work, as well as provisions concerning hours of work contained in instruments relating to other aspects of conditions of work and the numerous resolutions dealing with hours of work. Among the various instruments so far adopted, the Conventions which are of general scope and also the earliest in date, namely Conventions Nos. 1 and 30, which regulate hours of work in industry, and in commerce and offices respectively, have received the greatest number of ratifications, and although they were adopted 48 and 37 years ago respectively, these instruments can still wield a considerable influence in many countries. The Governing Body, therefore, decided at its 159th Session to ask for reports on these two Conventions, as well as reports on Convention No. 47 and Recommendation No. 116 which are the two instruments of general scope dealing with reduction of hours of work. These four instruments therefore form the subject of the present survey.

RATIFICATIONS OF CONVENTIONS

12. The Hours of Work (Industry) Convention, 1919 (No. 1), which came into force on 13 June 1921, has been ratified by 32 States.¹

13. The Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), which came into force on 29 August 1933, has been ratified by 22 States.²

14. The Forty-Hour Week Convention, 1935 (No. 47), which came into force on 23 June 1957, has been ratified by four States.³

REPORTS BY GOVERNMENTS

15. In accordance with the above-mentioned decision by the Governing Body, governments have been requested to submit reports under article 19 of the Constitution with regard to the following four instruments:

- the Hours of Work (Industry) Convention (No. 1);
- the Hours of Work (Commerce and Offices) Convention (No. 30);
- the Forty-Hour Week Convention (No. 47);
- the Reduction of Hours of Work Recommendation, 1962 (No. 116).

Reports have been received from 87 member States⁴ and in regard to 30 non-metro-

¹ Argentina, Austria*, Belgium, Bulgaria, Burma, Canada, Chile, Colombia, Cuba, Czechoslovakia, Dominican Republic, France *, Greece, Haiti, India, Iraq, Israel, Italy *, Kuwait, Luxembourg, New Zealand, Nicaragua, Pakistan, Paraguay, Peru, Portugal, Rumania, Spain, Syrian Arab Republic, United Arab Republic, Uruguay and Venezuela. (* Conditional ratification, the entry into force of the Convention for the country concerned being subject to its ratification by certain other European countries.)

² Argentina, Austria*, Bulgaria, Chile, Cuba, Finland, Guatemala, Haiti, Iraq, Israel, Kuwait, Luxembourg, Mexico, New Zealand, Nicaragua, Norway, Panama, Paraguay, Spain, Syrian Arab Republic, United Arab Republic and Uruguay. (* Conditional ratification: see preceding note.)

³ Byelorussia, New Zealand, Ukraine and U.S.S.R.

⁴ Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussia, Cameroun, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Kuwait, Luxembourg, Malagasy Republic, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Rumania, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Tunisia, Turkey, Uganda, Ukraine, U.S.S.R., United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia and Zambia.

politan territories¹; and in addition reports submitted under article 22 of the Constitution by countries which have ratified one or more of the Conventions have been taken into account in preparing this study. The present survey's examination of action taken in connection with the instruments under consideration therefore covers 123 countries, namely 93 member States and 30 non-metropolitan territories.

16. Both the scope and the extent of the information supplied obviously vary considerably from one country to another. Generally speaking, however, the information supplied to the Committee has been sufficiently detailed to permit the effect given to the instruments concerned to be appreciated. Several countries have supplied statistical data. This information supplied by governments has, where appropriate, been supplemented by information available to the I.L.O.

OUTLINE OF THE SURVEY

17. In its decision to choose the instruments in question as the subject for reports under article 19 of the Constitution, the Governing Body stated that governments should be asked to place the main emphasis in their reports on the Reduction of Hours of Work Recommendation, 1962 (No. 116), adding such additional information in respect of the other three instruments as they might deem useful.² It should be recalled however that by reason of its legal nature, a Recommendation is not subject to ratification and does not therefore entail formal obligations.

18. The outline of the survey will therefore follow the broad lines of the Recommendation. Chapters dealing with methods of application and scope will be followed by chapters reviewing the situation with regard to the level of hours of work as well as policies and measures aimed at reducing hours of work in the various countries. The analysis of the various points will attempt to show the relationship between normal hours of work and hours actually worked. The chapters devoted to the forms of application will deal with distribution of normal hours of work and exceptions, separate sections being devoted to each group of provisions in the instruments concerned and the measures by which they are put into effect under national law and practice and action to supervise their application. The last chapter will describe difficulties encountered and progress achieved in the implementation of these instruments. Finally the survey sets out certain general conclusions based on the material covered in the study. Footnotes will refer to current practice or specific instances by means of examples chosen from among the most representative cases, it being understood that the coverage cannot be comprehensive in view of the number of countries considered in the survey.

¹ Australia (Nauru, New Guinea, Norfolk Island, Papua); United Kingdom (Aden, Antigua, Bahamas, Barbados (this territory became independent on 30 November 1966), Basutoland (this territory, which became independent on 4 October 1966, has joined the I.L.O. as Lesotho), Bermuda, British Honduras, Brunei, Dominica, Falkland Islands, Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Mauritius, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland).

² See I.L.O.: *Minutes of the 159th Session of the Governing Body*, Geneva, 1964, pp. 90-91. (Report of the Committee on Standing Orders and the Application of Conventions and Recommendations, paras. 6 and 7.)

CHAPTER I

METHODS OF APPLICATION

19. Recommendation No. 116 (Paragraphs 1, 2 and 3) provides for a choice of methods of ensuring reduction of hours of work "through laws or regulations, collective agreements, or arbitration awards", "by means appropriate to methods which are in operation or which may be introduced for the regulation of hours of work", in accordance with "national conditions and practice" and with the "needs of each branch of activity". The Recommendation further states that the principle may be given effect through a combination of these various means.

20. The Recommendation does not specify in general what authority should take action with a view to regulation of hours of work, reference often being made simply to "the competent authority or body in each country".

21. Convention No. 47 provides in Article 1 (*b*) for "the taking or facilitating of such measures as may be judged appropriate to secure" the introduction of a 40-hour week, without defining these measures.

22. Conventions Nos. 1 and 30 are more specific. Their provisions indicate in general that the method of application contemplated is through laws or regulations. Under Article 8 of Convention No. 1 and Article 12 of Convention No. 30 application of the measures concerning hours of work should be based on a system of supervision or sanctions, which implies legal enactments. Wherever either of the Conventions specifies details with regard to the method of application, only the "competent authority"—sometimes designated as "the public authority" or "the government"—is accepted as the body responsible for regulating and supervising such measures.¹ In the case of calculation of average hours of work and of permanent or temporary exceptions which may be allowed (Articles 5 and 6 of Convention No. 1; Articles 6 and 7 of Convention No. 30), the method prescribed is that of "regulations made by public authority".

23. At the national level methods consisting of laws or regulations or collective agreements are frequently combined. This may be due either to the parallel and complementary existence of legal provisions and collective agreements, or to machinery which gives binding force to collective agreements, or is based on the decisions of official joint bodies. In practice legal provisions are frequently supplemented or improved by collective agreements, particularly with regard to reduction of hours of work and overtime rates.² Conversely, in several countries where hours of work are normally covered by collective agreement, it is frequently found necessary to adopt legislative provisions for certain occupations or categories of workers; these provisions often lay down minimum protection standards only, while better conditions of work are ensured under current practice.

¹ See Articles 1 (3), 5, 6 and 8 of Convention No. 1, and Articles 1 (1) and (3), 5 (2), 6, 7 and 11 of Convention No. 30. However, Article 2 (*b*) of Convention No. 1 states that distribution of the weekly hours of work may be authorised either by the competent public authority or by agreement between the organisations or representatives of employers and workers.

² See Chapters IV and VI below.

24. Nevertheless, examination of the situation in the various countries reveals that it is most common for the system to be governed by laws or regulations. A large number of countries have a system based on general legislative provisions. In some cases these provisions are incorporated in the constitution of the country¹, and are strengthened or supplemented by laws or regulations. Hours of work are often governed by labour codes or other statutory texts of a general character², but in many cases the relevant provisions are contained in a text dealing specifically with hours of work.³ In addition, these basic laws are generally supplemented and developed by means of provisions which are sometimes extremely numerous and lay down the form of application for the various activities or occupations.⁴ These provisions for the application of basic laws may also be based on regulations adopted by joint councils or on collective agreements.⁵

25. This last method, which combines adoption of regulations with collective bargaining, exists in several countries where official joint bodies have been set up for the purpose under wage or industrial relations legislation. These may be industrial tribunals, arbitration courts, wage councils or similar bodies, which are responsible for regulating conditions of work in general and hours of work in particular, sometimes at the request of the parties concerned, and for approving the agreements previously concluded. The normal hours of work to be laid down are sometimes fixed by the basic law itself⁶, or established by arbitration courts⁷; in other cases different standards are fixed for various industries and occupations.⁸ This machinery is used in certain countries to supplement legal provisions, and only in certain specific sectors⁹;

¹ For example: Brazil, Byelorussia, Costa Rica, Cuba, Mexico, Rumania, Ukraine and U.S.S.R.

² For example: Algeria, Bolivia, Brazil, Bulgaria, Byelorussia, Cameroon, Central African Republic, Chad, Chile, Colombia, Costa Rica, Czechoslovakia, Dominican Republic, France, Gabon, Guatemala, Guinea, Haiti, Hungary, Ivory Coast, Mauritania, Niger, Norway, Rumania, Senegal, Switzerland, Syrian Arab Republic, Tunisia, Ukraine, U.S.S.R., United Arab Republic and Venezuela.

³ For example: Argentina, Belgium, Congo (Kinshasa), Finland, Israel, Italy, Morocco, Peru, Portugal, Spain, Sweden and Thailand.

⁴ See, as an example, in "Legislation and Other Texts Consulted", appended to this survey, the references to the following countries: Argentina, France, Ivory Coast, Morocco, Tunisia and U.S.S.R.

⁵ For example: Belgium (see para. 288); Spain (the official joint bodies, namely the joint labour committees, are competent for questions concerning conditions of work in general and hours of work in particular).

⁶ For example: Australia (New South Wales and Queensland) (the 40-hour week is laid down by the 1947 Arbitration Acts (amended)); New Zealand (Industrial Conciliation and Arbitration Act, section 149: arbitration courts are required to fix normal hours of work at 40 in the week unless sufficient grounds for exceptions are provided).

⁷ For example: Australia (the 40-hour standard laid down in a decision by the Federal Conciliation and Arbitration Court in 1947 has been followed in the laws and arbitration awards of various states (as reported by the Government)).

⁸ For example: the Wages Regulation Orders in Kenya and Zambia; in decisions or orders of the wage councils the normal duration is indirectly fixed as the limit beyond which an increased rate of remuneration is to be applied.

⁹ For example: Canada (Alberta, British Columbia, Manitoba, Ontario, Saskatchewan) (on the basis of industrial standards legislation, wage scales and hours of work are established by conferences of employers and workers, particularly in the building industry; the minimum wage legislation in almost all the provinces indirectly regulates hours of work to a greater or lesser extent); New Zealand (Industrial Conciliation and Arbitration Act, 1954); awards and agreements established in accordance with the law apply in particular to the building and transport industries); Singapore (the indirect regulations established by means of the Industrial Relations Ordinance 1957 supplement the provisions of the three main ordinances concerning industrial workers, shop assistants and clerks).

in other cases it constitutes the principal method of regulating hours of work.¹

26. In several countries hours of work are regulated mainly through collective agreements.² Such agreements may be concluded at the level of the enterprise or the industry or at a higher level. In several countries there are measures under which collective agreements can be made obligatory if they cover the majority of the workers concerned³ but the basis remains bilateral bargaining; these measures may play an important role in regulating hours of work. Nevertheless, as has already been pointed out, this system of negotiated standards is very often backed up by legal provisions applying to activities or persons for whom such legal protection is considered necessary or desirable, either in the interests of the public, as in the case of transport⁴, or in the interest of the workers themselves, as in the case of women and children⁵, or persons performing arduous or dangerous work⁶, or when those concerned cannot arrive at any agreement.⁷ It very often happens in such cases that the legal standards laid down, in particular for women and young persons, constitute only minimum standards which are greatly improved in practice.⁸

27. There are also certain rare cases where hours of work in industry and commerce are fixed by custom.⁹

¹ For example: Australia (federal and state legislation concerning conciliation and arbitration and the mining industry; Wages Board Acts in Tasmania and Victoria); Canada (New Brunswick and Nova Scotia (Industrial Standards Act)); Kenya (Regulation of Wages and Conditions of Employment Act, 1957); Malta (Conditions of Employment (Regulation) Act, 1952); Sierra Leone (Wages Boards Act); Zambia (Minimum Wages, Wages Councils and Conditions of Employment Ordinance).

² For example: Denmark, Ghana, Jamaica, Tanzania (Tanganyika), United Kingdom and most of the British non-metropolitan territories (Antigua, Bahamas, Guernsey, Jersey, Isle of Man, Montserrat, etc.) and United States.

³ For example: France, United Kingdom.

⁴ For example: United States (regulations in various states).

⁵ For example: Canada (Quebec) (Industrial Establishments Act); Denmark (the workers' protection Act governs hours of work only for persons aged under 18); Jamaica (Employment of Women in Factories Act); United Kingdom (Factories Act and Shops Act); United Kingdom (Hong Kong) (Regulations respecting employment of women and children in industry); United States (hours of work are legally limited for women only in the great majority of states).

⁶ For example: Cyprus (Hours of Employment (Mines and Quarries) Order); United Kingdom (Mines and Quarries Act, 1954) (underground work); Act Respecting of Work, 1936 (agreements; glass works—automatic panes).

⁷ For example: Cyprus (regulations respecting conditions of service in hotels).

⁸ Thus, for example, in the legislation of certain states in Australia and the United States the legal limit on hours of work for women and young people amounts to 48 per week or even more, whereas the normal duration is generally 40 hours.

⁹ For example: United Kingdom (Grenada, Swaziland).

CHAPTER II

SCOPE

SECTION 1: UNDERTAKINGS AND PERSONS COVERED

28. Taken together the four instruments with which this survey is concerned cover practically all sectors other than agriculture and the maritime industry.

29. Thus Recommendation No. 116 provides for reduction of hours of work in general, no distinction being made between the various sectors, except that it is not applicable to agriculture, to maritime transport or to maritime fishing (Paragraph 23).

30. Convention No. 1 covers persons employed in public and private industrial undertakings and their branches. The definition of these undertakings (Article 1 of the Convention) covers extraction industries of all kinds¹; production and manufacturing industries, including power construction and installation work; road and rail transport², and the handling of goods. These various undertakings are listed in detail in the Convention but the list is not exhaustive. Clarifications on this point and other aspects of the scope of the Convention have been provided on various occasions by the I.L.O.³

31. Convention No. 30 applies to persons employed in commercial or trading establishments including postal, telegraph and telephone services and establishments and administrative services in which the persons employed are mainly engaged in office work (Article 1 (1) (a) and (b)), but it does not apply to persons employed in hospitals and similar establishments, hotels, restaurants, etc., or in theatres and places of public amusement. However, the Convention applies to persons employed in branches of such establishments where such branches would, if they were independent undertakings, be included among the establishments to which the Convention applies. The Convention also applies to both public and private establishments. Clarification on the scope of the Convention has already been provided by the I.L.O. on several occasions.⁴

32. Convention No. 47 provides for reduction of hours of work in general without specifying the "classes of employment" to which the principle of a 40-hour week should be applied, separate Conventions being provided for in order to lay down the details of application of this principle to the various classes of employment.

¹ Hours of work in coal mines are covered by a separate instrument, namely the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46) (not yet in force).

² Hours of work in road transport are also covered in a separate instrument, the Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67). Transport by sea or inland waterway is not covered by Convention No. 1 (see Article 1 (2)), but hours of work on board ships are covered by the Wages, Hours of Work and Manning (Sea) Convention (Revised) 1958, No. 109 (not yet in force).

³ See *International Labour Code*, I.L.O. (Geneva, 1952), Vol. I, art. 236, notes 178 ff.

⁴ *Ibid.*, art. 246, note 229.

33. Under Convention No. 1 (Article 1 (3)) and Convention No. 30 (Article 1 (1)), the competent authority is required to establish the line of division between the sectors covered by the instruments and those which are excluded.

34. In countries where the relevant legislation has general scope¹, reference is made to the employment relationship, to undertakings, or to a combination of both. With the first method, the law is applied to the worker, that is to say to any person placing his activities at the service of another in accordance with an employment relationship², or sometimes to the employer being defined as any natural person or body corporate employing one or more workers³ and sometimes identified by the concept of the undertaking.⁴ The variants of the second method generally cover public or private establishments of any type, even educational or beneficent and non-profit, subject to certain possibilities of exclusion.⁵ Under the third method these definitions are combined with a provision applicable in general to all workers, as mentioned above.⁶

35. Where the legislation has partial scope the line of division may be based on various criteria. In certain countries the public and private sectors as a whole come under different regulations.⁷ Sometimes work undertaken or administered by the State is excluded from general regulations⁸, or separate regulations may be laid down for public contracts.⁹

¹ See above, para. 24.

² For example: Belgium (Act of 1964 respecting hours of work, section 1); Brazil (Constitution, section 157, (V) Consolidated Labour Laws, section 58); Costa Rica (Constitution, section 58; Labour Code, sections 1 and 4); Cuba (Constitution, section 66); Mexico (Constitution, section 123; Labour Code, section 3); Peru (Civil Code, section 1572); Syrian Arab Republic (Labour Code, section 2); United Arab Republic (Labour Code, section 2).

³ For example: Belgium (Employment Act, 1964 section 1 (2)).

⁴ For example: Switzerland (Employment Act of 13 March 1964, section 1 (2); the Act states that there is an undertaking when an employer employs one or more workers permanently or temporarily, even without using special installations or premises).

⁵ For example: France (Labour Code, Book II, section 6: "The hours of actual work of wage-earning and salaried employees, irrespective of sex and age, shall not exceed 40 in the week in industrial, commercial, handicraft or co-operative establishments or dependencies thereof, whatever their nature, whether public or private, secular or religious, even when these establishments are carried on for purposes of vocational instruction or are of a charitable nature, and including public hospitals and homes and lunatic asylums." The provisions of the Code are extended to persons employed in the professions in public or ministerial offices or in societies and associations of any kind, in accordance with section 1 of the Act of 21 March 1941.) For Morocco (Dahir of 18 June 1936, section 1) and Tunisia (Labour Code, section 1) the same basic method as that described above is used, together with provisions concerning the professions and civil societies and associations. For the French-speaking African countries the wording in the various Labour Codes generally covers "all public or private establishments, including educational and beneficent establishments".

⁶ For example: Argentina (Act No. 11154, section 1); Finland (Act No. 604 of 1946, section 1); Guatemala (Labour Code, sections 1 and 14); Guinea (Labour Code, sections 1 and 144); Italy (Decree No. 192 of 15 March 1923, section 1); Ivory Coast (Labour Code, sections 1 and 98); Malagasy Republic (Labour Code, sections 1 and 73); Senegal (Labour Code, sections 1 and 134).

⁷ For example: Kuwait (Employment (Private Sector) Act 1959, and Employment (Public Sector) Act No. 18 of 1960, which applies to workers employed by the Government); Philippines (the Eight-Hour Act of 1939 for salaried employees of private undertakings; the Forty-Hour (Five-Day) Work Week Law of 1957 applies to salaried employees of public administrations and national enterprises including postal, telegraph and telephone services, power undertakings, railways, shipyards and the steel industry. [With regard to the exclusion of public administrations see below, para. 40.]

⁸ For example: Sweden (Hours of Work Act of 16 May 1930, section 1 (e)).

⁹ For example: Canada (British Columbia, New Brunswick, Ontario) (fair wage legislation); United States (Walsh-Healey Public Contracts Act and Hours of Work Act, the first of which applies to supply contracts only).

36. In countries with a federal system, when regulation of hours of work is the joint responsibility of the federal government and the constituent units, the area of federal competence is frequently defined, not in terms of the industry or occupation, but in terms of the economic character of the activity and its importance where these go beyond the framework of the constituent unit and may affect national life.¹

37. A further system of general division consists of making a distinction between intellectual and other work², or between wage earners and salaried employees.³

38. Separate regulations for industry, on the one hand, and for commerce and offices, on the other, are also applied⁴, and here the British type of legislation on factories, on the one hand, and on shops and offices, on the other, constitutes the most common form.⁵ In the same cases the definition of factories does not generally cover mines, building and transport which are, unless exceptions apply, dealt with under separate regulations.⁶

SECTION 2 : UNDERTAKINGS OR PERSONS EXCLUDED

39. Before the question of exclusions is examined, a preliminary comment must be made. In most cases the exclusion of certain classes of persons or activities from the scope of the basic texts relating to hours of work does not mean that they are not covered by any regulations but rather that separate regulations apply to them in view of the special nature of their work or jobs. In certain cases the special standards are more favourable, as in the case of the public administration⁷, or the public sector in general.⁸ In other cases the hours fixed may be either longer or distributed in such a manner as to satisfy the requirements of the work concerned, as is the case in hotels, restaurants and hospitals, etc.⁹ In fact there are only a few cases where the classes excluded are deprived of any form of protection with regard to hours of work, examples being cases of exemption with regard to employees in managerial posts or engaged in a confidential capacity, establishments where only the members of the same family are employed or certain occupations which are not covered at all. These aspects

¹ For example: Canada (the Labour (Standards) Code applies in particular to inter-province or international communications, banks, radio and television broadcasting and the prospection and production of uranium and undertakings declared as being of general interest to Canada or to two or more provinces); United States (the Fair Labor Standards Act applies in principle to persons occupied in any manner (production and distribution) in inter-state and international commerce and to a secondary degree in undertakings where salaried employees are thus occupied, provided that they have a minimum trading level varying between 250,000 and 1 million dollars).

² For example: Turkey (Labour Code, section 2 (a); exclusion of essentially intellectual work).

³ For example: Luxembourg (Act of 20 April 1962, section 3; a private salaried employee is defined as any person performing for the account of another person work that is, if not exclusively, at least mainly intellectual); Singapore (the Labour Ordinance applies to manual or partly manual workers in industrial undertakings; the Clerks' Ordinance applies also to industrial clerks); United States (the Hours of Work Act which applies to public contracts concerns only labourers and other wage earners).

⁴ For example: Afghanistan (the 1946 regulations apply only to industrial undertakings and to the relationship between the employer and the workers within the framework of industry); Sweden (Hours of Work Act having general application and Hours of Work (Retail Trade) Act).

⁵ For example: the Factories Acts and the Shops and Offices or Commercial Establishments Acts in India, New Zealand and Pakistan.

⁶ For example: India (Factories Act, Railways Act, Mines Act and Road Transport Act; building is covered by the Wage Orders); New Zealand (Factories Act and Mines Act; building and transport are covered by arbitration awards); Pakistan (similar situation to that in India; building is not covered by regulations, however).

⁷ See Chapter III, para. 74.

⁸ For example: Philippines (see para. 35).

⁹ See Chapter III, para. 75.

should be borne in mind during examination of the various instances of exclusion provided for in national law and practice.

40. Conventions Nos. 1 and 30 both apply to public and to private undertakings and establishments. However, with regard to office work, "offices in which the staff is engaged in connection with the administration of public authority" may be exempted (Article 1 (3) (b) of Convention No. 30). Such offices are excluded from general regulations concerning hours of work in the great majority of countries, the persons concerned normally being covered by the special rules for public officials. Most of the general texts, and in particular those concerning the existence of an employment relationship or public and private establishments of any kind whatsoever, contain express provisions to this effect.¹ In other cases the same effect is implicit in the terms used to define the scope of regulations covering industrial, commercial handicraft or co-operative establishments.² The definition of the word "offices" in legislation concerning shops and offices sometimes shows that every public establishment is excluded from the scope of legislation.³ The information supplied on hours of work in public administrations in general reveals that the standards applied are frequently more favourable than those in other sectors.⁴ In several countries employees of the postal, telegraph and telephone services are also excluded in view of the special regulations applying to the public services.⁵

41. Convention No. 30 expressly provides for the exclusion from its scope of hospitals, etc., and hotels, restaurants, etc., and theatres and places of public amusement (Article 1 (2)). In view of the special conditions of work in such establishments several countries provide for their exclusion or for their separate coverage.⁶

42. The exemption relating to undertakings in which only "members of the same family" (Convention No. 1, Article 2) or "members of the employers' family" (Convention No. 30, Article 1 (3)) are employed is very frequent in the systems examined but it often has variations which differ from the provisions of the Conventions. Whereas some countries exclude only those establishments (defined in different ways) where only the members of the same family are employed⁷, others

¹ For example: Belgium (Act of 1964, section 2 (1)); Brazil (Consolidated Labour Laws, section 7 (c) and (d)); Ethiopia (Regulations of 1964, section 3 (d)); Guatemala (Labour Code, section 199); Ivory Coast (Labour Code, section 1); Malagasy Republic (Labour Code, section 1 (b)); Switzerland (Act of 1964, section 2 (1) (a)); Turkey (Labour Code, section 1 (2) (e)).

² For example: France, Morocco and Tunisia, see paragraph 34 above.

³ For example: Jamaica (Shops and Offices Act, 1957, section 2: the term "offices" designates any establishment created for the practice of a profession or for the operation of a business).

⁴ See Chapter III, paragraph 74 and table I, col. 7.

⁵ For example: Luxembourg (Instructions of 1 January 1962 concerning the administration of the postal, telegraph and telephone services); New Zealand (Post and Telegraph (Staff) Regulations, 1951); Uruguay (staff of the postal, telegraph and telephone services are covered by the General Regulations respecting the public administration, cf. report of the Government on Convention No. 30 for the period 1964-66).

⁶ For example: Austria (the 1938 Regulations exclude nursing and assimilated staff in hospitals, etc.); Belgium (the 1964 Act excludes persons employed in fairgrounds, etc.); Norway (the Workers' Protection Act, section 18 (6), excludes theatres, etc.); Sweden (the Hours of Work (Retail Trade) Act, section 1 (f), does not apply to hotels and restaurants which are excluded together with hospitals from the Hours of Work Act under section 1 (d) and (k)).

⁷ For example: Argentina (Decree No. 16115, section 6); Belgium (Act of 1964, section 2 (6)); Finland (Acts Nos. 604 and 605, section 1); Guatemala (Order No. 346, section 2); New Zealand (Shop and Office Act, section 2); Syrian Arab Republic (see under United Arab Republic); Turkey (Labour Code, section 2 (d)); Uganda (Employment Regulations Cap. 83, *Laws of Uganda*, 1951, section 2); United Arab Republic (Labour Code, sections 129 and 140: the exemption relates only to restrictions concerning employment of women and children); United States (Fair Labor Standards Act, section 3).

exempt members of the employer's family¹ who are sometimes assimilated to persons working in a confidential capacity²; sometimes the exemption is waived in the case of dangerous or unhealthy establishments.³ In the cases examined the family members comprise various degrees of kinship, sometimes including only the spouse and children, but sometimes including ascendant and collateral relatives, relatives by marriage and wards. It will be appreciated that this type of exemption may be covered by those applying to establishments employing only a small number of workers.⁴

43. Exemption of persons holding posts of supervision or management or employed in a confidential capacity (Convention No. 1, Article 2 (a)) or occupying posts of management or employed in a confidential capacity (Convention No. 30, Article 1 (3) (c))⁵ is also to be found in regulations in the majority of countries.⁶ Several variants are used in national legislation to define this class of persons which may include managers, administrators and authorised representatives, as well as persons employed in a confidential capacity or working without immediate supervision⁷, heads of shifts and supervisors⁸, administrative technical personnel⁹, and secretaries or stenographers assigned to confidential functions.¹⁰ In certain cases the level of wages is used as the criterion¹¹, sometimes being combined with the number of persons working under the orders of the person concerned.¹²

44. The exemption covering commercial travellers and representatives (Convention No. 30, Article 1 (3) (d)) is frequently found in national legislation.¹³

45. Certain exemptions not provided for in the international instruments under consideration are sometimes encountered in national law and practice. Exemptions based in different ways on the size of the undertaking are authorised in several countries. First of all, the requirement that a minimum number of workers should be

¹ For example: Cyprus (Hours of Employment (Commerce and Offices) Order, 1961, section 2); Iraq (Labour Code, section 2 (1) (c)).

² Venezuela (Regulations issued under the Labour Code, section 56, and government report on Convention No. 1, for 1958-60).

³ Congo (Kinshasa) (Decree of 14 March 1957, section 2 (c)).

⁴ See below, para. 45.

⁵ Details on the scope of this exemption are to be found in the *International Labour Code*, op. cit., Vol. I, article 239, note 196, and article 246, note 230.

⁶ For example: Argentina (Act No. 11154, section 3); Belgium (Act of 1964, section 2 (2)); Bolivia (Labour Code, section 46); India (Factories Act, section 43 (1)); Italy (Legislative Decree of 8 September 1923, section 3); Norway (Workers' Protection Act, section 18); U.S.S.R. (Order No. 106, 1928); United Kingdom (Mines and Quarries Act, section 132 (3) and Factories Act, section 176); United States (Fair Labor Standards Act, section 13 (a) (1)).

⁷ For example: Costa Rica (Labour Code, section 143); Guatemala (Labour Code, section 124).

⁸ For example: Argentina (Decree No. 16115, section 11).

⁹ For example: Kenya (Regulation of Wages Order, 1965); U.S.S.R. and United States (see second note in this paragraph).

¹⁰ For example: Singapore (several collective agreements).

¹¹ For example: Ghana (several collective agreements apply only to workers earning less than £600 per month); New Zealand (management personnel whose salaries amount to a fixed figure (Shop and Office Act, sections 2 and 32)); Singapore (Shop assistants earning over \$400 a month, Ordinance No. 13 of 1957; and employees earning over \$500 per month, Ordinance No. 14 of 1957).

¹² For example: Austria (managerial personnel comprises persons in charge of not less than 20 persons (Regulations of 30 April 1938)).

¹³ For example: Belgium (Act of 1964, section 2 (5)); Brazil (Consolidated Labour Laws, section 62); Finland (Act No. 605 of 1946, section 2); Italy (Legislative Decree of 15 March 1923, section 1); New Zealand (Shop and Office Act, section 32); Norway (Workers' Protection Act, section 18 (3)); Sweden (Hours of Work (Retail Trade) Act).

normally or permanently employed constitutes a frequent criterion¹ which may be combined with the criterion of whether motive force or machinery is or is not used.² Sometimes the minimum number of workers required for regulations to be applicable differs according to whether or not the establishment is in an urban area.³ Certain texts concerning commerce and shops are limited to urban areas.⁴ The regulations covering the principal industrial areas and providing for exceptions in the case of establishments in smaller centres are based on the same approach.⁵ In addition, a minimum trading or contract figure is sometimes used as the criterion for applicability of regulations.⁶

¹ For example: China (the Mines Act, section 1, covers establishments employing 50 or more workers at the same time).

² For example: China (the Factory Act, section 1, applies to mechanised undertakings employing more than 30 persons); India (the Factories Act, section 2 (*m*), covers factories not using any motive force and employing not less than 20 workers, and factories using motive force and employing not less than ten workers; the Motor Transport Workers' Act excludes undertakings employing less than five persons); Iraq (Labour Code, section 2 (1) (*e*): the provisions do not apply to non-mechanised industrial establishments employing less than five persons); Kuwait (Labour Law, private sector, section 2: undertakings employing less than five persons are excluded); Pakistan (the Factories Act, section 2 (*j*), applies to undertakings using motive force and employing not less than 20 workers; the Mines Act, section 46, excludes certain open-cast mines employing less than 50 persons).

³ For example: Turkey (Labour Code, section 2 (*a*)): establishments are excluded that employ less than ten workers in general and less than four workers in towns with a population of over 50,000; in this connection a revision of legislation is announced by the Government in its report, see Chapter VIII, para. 306).

⁴ For example: India (legislation respecting shops and commercial establishments in various states).

⁵ Canada (Saskatchewan) (normal hours are raised from 44 to 48 for establishments other than factories in smaller centres) (government report).

⁶ United States (Fair Labor Standards Act, section 13: in particular those undertakings are excluded whose annual trading figure is less than 250,000 dollars, as well as switchboard operators of telephone companies operating less than 750 telephones; the Walsh-Healey Public Contracts Act excludes contracts involving less than 10,000 dollars).

CHAPTER III

LEVEL OF HOURS OF WORK IN THE VARIOUS COUNTRIES

46. The present chapter deals essentially with the level of hours of work in various countries and sectors, whereas the next chapter describes briefly the recent measures taken with a view to reducing hours of work. Before doing so, it will be necessary to review various definitions of "hours of work" (section 1) since this will of course have a direct influence on what is meant by "maximum hours of work". The data available on the level of hours of work are given in tabular form at the end of the present chapter and are supplemented by a short commentary on the hours of work generally prevailing (section 2) and on the variations which exist for certain sectors or for certain categories of workers (section 3).

SECTION 1: DEFINITION OF HOURS OF WORK

47. The Recommendation specifies in paragraph 11, that normal hours of work shall mean the number of hours fixed by or in pursuance of laws or regulations, collective agreements or arbitration awards, or the number of hours in excess of which any time worked is remunerated at overtime rates.

48. According to Article 2 of Convention No. 30, the term "hours of work" means the time during which persons employed are at the disposal of the employer; it does not include rest periods during which the persons employed are not at his disposal.¹

49. The legislation of several countries contains a similar definition whereby "hours of work", sometimes termed "actual work", means the time during which the worker is at the disposal or at the orders of the employer, or is waiting to carry out orders², or, again, any time during which the worker is not free to plan his own time and movements.³ In certain countries the point is made that "hours of work" means the actual work, although an explicit definition is not always given.⁴

¹ An identical definition was given at the Conference of Labour Ministers held in London in 1926, (*International Labour Code*, op. cit. Vol. I, art. 237, note 192).

² For example, Belgium (Act of 15 July 1964, section 4); Brazil (Consolidated Labour Legislation, section 4); Costa Rica (Labour Code, section 137); Guatemala (Labour Code, section 116); Luxembourg (Consolidated Text of 1962 on Salaried Employees in Private Employment, section 6).

³ For example, Bolivia (Labour Regulations of 1943, section 35); Singapore (Labour Ordinance, section 2).

⁴ For example, France (various decrees under the Act of 1936; the same formula is found in the legislation).

50. Another fairly common formula is to state that rest and meal periods are not included in the hours of work.¹ In some cases the rest and meal periods when the worker may not leave the place of work are counted as effective hours of work.² Lastly, there are cases in which the working day specifically includes the meal break.³

51. It should be noted that it is not rare for collective agreements to provide for breaks of ten to 15 minutes, as a rule one in the morning and one in the afternoon, which are counted as working time⁴, or to allow for the time required for changing in certain specified industries.⁵

52. In certain types of work or organisation of work the definition of hours of work may differ somewhat in order to take account of their special character. Mining is a case in point. For underground work, the general custom in national legislation is to reckon the time required to descend and re-ascend as working time, or to calculate the latter from the moment of entering to the moment of leaving the adit.⁶

53. The legislation of several countries uses the principle of equivalent hours for certain types of work which are of an intermittent nature. The "attendance time" or "duty time" in this type of work, which mainly covers transport and retailing, consists of a greater number of hours, but is considered equivalent to the normal number of hours of work.⁷

54. As can be seen, the definition of "hours of work" is of very great importance. The inclusion of interruptions or breaks is obviously equivalent to a reduction in the normal hours of work.

¹ For example, Austria (Order of 30 April 1938, section 2); Colombia (Labour Code, section 167); New Zealand (Factories Act, section 19, paragraph 1, and Shop and Office Act, section 17 (a)); Sierra Leone (Labour Regulations, section 2); Sweden (Hours of Work Act, 1930, section 4); Turkey (Labour Code, section 42, IV); U.S.S.R. (Labour Code of the R.S.F.S.R., section 98; it is stated in section 99 that workers are entitled to leave the place of work during interruptions (subsequent references to the Labour Code in this survey always relate to the R.S.F.S.R. Code); United Arab Republic (Labour Code, section 114).

² For example, Costa Rica (Labour Code, article 137); Mexico (Labour Code, article 73); Switzerland (Labour Act of 1964, article 15, para. 2), and for railways staff when travelling; Argentina (Decree No. 560 of 1930, section 16, 17: periods of less than one hour and a half); Brazil (Consolidated Text of the Labour Legislation, section 238, paras. 4 and 5: meal periods not exceeding one hour).

³ For example, Afghanistan (Regulations of 1946, sections 57 and 59); Jamaica (The Employment of Women in Factories Act).

⁴ For example, Finland and New Zealand (several collective agreements).

⁵ For example, United Kingdom (several collective agreements).

⁶ The Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46), gives the following definition of hours of work in Article 3, paragraph 1:

"Hours of work in underground hard coal mines shall mean the time spent in the mine, calculated as follows:

(a) time spent in underground mines shall mean the period between the time when the worker enters the cage in order to descend and the time when he leaves the cage after re-ascending;
(b) in mines where access is by an adit, the time spent in the mine shall mean the period between the time when the worker passes through the entrance of the adit and the time of his return to the surface."

⁷ This question will be dealt with below together with the permanent exceptions provided by the instruments considered and which cover cases of this type.

55. Another distinction which must be made is between normal hours of work and actual hours, i.e. the number of hours actually worked.¹ From a long-term viewpoint and taken as a whole, the over-all average of the actual hours of work differs only slightly from the normal hours, but considerable variations can exist in specific cases as a result of seasonal variations or economic changes which may make overtime or alternatively, short-time working necessary. In some cases, the actual hours of work may consistently remain at a higher level than the normal hours, either for the economy as a whole, or for a given sector or industry.² Thus the normal level of hours of work is only a basic measure of protection—which can be used also as a basis for the calculation of remuneration—the effectiveness of which depends on a number of other safeguards respecting the conditions in which normal hours of work may be exceeded and by how much.

SECTION 2: GENERAL LEVEL OF HOURS OF WORK

56. Conventions Nos. 1 (Article 2) and 30 (Article 3) stipulate that working hours shall not exceed 48 in the week. Convention No. 47 (Article 1) and Recommendation No. 116 provide respectively for the adoption of the principle of a 40-hour week and the progressive reduction of hours of work to this level. As shall be seen, this evolution in the different international standards is clearly reflected in the present national provisions, but with a marked tendency toward the 40-hour week.

57. The basic elements of information on the national legislation and practice are set out in table I³ at the end of this chapter, but a certain number of comments may be made on this information.

58. Thus the table shows, *inter alia*, the general level of normal hours of work, (columns 2 and 5), as defined in paragraph 11 of the Recommendation, and a first interesting point, illustrating the trend towards shorter hours, is that only 35 of the 93 States⁴ covered by the survey still maintain a 48-hour week as the prescribed maximum, all other countries having introduced lower levels.

59. A second point to be made relates to the number of countries where a statutory maximum has been prescribed but where the level of normal hours of work—generally fixed by collective agreement—is well below this maximum (columns 2 and 5).

¹ Columns 8 to 11 of table I show the actual or remunerated hours; the latter may include time for which payment is made, but during which no actual work is done (holidays, absence, etc.).

² See para. 60.

³ The first columns of this table (2 to 4) indicate the maximum legal hours of work; the next columns (5 to 7) show the normal hours of work, where these are not the same as the statutory hours of work, or are fixed by collective agreements, regulations, etc.; the final columns (8 to 11) indicate the number of hours actually worked or paid for between 1955 and 1964.

⁴ The trend of the normal hours of work in non-metropolitan territories also appears to be downwards. Thus the normal working week is 39 to 40 hours in Bermuda, Gilbert and Ellice Islands, Grenada, Isle of Man and Montserrat (United Kingdom); 42-45 hours in New Guinea and Papua (Australia), and in Aden, Bahamas, Falkland Islands, Gibraltar, Guernsey, St. Helena, Solomon Islands and Swaziland (United Kingdom). On the other hand the situation can be very different, as in Hong Kong where the working day is of eight hours, but the weekly day of rest is not normally observed, except for women. According to the information available, hours of work in commerce and offices are usually shorter than the general standard, and there are a number of territories in which the maximum hours of work in public administration varies between 30 and 36 per week: for example, in New Guinea and Papua (Australia) and Aden, St. Helena and the Solomon Islands (United Kingdom).

These cases include the Federal Republic of Germany (normal hours: 40-43, statutory maximum: 48), Argentina (44/48), Austria (45/48), Ireland (42.1/2-45/48), Italy (43-46/48), Luxembourg (42-45/44-48), Mexico (44/48) and Uganda (45/48). This movement is confirmed at the more limited level of certain industries or sectors where by means of collective bargaining or otherwise the normal working hours are below the general statutory maximum. These cases are considered in greater detail below but must be mentioned here because of the undoubted role they play in reducing the general level of normal hours of work.

60. A third point of interest shown by the table is the level of the hours actually worked or paid for in manufacturing industries (column 8) and its relation to the normal hours of work. The meaning of these figures is limited by the fact that being an average of the hours worked in manufacturing industries as a whole they take no account of variations due, for example, to the fact that short-time is worked in one industry, while another is at a peak period of activity, or to changes in levels occurring in the course of the year, etc. In spite of these limitations, the figures on hours actually worked are often particularly revealing either because they correspond with the general level of normal working hours prescribed by collective bargaining or by a series of independent texts (e.g. Canada, United States), and thus show the effectiveness of the methods used; or because on the contrary they are considerably higher than the normal level and show that recourse is had so consistently to overtime that the shorter "normal" hours prescribed may be mainly a means of increasing remuneration (e.g. France, United Kingdom); or, where a 48-hour limit exists and the average hours actually worked exceeds 50, because it would indicate that certain workers at least may be employed for excessively long hours (e.g. China, Colombia); or finally, when the average number of hours actually worked is well below the level of normal working hours because this could foreshadow a future reduction of normal hours of work (e.g. Belgium, Czechoslovakia, Greece).

61. It will be noted that the table indicates not only the most recent available information on the level of hours actually worked but also the level some ten years previously. Although this information belongs, strictly speaking, in the chapter on the reduction of working hours as it reflects to some extent the recent movement in the number of hours worked, attention may be drawn to two interesting aspects of the question of working hours which the table highlights. One is that even where the statutory standard does not change, there may be considerable variations from year to year in the number of hours actually worked (in most cases the movement is downward, as in Hungary where there has been a drop in monthly hours from 185.6 to 179.2 in manufacturing industries, but in France and Peru, for example, the table shows a rise here from 44.9 to 46.1 and from 44.5 to 47.4 respectively). The other point is, on the contrary, the practical effect of the reduction of normal hours of work, whether prescribed by law or by collective agreement, which have resulted in striking reductions in the number of hours actually worked (for example, from 48.8 to 43.6 per week in the Federal Republic of Germany, from 176 to 165 per month in Sweden, from 52 to 44 per week in the United Arab Republic).

SECTION 3: VARIATIONS IN THE LEVEL OF HOURS OF WORK

62. Even the limited information noted in the table at the end of the chapter shows a considerable number of cases where the normal working hours prescribed in given sectors or industries are below the general level, as well as some cases where longer hours are prescribed. These two types of variations are surveyed briefly below.

(a) *Shorter Working Hours in Specific Areas*

63. The instruments on hours of work do not as a rule specify cases where shorter hours should be worked ¹, but they do make it clear that the level of hours prescribed is a maximum level and that more favourable conditions—i.e. shorter hours—are of course entirely compatible with their terms. These cases where shorter hours are worked in the various countries may be grouped as follows:

- (i) shorter hours introduced for certain industries as a result of collective bargaining or otherwise;
- (ii) shorter hours prescribed for reasons of health; and
- (iii) working hours prescribed for commercial or office workers.

(i) *Shorter Hours in Certain Industries or Occupations.*

64. As already noted above, many countries indicate that the normal hours of work in certain industries or for certain workers are shorter than the general level. These shorter hours are usually introduced through collective bargaining or by texts having a limited scope and are not yet applicable to a majority of workers, but they bear witness to a definite trend and experience has shown that this is one of the usual methods by which shorter working hours are introduced, sector by sector, for workers as a whole. Information on these cases where shorter hours are prescribed in certain industries ² is set out in column 6 of table I (figures in brackets) and includes, for example, Belgium (40-44 as against 45), Bolivia (44 as against 48), Byelorussia (40 as against 41), the U.A.R. (42 hours as compared to the usual 48 hours), and many others. In short, in spite of their limited bearing, these cases should be viewed in the light of their influence on the future general level of working hours in the country as a whole.

(ii) *Shorter Hours of Work for Reasons of Health.*

65. Recommendation No. 116, Paragraph 9, states that when reducing hours of work, priority should be given to the reduction of hours of work in "industries and occupations which involve a particularly heavy physical or mental strain or health risks for the workers concerned, particularly where these consist mainly of women and young persons".

66. The reports of the governments of most countries show that legislation does in fact provide for reduced hours of work when conditions are particularly unfavour-

¹ See however para. 65. (Shorter hours of work for reasons of health.)

² Such partial reductions occur, for example, in the metal trades (Austria: 40 hours per week in boiler-making; Italy: 44 hours per week at Fiat, Olivetti); in the petroleum industry (Austria: 42 hours, by collective agreement; Belgium: 40 hours per week, decision of joint commissions; Iraq: 42 hours, by collective agreements—a reduction to 40 hours is foreseen; Malaysia (Sabah): 45 hours per week, government report); in the cinematographic industry (Belgium: 42 hours, Royal Order of 21 March 1960; Spain: 42 hours, labour regulations of 31 December 1948); water, gas and electricity industries (Austria: 42 hours per week in the gas industry, by collective agreement; Italy: 40 hours per week in the water, gas and electricity industries, by collective agreement); and in the public sector (Malta: state employees, who account for 40 per cent. of the total labour force, enjoy a 44-hour week as compared with the general level of 48 hours; Philippines: railways, power supply, iron and steel, shipyards, governed by the Act limiting hours of work to 40 per week, five days per week, which applies to state corporations); Poland (reductions have occurred, for example, in heavy industry, and the building and building materials industries).

able. In certain cases, these special measures are part of a general policy for the reduction of working hours, in which priority is given to industries in which the work is arduous or unhealthy. In the majority of cases, however, it appears that the measures were taken to ensure workers in these industries the necessary additional protection; as will be seen, these measures apply particularly to arduous, dangerous or unhealthy work (including underground work in mines) and to women and children.

67. Many countries prescribe special standards varying between five and seven hours per day, as the case may be, for arduous, dangerous, or unhealthy work, covering a variety of categories.¹ Similarly, night work is often distinguished from daytime work by shorter hours² and better pay.³

68. Furthermore, the workers in question are often granted longer holidays⁴, and legislation sometimes prohibits overtime in this type of work⁵ or provides for periodical breaks, which are included in the normal hours.⁶

69. Underground work in mines⁷, a sector of considerable economic importance, is a typical instance of work involving strain and special risks which is very often accorded more favourable standards than the general rule. Thus, the standard may

¹ As the number of cases is so large, it is not possible to include them in table I, but the following examples may be quoted: Belgium (Act of 9 July 1936: 40 hours per week); Brazil (Consolidated Labour Laws, section 295: possibility of reducing work to less than 6 hours per day for underground work in mines, for reasons of unhealthiness); Bulgaria (Labour Code, section 41: five to seven hours per day); Luxembourg (Grand-Ducal Order of 17 October 1938: 40 hours per week); Poland (Act of 19 April 1950: six to seven-and-a-half hours per day); Rumania (Order No. 907 of the Council of Ministers of 1956: six to seven hours per day); Spain (Hours of Work Decree, 1931, section 39, and Ordinance of 18 May 1964 (coal mines) section 57: five to six hours); Thailand (Notification of the Ministry of the Interior of 5 January 1959: 42 hours per week); Turkey (six hours per day in the mercury mines. government report); U.S.S.R. (Act of 7 May 1960: six hours per day. According to instructions issued by the XXII Congress of the Communist Party of the U.S.S.R., a week of 30 hours will be introduced for underground or unhealthy work); Uruguay (Act No. 11577 of 1950: six hours per day, 36 hours per week); United Arab Republic (Labour Code, section 115: seven hours per day). *N.B.* For certain special jobs, the standard may be as low as two hours per day, but this does not seem to apply to regular work, for example: Turkey (two hours per day for work in pressurised chambers and four hours per day for cleaning lead furnaces (government report)).

² For example, reduction of one hour for night work in Argentina (Act No. 11544, section 2); Bolivia (Labour Code, section 46); Brazil (Consolidated Labour Laws, section 73 (1)); Iraq (Labour Code, section 4 (a)); U.S.S.R. (Labour Code, section 96); reduction of two hours in Costa Rica (Labour Code, section 136); Guatemala (Labour Code, section 116).

³ For example, Brazil (Consolidated Labour Laws, section 73): one hour of night work is counted as 52½ minutes and remunerated at a 20 per cent. higher rate; Colombia (Labour Code, sections 161 and 169: no reduction in the hours of night work, but increase of 35 per cent. in the rates of pay).

⁴ For example: France (see para. 69 below); New Zealand (Regulations on Protection against Radiation, 1951: a minimum of four weeks' holiday).

⁵ For example: Costa Rica (Labour Code, section 141); Guatemala (Labour Code, section 122).

⁶ For example: Brazil (Consolidated Labour Laws, section 253: rest periods of 20 minutes after an hour and 40 minutes of work inside refrigerating rooms); Italy (Decree of 10 September 1923, section 5, para. 3: Interruptions, even lasting more than 15 minutes, are counted as effective work in the case of workers executing particularly strenuous work, to enable them to recover the physical condition necessary to continue their activity); New Zealand (Arbitration Award of 25 August 1964 respecting plaster workers (Canterbury and West Land districts), section 16, para. (f): a break of ten minutes is provided for after each period of two hours of work in various unhealthy occupations).

⁷ See table I, cols. 6 and 9.

be six hours per day and 36 hours per week¹, seven hours per day and 35 hours per week², or 38 hours per week including a rest interval.³ In many countries, the weekly hours of work for underground occupations in mines is 40.⁴ However, the statistics on number of hours actually worked in mines (column 9 in the table) show that these are very often no shorter than in other sectors. Thus in certain countries the number of hours actually worked in mines is not appreciably different from the general level, and may even exceed the latter⁵; and in other countries, in which a reduced number of hours is prescribed for this sector, the average number of hours actually worked in mines appears to be considerably in excess of this special standard.⁶

70. While the instances of shorter working hours mentioned above concern certain industries or occupations involving physical or mental strain or particular risks, there are other instances in which the special measures apply rather to given categories of workers requiring a greater amount of protection. Thus, several countries prescribe reduced hours of work for young people and children between the ages of 12 and 18 years in the occupations open to them.⁷ The standards prescribed generally vary between five and six hours per day and 30 to 36 hours per week.⁸ Some countries have different standards different for age groups⁹ or for

¹ For example: Byelorussia, Ukraine, U.S.S.R. (Act of 7 May 1960).

² For example: New Zealand (Amended Mining Act, 1948).

³ For example: France (Labour Code, Book II, section 8, and the Decree of 25 September 1936, section 4; furthermore in 1960 the workers concerned were awarded 20 additional days of rest each year (a five-day week every second week) in the coal basins; the number of rest days was recently increased to 28).

⁴ For example: Cyprus (Mines and Quarries Order); Italy (Collective Agreement of 10 March 1963); Jamaica (Collective Agreements); Norway (Act of 28 July 1946, modified: the Act also applies to work in tunnels); Sweden (government report). See also col. 6 of table I.

⁵ For example: Belgium (the hours of work are 40.9 per week in the manufacturing industries and 41.9 per week in the mines and quarries); Hungary (monthly average in the manufacturing industries, 179.2 hours; in the mines and quarries, 179.9 hours); United Kingdom (manufacturing industries 46.7 hours, extractive industries excluding coal mines, 51.2 hours per week). These figures, drawn from the I.L.O. *Year Book of Labour Statistics*, 1965, are valid for 1964.

⁶ For example: the number of hours actually worked by the employees as a whole in mines and quarries in France in 1964 was 44.7 per week while a special standard of 38 hours is prescribed for underground work in mines.

⁷ In general, arduous and dangerous work, and work in industry up to a certain age is forbidden, this prohibition being also laid down in Conventions Nos. 33 and 60 (Articles 3 and 5) concerning minimum age.

⁸ For example: Afghanistan (Regulations of 1946, section 57: seven hours per day from 18 to 20 years); Argentina (Decree No. 6289 of 24 August 1943: six hours per day, 36 hours per week from 14 to 18); Czechoslovakia (Labour Code, section 83 (2): 36 hours per week for minors under 16); Iraq (Labour Code, section 21: five hours per day from 12 to 14); Mexico (Labour Code, section 72: six hours per day from 14 to 16); Poland (Act of 2 July 1958 concerning vocational training, section 13: six hours daily, 36 hours weekly for young persons between 14 and 16 years of age); Rumania (Labour Code, section 49: 36 hours per week from 14 to 16); Singapore (33 hours per week for children under 14, government report); Tanzania (Tanganyika) (Employment of Children Regulations, 1957: six hours per day); U.S.S.R. (Decree of 26 May 1957: six hours per day from 16 to 18); United Arab Republic (Labour Code, section 125: six hours per day for minors under 15).

⁹ For example: Costa Rica (Labour Code, section 89: seven hours per day between the ages of 15 and 18 and five hours between 12 and 15); Guatemala (Labour Code, section 149: six hours per day for minors under 14 and seven hours for adolescents over 14); Peru (Act No. 13968, Minors' Code, article 38: six hours per day and 33 hours per week for minors of 13 to 14; Act No. 2851, section 5: week limited to 45 hours for young persons aged between 14 and 18).

different types of activity.¹ Furthermore, young persons are often forbidden to do overtime.²

71. The legislation of certain countries provides for reduced working hours for women.³ In other cases, additional protection is granted to women by the fact that they alone (together with young persons) are covered by legal provisions limiting hours of work⁴ or forbidding overtime.⁵ Occasionally special measures apply exclusively to pregnant women or nursing mothers.⁶ With regard to the number of hours actually worked by women, the available statistics confirm that they are very often less than in the case of men⁷; on the other hand it sometimes happens that women work longer hours.⁸

(iii) *Hours of Work in Commerce and Offices.*

72. Although the instruments considered do not distinguish between manual and non-manual workers in respect of hours of work, non-manual workers enjoy shorter hours of work in several countries. This is brought out clearly in table I (columns 4 and 7) which shows that in a majority of the countries for which more detailed information is available either all workers in commerce and offices, or at least certain categories of these workers, have more favourable working hours. In some cases two general maxima are prescribed by law, with the lower level applying to workers in commerce and offices (for example Afghanistan, Venezuela) or it may be that the statutory maximum applies only to this sector and is lower than that determined by collective bargaining or otherwise for other workers (for example Ceylon). Occasionally it is merely that the normal level of working hours, independ-

¹ For example: Cyprus (Children and Young Persons' Law, 1953: six hours per day and 36 hours per week in industrial undertakings and 7½ and 42 hours in general; Shop Assistant Law: 48 hours per week for minors under 16 as against 50 hours generally); India (the Factories Act, sections 70 and 71: 4½ hours per day from 14 to 15 years and up to 18 if the young person in question has not been certified as capable of working as an adult; The State Shops and Commercial Establishments Act for West Bengal, section 8: seven hours per day and 40 per week for adolescents).

² For example: Brazil (Consolidated Labour Laws, section 413: overtime is forbidden for minors of 14 to 18, except in cases of *force majeure*, the public interest and in especially serious circumstances); Iraq (Labour Code, section 23 (2): overtime forbidden for adolescents of 14 to 18); Rumania (Labour Code, section 59: overtime forbidden for minors under 18); Singapore (Labour Ordinance, section 51: overtime forbidden for minors under 16); Spain (Decree of 1931, section 7: overtime is forbidden for young persons under 16); Switzerland (Federal Act of 1964, section 31: overtime forbidden up to 16); Turkey (Labour Code, section 48, and Regulations respecting overtime, section 4 (1): working day limited to eight hours for minors under 16); United Arab Republic (Labour Code, section 127: overtime is forbidden for adolescents up to 15).

³ For example, in Peru, the hours of work are 48 per week for men and 45 per week for women (Act No. 2851, section 5).

⁴ See para. 26, Chapter I.

⁵ For example: India (the Factories Act, section 66: normal working day of nine hours may not be exceeded by women except in the fish industry); Switzerland (Labour Law of 1964, sections 35 and 36: women in charge of a household and pregnant women may be employed outside normal hours only with their consent).

⁶ For example: Austria (Maternity Protection Act of 13 March 1957, section 8: overtime forbidden for pregnant or nursing women); Poland (Act of 26 February 1951, prohibiting the employment of pregnant women from the fourth month or having a child under 1 year of age at night or on overtime work); Rumania (Labour Code, section 59: overtime forbidden for pregnant women or nursing mothers). See also the provisions pertaining to nursing breaks during the working day (International Labour Conference, 49th Session, 1965, Report III, Part IV: Maternity Protection, paras. 231-239).

⁷ For example: according to the I.L.O. *Year Book of Labour Statistics*, 1965, the number of hours actually worked in manufacturing industries in 1964 by men and women were 46.9 and 39.3 per week in the United Kingdom and 42.6 and 37.5 per week in Norway, respectively.

⁸ For example, in China (Taiwan), the available figures from 1955 to 1963 show that the average working day was 8.9 to 9.3 hours for men and 9.4 to 10.2 hours for women.

ently of any general legislative standards, is lower for workers in commerce and offices (for example Cyprus, Ghana, Ireland).

73. More often, however, the more favourable conditions are of a more limited scope, applying only to offices (for example Denmark, Jamaica, Portugal, Singapore), or being restricted to public administration services (for example Brazil, Iraq, United Arab Republic) or to banks and insurance establishments (for example Mexico, New Zealand). Finally, there are cases where the special and more favourable standards are applicable to such limited cases as scientific or medical work (U.S.S.R.) or university graduates in public administration (Chile).

74. The level of the lower working hours varies considerably, but it is sometimes strikingly different to that existing for workers as a whole. Thus, a 30 to 36-hour working week is frequently found in public administration (for example Brazil, China), United Arab Republic, in banks and insurance (for example Kuwait, Mexico), or for other limited categories of non-manual workers (for example Spain, U.S.S.R.). In most of the other cases mentioned above the variation in hours is less marked, and the employees in question work between one and eight hours less per week than workers in industry.

(b) *Longer Working Hours in Specific Areas*

75. The four instruments covered by the survey provide for certain cases in which the level of working hours may exceed the prescribed standard, either because the establishments or workers in question are excluded from the scope of the instruments (see above, Chapter II) or because they fall within the definition of certain authorised permanent exceptions (see below, Chapter IV). Apart from such cases, however, the table shows that in certain countries, in given sectors, the normal working hours are not only longer than the general maximum, but also above the 48-hour limit. Thus, a number of countries provide for a 50 to 60-hour week in transport undertakings (Burma, Hungary, etc.), and some prescribe longer hours of 50 or more a week on construction (certain Canadian provinces, Switzerland, etc.); sometimes a 54 to 60-hour week is permitted in a number of industries or occupations (Malta, China). Similarly, in the case of commerce and offices, although we have seen that working hours in these branches are often well below the general level, there are certain countries where the situation is reversed and where longer hours are worked either in the sector as a whole (Pakistan, Thailand, etc.) or in shops (France, Ivory Coast, etc.).

76. As regards the number of hours actually worked or paid for, the information available (columns 10 and 11) confirms the trend towards longer hours in construction and in transport. These longer hours are found not only in countries where the prescribed maximum for these sectors is higher than the general level, but also in a number of other countries where it seems from the information available that the general level is applicable also in construction and transport.

* * *

77. This short examination of the levels at which hours of work are fixed in the 93 States covered by the survey shows a wide range of variations, both from one country to another, and within the individual countries. These differences reflect the many factors which directly influence the level of working hours—social, economic, technical, climatic, and other—and which themselves are often liable to change over the years. This is particularly true of the economic factors which can cause strong

upward or downward movements in the number of hours actually worked in a given industry or by workers as a whole. For this reason it would seem that the level of hours actually worked should always be considered when examining the situation in any country, so as to ascertain the validity of the prescribed "maximum" hours, and hence the effectiveness of the restrictions and safeguards imposed in regard to the working of overtime.

78. However, in spite of these many variations in the level of hours prescribed, two general conclusions may be drawn in relation to the application of the relevant Conventions and the Recommendation. The first is that the level of normal hours of work, for workers in general, never exceeds the 48-hour limit laid down by Conventions Nos. 1 and 30 and the second is that the 40-hour limit advocated in Convention No. 47 and in Recommendation No. 116 is observed in a large and growing number of countries. This standard appears today as a real social objective which many countries are endeavouring to attain, as will be indicated in the following chapter. Nevertheless satisfaction at this general situation should not lead one to ignore the fact that, in many countries, there are still industries or sectors where a normal working week of 50 hours or more is prescribed, and also certain important categories of workers which are outside the scope of the relevant legislation or measures.

TABLE I. HOURS OF WORK IN VARIOUS COUNTRIES
(This table is prepared for purposes of illustration and is based on information supplied by the governments)

Country (References to sources are given at the end of the table p. 206)	Normal hours						Hours actually worked ¹			
	Statutory hours of work (per day or week)			Normal hours of work other than the statutory hours, or partial systems. (Partial systems are given in brackets) a : public administration b : banks, credit and insurance c : building d : retail trade e : mines (underground work) h : hotels, restaurants, etc. t : transports			Hours actually worked or paid for (in the day, the week or the month)			
	General	Industry	Commerce and offices	General	Industry	Commerce and offices	Manufacturing	Mining	Building	Transport
1	2	3	4	5	6	7	8	9	10	11
Afghanistan		8-9 ²	6 ¹ / ₂ -8 ¹ / ₂ ²							
Algeria	40					42-55 ^{d, h}		45.1/44.5	45.0/46.5	46.2/47.5
Argentina	48			44		37 ^a ; 39 ^b				
Australia	40			40	35-37 ¹ / ₂ ^e	35-40	42.79/43.44 ³	46.61/42.72 ³	43.04/43.74 ³	44.64/45.21 ³
Austria	48			45	(40-44)	(39-43)	45.5/47.7 ⁴			
Belgium	45				(40-44)		41.4/40.9 ⁵	42.0/41.9 ⁵	41.7/40.9 ⁵	
Bolivia	48				(44)	40 ^a ; 42 (Com.)				
Brazil	48				36 ^e	33-40 ^{a, b}	191.8/202.2			
Bulgaria	46									
Burma		44			40 ^e ; 60 ^t					
Byelorussia	41				(40); 36 ^e					
Cameroon	40; 45 ^e					45-56 ^{d, h}				
Canada	40 ⁷			40	50-60 ^{c, t}		41.0/41.0	43.2/42.2	39.9/41.0	44.8/44.3
Central African Republic	40					43-54 ^{d, h}				
Ceylon			45		45-46	36 ^a	8.8/8.9	7.0/7.7	8.0/7.9	8.5/9.1
Chad	40					42-50 ^{d, h}				
Chile	48					43-33 ^a				
China		8			10 ⁸	48	9.2/9.2	168.8/177.3		
Colombia	48						59.0/50.0	266.0/206.0		
Congo (Kinshasa)	48									
Costa Rica	48				(44); 12 ^t	44 ^a				

¹ For footnotes see p. 205.

TABLE I (cont.)

1	2	3	4	5	6	7	8	9	10	11
Cuba	44									
Cyprus					40 ^e ; 44; 10-11 ^t 42 ^e	40-44; 50 ^d ; 54 ^h	45.0/44.0 ⁹	49.0/43.0 ⁹	40.0/44.0 ⁹	52.0/60.0 ⁹
Czechoslovakia	46						43.3/40.8 ¹⁰			
Dahomey	40					42-52 ^{d, h} 42 (Off.)				
Denmark				44						
Dominican Republic	44									
Ethiopia	48									
Finland	40			40-45 ¹¹		37 1/2 (Off.)	44.0/44.0 ¹⁸	42.5/42.7		
France	40				38 ^a	42-52 ^{d, h} 44-54 ^{d, h}	44.9/46.1	47.2/44.7	48.4/50.0	47.9/47.7
Gabon	40									
Federal Rep. of Germany	48			40-43			48.8/43.6	47.3/43.9	48.1/45.2	
Ghana					42-45 50 ^t	40-42				
Greece	48						44.0/43.9			
Guatemala	45				(40)	40 ^b	45.4/45.7			
Guinea	40					42-52 ^{d, h}				
Haiti	48						45.8/45.2	44.2/43.9 ¹³	43.9/44.3 ¹³	43.7/42.5 ¹³
Hungary	48				52-60 ^t 50 ^t	48 ¹⁴	185.6/179.2	192.1/179.9 48.0/47.9 ¹⁵		
India		48								
Iran	48									
Iraq	48				(40-42) ¹⁸	36 ^a				
Ireland		48	48 ^d		42 1/2-45 42 ^t	40-45 40-45 ¹⁷	45.1/44.1 45.3/42.7 ¹²	48.2/45.8	45.2/44.4 43.3/41.8	46.9/43.7
Israel	47									
Italy	48				(40); 43-46	42-44 (Off.) 42-50 ^{d, h}	8.12/7.92 ¹²	8.13/8.05		
Ivory Coast	40									
Jamaica					(40); 42 1/2- 45	37 1/2 (Off.); 44 (Com.)				
Japan	48				(40-45)		45.7/45.2	44.2/45.3	45.1/47.3	44.7/46.2
Kenya					43-45; 50 ^c (44)	48-49 ^d ; 54 ^h 36 ^b				
Kuwait	48									
Luxembourg		48	44		42-45; 40 ^e			43.6/44.7 ¹⁸	52.4/48.4 ¹⁸	
Malagasy Republic	40					44 ¹⁹ ; 42-50 ^{d, h} 39-48		232.0/208.0		213.0/208.0
Malaysia		48				42 ¹⁹ ; 42-50 ^{d, h}				
Mali	40									
Malta					44-54	48; 37-38 ^a 44 ¹⁹ ; 46 ^d	49.0/46.5	48.0/47.5 ^{20, 21}	48.0/46.5 ²¹	56.5/55.8 ²¹
Mauritania	40									
Mexico	48				44; (40)	33 ^b ; 37 ^a	47.1/46.2 ⁵	48.2/46.5 ²²	51.6/52.7 ⁵	48.1/51.6 ⁵
Morocco	48									

For footnotes see p. 205.

HOURS OF WORK

TABLE I (cont.)

1	2	3	4	5	6	7	8	9	10	11
Netherlands	48			45			48.8/46.1	47.0/42.6	51.5/46.4	
New Zealand	40				35 ^e	37 1/2 ^{a, b}	39.9/40.7	43.1/46.3 ²³	42.8/44.4	42.4/42.6 ²⁴
Nicaragua	48				60 ^t					
Niger	40					42-52 ^{d, h}				
Nigeria					45 (44-48)	40 ^a ; 54 ^h				
Norway	45				40 ^e		44.6/42.6 ²¹	41.6/40.7 ²¹		
Pakistan		48			50 ²⁶ ; 54 ^e ; 60 ^t 40 ^a	48 ²⁸ ; 51-54				
Panama	48									
Peru	8					39 1/2 ^a	44.5/47.4		43.7/45.1	48.4/55.2
Philippines	8				(40)	40 ^a	43.6/43.4	42.4/48.0	44.0/48.5	43.9/49.3 ²⁷
Poland	46				(36; 42; 45)		7.80/7.85			
Portugal		8 ²⁸	8 (Com.); 7 (Off.)				38.4/44.0	36.0/41.8		
Rumania	48									
Senegal	40					42-52 ^{d, h}				
Sierra Leone					45; 48 ^t	45; 38 1/2 ^a		54.0/50.1	42.8/51.7	
Singapore		44	39 (Off.); 44 (Com.)		(42-43); 36 1/2 ^a		47.7/47.3	58.1/45.1	50.1/47.8	59.5/55.5 ²⁹
Somalia	48				(42-44)					
Spain	48				(40-45)	36-45 ³⁰	44.2/44.1	41.7/40.8	44.9/45.4	47.0/45.4
Sweden	45					48 ^d	176.0/165.0			
Switzerland	46				55 ^c	50-60 ^{d, h}	47.7/45.4		48.8/47.3	
Syrian Arab Republic	48									
Tanzania (Tanganyika)					45	48 ^d				
Thailand	48					54 (Com.)				
Tunisia	48				(40 ³¹)	(40 ³¹)				
Turkey	48					40 ^a				
Uganda		48			45	40-45; 37 1/2 ^a				
Ukraine	41				(40); 36 ^e					
U.S.S.R.	41				(40); 36 ^e		39.4 ³²			
United Kingdom				40-42		37 1/2 ^a	48.2/46.9 ³³	49.7/51.2 ³³	49.3/49.8 ³³	50.8/50.5 ³³
United Arab Republic	48				(42)	36 ^a	52.0/44.0	45.0/42.0	50.0/47.0	48.0/49.0
United States	40 ⁷			40		(35-37)	40.7/40.7	40.8/41.7	37.5/37.2	41.9/43.4 ³⁴
Upper Volta	40					42-52 ^{d, h}				
Uruguay		48	44 (Com.)			40 ^{a, b}				

For footnotes see p. 205.

TABLE I (concl.)

1	2	3	4	5	6	7	8	9	10	11
Venezuela		48	44							
Yugoslavia	42 ³⁵						198-206 ³⁶	198-207 ³⁶	186-203 ³⁶	
Zambia					45-48	40-48; 60 ^h				

¹ These figures are taken from the I.L.O. *Year Book of Labour Statistics, 1965*, or government reports, and show the starting level in each case and the most recent level according to the data available in the period 1955-64. ² The lower limit applies in winter. ³ 1963-64, only men (government report). ⁴ Including mines and quarries. ⁵ In October of each year. ⁶ Forty-five in Western Cameroon. ⁷ Federal legislation. ⁸ Seasonal workers especially. ⁹ One week in October of each year. ¹⁰ Socialist sector including mining and quarrying. ¹¹ Forty-hour week implemented in stages from 1966 to 1970. ¹² Including extractive industries. ¹³ Column 9: quarries only; column 10: building only; column 11: freight haulage. ¹⁴ Only urban zones. ¹⁵ Excluding coal mines. ¹⁶ Petroleum industry. ¹⁷ Forty in summer, 45 in winter in public administration. ¹⁸ Column 9: excluding extraction of iron ore; column 10: October of each year. ¹⁹ Public establishments and services. ²⁰ Stone and clay quarries. ²¹ Men. ²² Metal

mines. ²³ Excluding coal mines, for which the figures are 35.3/35.0. ²⁴ April and October of each year. ²⁵ Seasonal factories. ²⁶ West Bengal. ²⁷ Including maritime transport, May of each year. ²⁸ Hours of work may, however, be increased by an express decision of the Government in exceptional circumstances and when the public interest so requires. ²⁹ July of each year. ³⁰ Thirty-six in certain cases, for administrative and technical office personnel; 40 in public administration; 42-45 in several sectors. ³¹ Sectors subject to Act of 4 August 1936. ³² 1964, all activities. Government report. ³³ October of each year; men; column 9: excluding coal mines; column 11: excluding railways, London Transport and British Road Services. ³⁴ Main railway lines. ³⁵ Implementation in stages from 1965 to 1971. ³⁶ Socialist sector; column 8: including mining and quarrying; column 9: coal mines.

Table I: References

Afghanistan (Regulations of 16 January 1946, section 59, and government report); Algeria (Act of 21 June 1936, section 6, Book II of the Labour Code, and various decrees for its application); Argentina (Act No. 11544, section 2; Act No. 11640; Legislative Decree No. 23407 of 1944; Decrees Nos. 11519 and 12116 of 1950; government reports); Australia (Arbitration Awards; Industrial Arbitration Act, New South Wales; Industrial Conciliation and Arbitration Act, Queensland, and government reports); Belgium (Act of 15 July 1964, section 4; Act of 9 July 1936; various orders for its application and government reports); Bolivia (Labour Code, section 46; Supreme Decree No. 7229 of June 1965 and government report); Brazil (Consolidated Labour Laws, especially sections 58, 224, 293; Decree No. 51320 of 2 September 1961); Bulgaria (Labour Code, sections 39 (1), and 41, and government report); Burma (the Factory Act, sections 34 and 36; the Mines Act, sections 22 B and 22 C; The Railways Act, section 71 C; Byelorussia (See U.S.S.R.); Cameroon (Labour Code, section 112, and government report); Canada (Canada Labour (Standards) Code, 1965, section 5; Labour Act (Alberta); Hours of Work Act (British Columbia); Hours of Work and Vacation with Pay Act (Ontario); government reports); Central African Republic (Labour Code, section 118, and various orders for its application); Ceylon (Factories Ordinance, section 67 (a); Shop and Office Employments Act, section 3, paragraph 1; Wage Boards Ordinance, section 24, paragraph 3, and government report); Chad (Labour Code, section 112, and orders for its application); Chile (Labour Code, sections 24 and 125; Decree No. 338 of 6 April 1960); China (Factory Act, section 8; Mines Act, section 8, and government report); Colombia (Labour Code, section 161); Congo (Kinshasa) (Decree of 14 March 1957, section 4); Costa Rica (Labour Code, sections 136 and 143; Executive Decision No. 105 of 2 July 1928); Cuba (Constitution, section 66); Cyprus (Hours of Employment (Commerce and Offices) and (Mines and Quarries) Orders; Motor Vehicle (Drivers' Hours of Work) Regulations; Shop Assistant Law; Hotels Law; government report); Czechoslovakia (Labour Code, section 83); Dahomey (Labour Code, section 112; and different orders for its application); Denmark (Collective agreements and government report); Dominican Republic (Labour Code, section 137); Ethiopia (Minimum Labour Conditions Regulations, section 8); Finland (Acts Nos. 604 (section 5) and 605 (section 4), as amended by the Acts of 30 December 1965; government report); France (Act of 21 June 1936, section 6, Book II of the Labour Code); Gabon (Labour Code, section 111, and various orders for its application); Federal Republic of Germany (Hours of Work Regulations of 1938, section 3, and government report); Ghana (government report and various collective agreements); Greece (Decrees of 27 June 1932 and of 10 September 1937); Guatemala (Labour Code, section 116, and government report); Guinea (Labour Code, section 144, and various orders for its application); Haiti (Labour Code, section 98); Hungary (Labour Code, section 37); India (The Factories Act, sections 51 and 54; The Mines Act, sections 30 and 31; The Indian Railways Act, section 71C; The Motor Transport Workers' Act; the State Shops and Commercial Establishments Act; government reports); Iran (Labour Law, section 11); Iraq (Labour Code, section 4 (2); Collective Agreement of the Petroleum Industry, 1965; Law No. 24/1960); Ireland (Conditions of Employment Act; Shop (Conditions of Employment) Act; government report); Israel (Act of 15 May 1951, sections 2 and 3); Italy (Act No. 692 of 1923, section 1; collective agreements and government report); Ivory Coasts (Labour Code, 1964, various orders for its application, and government report); Jamaica (Decisions of wage boards; various collective agreements and government report); Japan (Labour Standards Law, section 32 (1), and government report); Kenya (Shop Hours Acts; The Regulation of Wages (Building and Construction Industry) and (Hotel and Catering Trades) Orders; government report); Kuwait (Labour Act (private sector), section 33; Labour Act (public sector), section 14); Luxembourg (Grand-Ducal Order of 17 October 1938, section 3; Consolidated Text of 1962, section 6, various collective agreements and government report); Malagasy Republic (Labour Code, section 73; Decree No. 61-717 of 28 December 1961); Malaysia (Employment Ordinance (Malaya), sections 58 and 59; Labour Ordinance (Sabah), section 104; Labour Ordinance (Sarawak), section 105; government report); Mali (Labour Code, section 134); Malta (Wages Councils' Regulation Orders and government report); Mauritania (Labour Code, Book II, section 2, and orders for its application); Mexico (Federal Labour Act, section 61, and government report); Morocco (Dahir of 18 June 1936, section 1, and orders for its application); Netherlands (Labour Act of 1919 and various decrees for its application; collective agreements, and government report); New Zealand (Factories Act, section 19 (1); Shop and Office Act, section 14 (1); Industrial Conciliation and Arbitration Act, section 149 (1); government report); Nicaragua (Labour Code, sections 47 and 169); Niger (Labour Code, section 110 and orders for its application); Nigeria (Wages Order and government report); Norway (Workers' Protection Act, section 23 (1) and (4)); Pakistan (Factories Act, sections 34 and 36; Mines Act, section 22 B and C; The Railways Act, section 71C; Motor Transport Workers' Ordinance, section 4; The Shops and Establishments Act, and government report); Panama (Constitution, section 69; Labour Code, section 152); Peru (Presidential Decree of 15 January 1919, sections 1 and 2; Civil Code, section 1572; Presidential Decree No. 522 of 26 July 1950, section 109); Philippines (Eight-Hour Labour Law, section 1; Forty-Hour (Five Day) Work Week Law, section 3); Poland (Act of 18 December 1919 (amended) section 1, and government report); Portugal (Legislative Decree No. 24402, section 1;

Legislative Decree No. 26917, section 1, (1) and (2) and section 4; Legislative Decree No. 22500, sections 1 and 2); Rumania (Constitution, section 19 (2); Labour Code, section 49 (1)); Senegal (Labour Code, section 134 and orders for its application); Sierra Leone (Wages Boards Decisions and government report); Singapore (Labour Ordinance, section 43; Clerks Employment Regulations, section 34 (1) (a) and (b)); Shop Assistants Employment Regulations, section 38 (1), government report); Somalia (Labour Code, section 71 and collective agreements); Spain (Decree of 1931, section 1; Labour Regulations and collective agreements quoted in the government report); Sweden (Hours of Work Acts, section 4); Switzerland (Federal Act of 13 March 1964, section 9; Ordinance II of 14 January 1966, sections 2, 8, 14, 25, 46, 124, 160, 183); Syrian Arab Republic (Labour Code, section 114); Tanzania (Tanganyika) (The Shop Hours Ordinance; collective agreements and government report); Thailand (Notification of the Ministry of the Interior of 20 December 1958, section 4 (1) and (2), and government report); Tunisia (Labour Code, sections 79 and 80; various orders under the Decree of 4 August 1936); Turkey (Labour Code, section 35; Act No. 657/1965; government report); Uganda (Employment Act (Cap. 83); collective agreements and government report); Ukraine (see U.S.S.R.); U.S.S.R. (Order of 8 March 1956; Act of 7 May 1960; Decision of 29 June 1960; government report); United Arab Republic (Labour Code, section 114; Act No. 133 of 1961, section 1, and orders for its application; Act No. 46 of 1964); United Kingdom (collective agreements and government report); United States (Fair Labor Standards Act, section 7 (a); Walsh-Healey Public Contracts Act, section 1 (c); Work Hours Act of 1962, section 102); Upper Volta (Labour Code, section 119 and various decrees for its application); Uruguay (Act No. 5350 of 1915, section 1; Decree of 10 November 1934, section 10; government report); Venezuela (Constitution, section 86, and Labour Code, section 54); Yugoslavia (Constitution, section 37; Basic Act of 1965 respecting employment relations, section 96; Basic Act of 4 April 1965, sections 1 and 7); Zambia (Shop Assistants Ordinance, section 3 (1) (a); Wages Councils Decisions and government report).

CHAPTER IV

POLICY AND MEASURES TO REDUCE HOURS OF WORK

79. As indicated briefly in the Introduction, action to reduce hours of work has already extended over a long period, marked at various stages by the adoption of standard-setting measures both at the international and national levels. Thus, the standard of the 48-hour week was already approved internationally and applied in a large number of countries by the end of the First World War. The economic and social changes early in the thirties led to the adoption of the principle of the 40-hour week, as laid down in Convention No. 47 and implemented in several countries either partially or in general. In the years following the Second World War, the 40-hour week was introduced in a number of other countries.¹ With a view to providing a general idea of these developments, which are spread out both in time and space, it is proposed in this chapter first of all to examine existing policy and recent measures already taken or envisaged in this field, and then to review briefly the general trends observed, on the basis of the standards applied for different classes of persons and occupations. Here, as when reviewing the over-all situation with regard to hours of work, special attention will be paid to the level of hours actually worked, so as to illustrate the connections and possible divergences which may exist between standards and practice.

SECTION 1: FORMULATION OF A NATIONAL POLICY FOR THE REDUCTION OF HOURS OF WORK

80. Paragraph 1 of Recommendation No. 116 states that: "Each Member should formulate and pursue a national policy designed to promote . . . the adoption of the principle of the progressive reduction of normal hours of work. . . ."

81. First of all the formulation of a national policy for the reduction of hours of work is found in countries which practise economic planning², and primarily in the socialist countries.³ In some countries, the formulation of this policy takes the form

¹ For a list of countries which have already adopted the 40-hour week, see table I. This standard was introduced in 1936 (i.e. at the same time as the principle was proclaimed in Convention No. 47) in New Zealand (Industrial Conciliation and Arbitration Act and the Factory Act of 1936) and in France (Act of 21 June 1936, Labour Code, Book II, section 6) where the system was extended to Algeria (Act of 21 June 1936, section 4). It was also extended to other French overseas territories, although comparatively recently (Labour Code for Overseas Territories, 1952). These countries have since become independent, but have retained the 40-hour week. The provisions of this Code are reproduced in the Labour Codes of the following countries: Central African Republic, Gabon, Ivory Coast, Malagasy Republic, Mauritania, Niger and Senegal; it is still in force in Cameroon, Chad and Dahomey. In Australia, the 40-hour week came to be generally applied from 1947. In Canada, very recent legislative measures have provided for a normal 40-hour week at the federal level (Labour (Standards) Code, 1965), but by virtue of collective agreements the 40-hour week became increasingly general in industry after 1954. In the United States the 40-hour principle was established in 1938 at the federal level by the Fair Labor Standards Act; the principle is generally applied by collective agreements.

² For example: France (by the Fifth Economic Development Plan).

³ For example: Byelorussia, Ukraine, U.S.S.R. (by the programmes and directives of the Twenty-second and Twenty-third Congresses of the U.S.S.R. Communist Party).

of setting up ad hoc bodies to study the problem of reducing hours of work.¹ It may also be incorporated in general directives concerning economic policy.² In several cases, legislative provisions determine the general line of action; this applies in particular to measures providing for shorter hours for certain types of work³, or general rules applicable to any measures for reducing hours of work.⁴ On a more general level, targets or programmes are frequently defined and advocated by various bodies or sectors, particularly Parliament or the trade unions.⁵ On the other hand, even if no formal policy is defined or proclaimed, the question of reducing hours of work has always been, and still remains, an important social objective. This is confirmed by the statements contained in the government reports and demonstrated in practice by the measures already taken to regulate and reduce hours of work.⁶ Accordingly, any measures to reduce hours of work may be said to reflect in themselves a policy or an aspect of it.

82. It is understood that any policy designed to reduce hours of work must be geared to various economic and social factors. Thus, Paragraph 7 of Recommendation No. 116 states that measures to reduce hours of work should take into account the possibilities and the effect of such a reduction from the point of view of production and development, international trade, the real income of the workers, technological progress, and in the case of countries still in the process of development, the standards of living of their peoples, and finally, the preferences of the employers' and workers' organisations concerned as to the manner in which the reduction in working hours might be brought about.

83. The determining role of these factors emerges clearly from the methods, timing and arrangements for reducing hours of work which will be examined later on. It is also revealed by the comments of governments regarding the obstacles in the

¹ For example: Denmark, Norway, Sweden: Committees have been set up in the last three years to study measures for reducing and regulating hours of work.

² For example: United Kingdom: in connection with the national policy concerning productivity, prices and incomes, a growth norm has been established for money income, and authorities concerned with wage fixing have been asked to take into account as well additional factors which make for an increase in costs, particularly reduction in hours of work without a corresponding wage cut (government report).

³ For example: arduous or unhealthy work (see Chapter III).

⁴ For example: Belgium (The Act of 15 July 1964, which provides for a general reduction in weekly hours of work from 48 to 45 (section 4), stipulates in Division 3, chapter 2, "Reduction of hours of work", that the maximum limits of hours of work prescribed by the Act in question may be reduced by decision of the competent joint committee, made compulsory by the Crown). Czechoslovakia (Labour Code of 1965, section 83 (3): the competent administrative and trade union authorities may reduce the hours of work on the basis of the principles agreed by the Government); Switzerland (Federal Act of 13 March 1964, section 9 (2): the Federal Council may reduce the weekly hours of work to 45 from 1 January 1968, if conditions so warrant); United Arab Republic (Order No. 133 of 1961, section 1: Hours of work will be reduced from 48 to 42 per week in the undertakings to be designated by an order of the Minister of Industry); Yugoslavia (a similar provision to the one referred to under Czechoslovakia was contained in section 165 of the Basic Act of 1957 respecting employment relationships, as amended by Act No. 17 of 1961; quite recently, the Decree of 4 April 1965 to promulgate a Basic Act to introduce the 42-hour week (sections 1 and 7) has provided for this standard to be introduced within five or, in exceptional cases, six years from the coming into force of the Act).

⁵ For example: Austria (the 40-hour week is advocated by the Federal Ministry of Social Affairs, supported by the trade unions (government report)); Czechoslovakia (statement by the General Secretary of the central Trade Union Council at its Fourteenth Plenary Session, concerning the programming of the reduction in hours of work—see para. 111; Luxembourg: motion by the Chamber of Deputies of 26 November 1964 to introduce a legal 44-hour working week for workers in the private sector, and to encourage moves to promote the 42-hour week).

⁶ See sections 3 and 4 of Chapter III.

economic field to the introduction of measures to reduce hours of work. These difficulties may be bound up with the fundamental problems of development. Thus, according to the reports of the governments concerned, the big obstacle to reducing hours of work in the developing countries—whether in Africa, Asia or Latin America—is the need to achieve their economic development. Sometimes these economic difficulties are accompanied by political difficulties, for instance in the Congo (Kinshasa). Mention may be made here of the special case of Tunisia where, for economic reasons, the Labour Code of 1966 increased the duration of the working week—fixed at 40 hours by the Decree of 4 August 1936—to 48 hours. But even in the most highly developed countries difficulties may arise due to factors connected with market conditions. In the United Kingdom, for instance, the Government announced a series of financial measures on 20 July 1966 including a six-months' freeze on all measures to reduce hours of work. Similarly, in Canada, the government report indicates that in Ontario any reduction in the present normal 48-hour week would clash with that province's requirements for achieving its economic expansion; the province already suffers from a shortage of manpower.

SECTION 2: IMPLEMENTATION OF THE POLICY TO REDUCE HOURS OF WORK

(a) *Methods*

84. The question of methods of application in general has already been examined in an earlier part of this survey.¹ However, mention should be made of the important role played by collective agreements in regard to the reduction of hours of work, even in many countries where hours of work are regulated essentially by legislation. Collective agreements have acted as a spur to the introduction of legislative measures to reduce hours of work, for instance in Luxembourg and certain Scandinavian countries, where the actual methods of application are mostly left to collective bargaining, particularly in Finland. In countries like the Federal Republic of Germany and Austria, collective agreements have largely replaced legislative measures as far as reducing hours of work is concerned, or at least have anticipated them as in Italy.² Measures for reducing hours of work by virtue of decisions of joint committees, which are employed, in particular, in Belgium, also belong essentially to this type of method. Such methods ensure the consultation of employers and workers referred to in Paragraph 20(2)(c) of Recommendation No. 116.³

(b) *Programming of the Reduction of Hours of Work*

85. Paragraph 8 of Recommendation No. 116 provides that the principle of the progressive reduction of normal hours of work may be applied by stages, which may include: (a) stages spaced over time; (b) stages progressively encompassing branches or sectors of the national economy; (c) a combination of the two preceding arrangements; or (d) any other appropriate arrangement.

86. In a large number of countries, it appears that the measures taken or envisaged represent a combination of methods (a) and (b) above. In the U.S.S.R., for instance, an initial reduction (46-hour week) was effected throughout the entire economy in 1956, but a second reduction (41-hour week) was first introduced in certain industries

¹ See Chapter I.

² According to that Government's report, a Bill is being prepared which will take account of the provisions of Recommendation No. 116.

³ See also Chapter VII.

before becoming general in 1960. In the last few years, the five-day, 40-hour week has been introduced in a few model sectors (textiles, metallurgy, etc.).¹ A combination of these two methods also forms the basis of the measures taken in other countries such as Finland and Luxembourg.²

87. The method of reduction by sectors, whereby shorter hours are introduced progressively for certain categories of work or persons³, is often followed, particularly when reduction is brought about through collective agreements which may gradually be extended so as to ensure shorter hours for all branches of activity. In other countries, such as Norway and Sweden, hours of work are reduced in successive stages for all occupations.

(c) *Formulas for Reducing Hours of Work*

88. Paragraph 4 of Recommendation No. 116 refers to a 40-hour week, but does not specify whether the reduction should apply to the number of hours worked per day or be calculated on a different basis. In fact, although the systems employed vary considerably, methods of reducing hours of work are essentially of two kinds; a reduction in the duration of the working day or the working week, and the granting of additional holidays. Frequently these two methods are applied in combination, alternately, so as to achieve a balance between the working day and the working week, on the one hand, and between the period of activity and the inactive holiday period, on the other. This balance seems to be important, both in the interests of the worker and for the satisfactory operation of the undertaking.

89. Taking as the point of departure the maximum eight-hour day and 48-hour week, the first phase in the reduction of hours of work consists frequently in an extension of the weekly rest days. The introduction of a five-and-a-half day week by provisions prescribing the closing of establishments on Saturday afternoons is the method used, particularly in Latin America, in countries such as Argentina, Bolivia and Guatemala.

90. This method of reducing hours of work is applied frequently until the 40-hour standard is attained, thus permitting of a five-day week while maintaining the eight-hour working day. In the interval, it sometimes happens that the working day is lengthened for the sake of the weekly rest days, for instance in the case of the nine-hour day and five-day week customarily observed in large centres in Denmark, where the recent reduction (March 1966) from 45 to 44 hours a week was effected by reducing the hours of work on Fridays to eight.

91. Some countries apparently prefer to maintain a greater balance between the duration of the working day and the working week. Thus in the U.S.S.R., measures

¹ The generalisation of the five-day week by October 1967, without changing the weekly maximum hours of work now applicable, has been recently decided (Ukase of 14 March 1967 of the Presidium of the Supreme Soviet of the U.S.S.R.).

² In the new Finnish programme for reducing hours of work, the normal statutory working week has been fixed at 40 hours for all branches of activity, but this standard may be applied in stages between now and 1970: the hours of work for each industry will be reduced in a single stage or in more or less accelerated stages, as the case may be. Collective agreements also leave the employer free to choose whether the reduction will apply generally throughout the undertaking or whether it will be applied progressively to certain parts of the undertaking, for certain operations. In Luxembourg, the hours of work of all salaried employees in the private sector were reduced by legislation in 1962; at the same time, collective agreements reduced the normal hours of work in different sectors of industry.

³ See section 3, Chapter III.

to reduce hours of work were first applied to the working day—within the context of the six-day week. These are to be followed by the introduction of a five-day, 35-hour week (according to the Programme of the Twenty-third Congress of the U.S.S.R. Communist Party).

92. When weekly hours are less than 40, the reduction is usually made by shortening the daily hours of work. As already indicated, in some countries, these are down to $7\frac{1}{2}$ or six a day. Sometimes the reduction applies to the average duration of the working week or day and is effected through the granting of additional holidays at another period of the year. This is the arrangement adopted, for example, in Sweden, where, in connection with the reduction of the working week from 48 to 45 hours, the vast majority of workers elected to have their Saturdays free in summer, whereas only some 10 per cent. opted for a reduction in the working day; another 10 per cent. preferred a combination of the two arrangements. In Norway, for a similar reduction, most of the workers chose to have a second Saturday free each month in addition to other public holidays. In Finland, this is also the method envisaged to achieve a 40-hour week, the objective being to introduce a five-day week progressively over an increasingly large proportion of weeks until 1970.¹

93. In several countries, a seasonal reduction is made, provision being made for shorter hours in summer² or in winter³, depending on the climate. Hours of work may also be reduced during religious festivals.⁴

94. Finally, hours of work may also be reduced by the granting of additional holidays, irrespective of or over and above any reduction in the duration of the working day or week.⁵ This arrangement is often adopted for arduous or unhealthy occupations.⁶

95. Accordingly, although a reduction in the working day or week remains the central objective, methods of application show that, starting from a certain level below the 48-hour week, such reduction is sometimes made on the basis of their average duration, calculated over a period of one year.

(d) *Maintenance of Wage Levels*

96. Recommendation No. 116 emphasises the essential condition for any measure to reduce hours of work; whether in the case of immediate steps (Paragraph 5)

¹ The national collective agreement provides for the following model programme: a 40-hour working week for 15 weeks in the summer of 1966, 21 weeks in 1967, 30 weeks in 1968, 39 weeks in 1969 and throughout the year in 1970.

² For example: China (the administration observes a five to six-hour day during the three summer months); Israel (45 hours in winter for the public administration and 40 hours in summer, 42 hours in summer in the construction industry).

³ Afghanistan ($6\frac{1}{2}$ to eight hours in winter and $8\frac{1}{2}$ to nine in summer in commerce and industry, respectively).

⁴ Iraq (Labour Code, section 9, reduction of one hour per day during Ramadan).

⁵ It should be mentioned that in the United States since 1940, reductions in the hours of work are mainly achieved by the granting of additional holidays (*Monthly Labor Review*, Mar. 1962, p. 257). Thus on 17 June 1963 an agreement was concluded between the United Steelworkers' Union and the main undertakings in the steel sector, whereby three months' annual leave will be granted every five years to half the workers on hourly rates.

⁶ See paras. 68-69 above.

or progressive measures (Paragraphs 4 and 6), a reduction in hours of work may not give rise to "any reduction in the wages of the workers". Convention No. 47 (Article 1(a)) similarly provides that the principle of a 40-hour week should be "applied in such a manner that the standard of living is not reduced in consequence". It should also be pointed out that at its 1919 session, when Convention No. 1 was adopted, the Conference also adopted a resolution respecting the maintenance of wage standards on the occasion of the introduction of the eight-hour day and 48-hour week.¹ The aforementioned provision of Convention No. 47 was also supported by a resolution which developed the same principle.² However, it should be emphasised that the effect of a reduction in hours of work on total production or productivity, and economic growth, giving rise to inflationary pressures which would ultimately reduce the real income of the workers, is one of the factors which, according to Paragraph 7 of the Recommendation, must be taken into account in any measures to reduce hours of work. In this case, maintenance of wage levels is, of course, tantamount to an increase in the rate of remuneration. In fact, hours of work and remuneration are two aspects of employment conditions which are closely linked. The interests of the persons protected demand that wages should not fall in the event of a reduction in hours of work, and also that they should increase in a higher proportion when hours of work are extended, as in the case of overtime. The latter aspect will be dealt with later in Chapter VI.

97. Generally speaking, the provisions prescribing the maintenance of wage levels are included in the legislative texts³ or collective agreements⁴ which introduce the measures to reduce hours of work, or occasionally in an explanatory text.⁵ Usually, these measures consist in maintaining the same level of remuneration for workers paid by the week or month, and in the case of workers paid by the day, the hour or on a piece-work basis, in a revision of the wage rate applied. Furthermore, several countries state in their reports that measures to reduce hours of work do not entail any reduction in the wages of the workers.⁶

SECTION 3: MEASURES TO REDUCE HOURS OF WORK

98. The previous sections have dealt in turn with the policy for reducing hours of work and the methods and arrangements for implementing such a policy. In the present section, it is proposed to review the measures taken in recent years by various countries to reduce the general level of working hours.

¹ See the *International Labour Code*, op. cit., Vol. II, p. 4.

² Ibid.

³ For example: Argentina (Act No. 11640 respecting the five-and-a-half day week, section 5); Bolivia (Decree 2534 of 1951 to Institute Saturday Rest in Commerce and Banking, section 1); Bulgaria (Decision No. 35 of 5 March 1958 of the Council of Ministers, section 4); France (Act of 1936, Labour Code, Book II, section 10); New Zealand (Industrial Conciliation and Arbitration Act, 1954, section 21 (3)); Turkey (Labour Code, section 53); United Arab Republic (Law 175 of 1961 adding a provision concerning the maintenance of wage levels to Act No. 133 of 1961 providing for a reduction in the hours of work of undertakings to be designated by the Minister of Industry); U.S.S.R. (Ordinance of 8 March 1956).

⁴ For example: Austria, Norway and Sweden.

⁵ France: Labour Code for Overseas Territories, 1952; the Minister for French Overseas Territories subsequently stated in a directive that the introduction of the 40-hour week should not entail any reduction in wages. See P. CHAULEUR, *Régime du travail dans les territoires d'outre-mer*.

⁶ For example: Hungary, Italy, Poland, U.S.S.R.

99. The objective of Recommendation No. 116 may be implemented in two stages, the first to be reached by immediate steps when the duration of the normal working week exceeds 48 hours (Paragraph 5), and the second by means of progressive measures when the weekly hours of work are either 48 or less (Paragraphs 4 and 6).

(a) *Immediate Steps to Reduce the Normal Working Week to 48 Hours*

100. According to Paragraph 5 of the Recommendation, "Where the duration of the normal working week exceeds 48 hours, immediate steps should be taken to bring it down to this level". Convention No. 1 (Article 2) and Convention No. 30 (Article 3) stipulate that working hours may not exceed 48 in the week and eight in the day, which principle was already proclaimed in 1919 in the I.L.O.'s original Constitution.

101. It should be noted to begin with that normal hours of work for workers in general do not exceed 48 per week. In fact, in certain countries which were pioneers in this field, the 48-hour week was adopted at the beginning of the century.¹ Most European and some Latin American countries introduced the 48-hour week towards the end or shortly after the end of the First World War.² On the eve of the Second World War, the 48-hour week was the rule, with but few exceptions, while in the case of the industrialised countries, the principle of the 40-hour week embodied in Convention No. 47 was already applied or represented the target to be attained. In the post-war period, the newly independent countries also enacted legislation to introduce the 48-hour or even shorter working week, if this system had not already been adopted. There are, however, a few cases where measures to limit or reduce the duration of the normal working week to 48 hours are of relatively recent date.³ In some countries, the 48-hour standard is still exceeded in given sectors, either because legislation expressly provides for longer hours, or because the sector in question is not regulated by, or is excluded from, existing laws and regulations concerning hours of work. This subject is dealt with in the paragraphs of Chapter III devoted to the level of normal hours of work.⁴ In connection with these partial systems, measures have also been taken recently to reduce the duration of the working week to 48 hours.⁵

102. However, although there are relatively few cases where the normal weekly hours of work exceed 48 and which, in the meaning of Paragraph 5 of Recommendation No. 116, call for immediate steps to bring the level down to a maximum of 48 hours a week, it must be borne in mind that the level of hours actually worked may be considerably in excess of the normal hours of work and that in some countries it has even risen in recent years. This is apparent from the statistics showing the per-

¹ New Zealand (Factory Act, 1908); United States (Act to institute the eight-hour day (amendment) 1912).

² See the Introduction, para. 3.

³ Among the more recent laws and regulations to reduce the duration of the working week to 48 hours may be mentioned: Congo (Kinshasa) (Decree of 14 March 1957); Ethiopia (Minimum Labour Conditions Regulations, 1964); Iraq (Labour Code of 1958); Kuwait (Labour Acts of 1959 and 1960); United Arab Republic (Labour Code of 1959; previously, the duration of the working week was 54 hours).

⁴ See, in particular, para. 75 above.

⁵ India (the Motor Transport Workers' Act, 1961, introduced the 48-hour working week in a sector where hours of work were not yet regulated; the State Shops and Commercial Catering Establishments Acts in the states of West Bengal (Act No. 13 of 1963) and Assam (Act No. 11 of 1964) reduced the working week to 48 hours in these sectors).

centage of workers working a 49-hour week or more¹, and from the number of industries in various countries in which the average duration of hours actually worked exceeds 48 in the week.² These two examples may include overtime, cases where permanent exceptions are granted or other special factors, but they are nevertheless an indication of the measures which appear desirable in order to reduce weekly hours of work to 48, as well as of the sectors in which such measures might be most appropriate.

(b) *Measures for the Progressive Reduction of the Working Week to 40 Hours*

103. Where normal weekly hours of work are 48 or less, the Recommendation states in Paragraphs 4 and 6 that "measures for the progressive reduction of hours of work . . . should be worked out and implemented . . . with a view to attaining the social standard indicated in the Preamble of this Recommendation". This social standard is the 40-hour week, the principle of which is also embodied in Convention No. 47.

104. As already indicated, there is a distinct trend towards the continuing reduction of hours of work, either at the general level or partially, to 40 hours a week or even less.

105. In most European countries, a new movement to reduce hours of work was set on foot around 1955-56. Much has been achieved and the movement is still being pursued.³

106. In the Soviet Union, the programme to reduce hours of work under the over-all planning policy began in 1956 with a shortening of the working day, on days preceding holidays and the weekly rest period, to six hours.⁴ In 1960, the normal working day, was reduced to seven hours⁵, thus giving a working week of 41 hours. Further partial reductions, but affecting a substantial number of workers, resulted in a normal working week of 40 hours or less (textiles, metallurgy, etc.), and it is proposed to bring in the five-day, 35-hour week between now and 1970.⁶

¹ Examples taken from the I.L.O. *Year Book of Labour Statistics*, 1965, pp. 439-440, showing the percentage of workers working more than 48 hours a week.

	1955-56	1963-64
Austria	6.5	8.0
Cyprus	—	11.4
France	13.2	17.7
Hungary	—	2.0
Philippines	31.9	19.8
Switzerland	7.9	4.0
United States	13.7	14.8

² Examples taken from the I.L.O. *Year Book of Labour Statistics*, 1965, concerning hours actually worked per week in 1964: *food industry*: Colombia (52), Peru (51.1); *wood*: China (Taiwan) (9.7 per day for women); *petroleum*: Colombia (58); *wine*: Luxembourg (54.3); *mining*: Sierra Leone (50.1); *construction*: France (50), Mexico (52.7), United Kingdom (49.8); *transport*: Cyprus (60), Mexico (52.7), United Kingdom (50.5), Singapore (55.5).

³ See table II at the end of this Chapter.

⁴ U.S.S.R. (Ordinance of 8 March 1956).

⁵ U.S.S.R. (Act of 7 May 1960).

⁶ Programme of the Twenty-second Congress of the U.S.S.R. Communist Party.

107. In Finland, recent legislative measures ¹ to introduce the 40-hour week were preceded by a collective agreement concluded in June 1965 which provided for the general introduction of the 40-hour week in all occupations during the period 1966-70.² Previously, the statutory standard had been 47 hours, but the duration fixed by collective agreement was already 45 hours.

108. In the United Kingdom, during the period 1956-66, the duration of the working week was progressively reduced by collective agreements to an average of 42 to 44 hours (1956-61), and 40 to 42 (1964-66). The 40-hour week is now the rule for half the manual workers covered by collective agreements. The normal duration of the working week fixed by decisions of wage councils varies between 40 and 44, but is mainly 42 hours a week.

109. In Yugoslavia, measures taken in 1965 ³ provided for the introduction of the 42-hour week over a period of five years.

110. In the Federal Republic of Germany, the present movement to reduce hours of work by collective agreements began in 1956. By 1960, the duration of the working week was 45 hours, in most cases, and in 1965 it dropped to 41-43 hours. In some sectors, the 40-hour week has been adopted.

111. In Denmark, the working week was reduced from 48 to 45 hours by means of collective bargaining between 1958 and 1960. In March 1965, it was decided to bring it down to 44 hours. A working party composed of employers' and workers' representatives studied the possibility of introducing the 40-hour week between now and 1970; this is the present target. In Ireland, where the statutory maximum is 48 hours per week, collective agreements have reduced working hours to an average of 42½ to 45 in industry and 40 to 45 in commerce and offices. In Luxembourg, the statutory duration of the working week for private salaried employees was reduced to 44 hours in 1962 ⁴, and although the statutory duration of the working week in industry is still 48 hours, the normal duration fixed by collective agreements for most sectors, particularly iron and steel, is 42 to 45 hours per week. In Czechoslovakia, the weekly hours of work were reduced by the Labour Code of 1965 from 48 to 46 hours; and it is planned to reduce them still further to 44 hours towards the end of 1967.⁵

112. In various countries the working week has been reduced to 45 hours either by legislative measures or by collective agreements; these legislative measures were, in each case, preceded or accelerated by collective agreements. In Belgium, the 45-hour week was introduced by legislation in 1964, but it had already been generally applied by virtue of collective agreements since 1955. In Austria, a national agreement between the Federal Chamber of Industry and the Austrian Federation of Trade Unions brought about a general reduction in the normal working week in 1959, from 48 to 45 hours. In Italy, as a result of collective agreements renewed since 1960, the 48-hour working week was shortened by two to three hours. In the Netherlands, a government decision taken in 1959 on the advice of the Economic and Social Council opened the way towards a progressive reduction of working hours by means

¹ Finland (Acts of 30 December 1965 amending Acts Nos. 604 and 605 of 1946).

² See arrangements for reducing hours of work, para. 92.

³ Yugoslavia (Decrees of 4 April 1965 to promulgate Basic Acts respecting employment relationships and introducing the 42-hour week).

⁴ Luxembourg (Consolidated text of 20 April 1962 and Grand-Ducal Regulations of 28 October 1964 to regulate hours of work for private salaried employees).

⁵ Czechoslovakia (See footnotes to para. 81).

of collective agreements; they were shortened from 48 to 45 during the period 1960-62 and a further reduction to 43¾ is envisaged as from 1 July 1967. In Norway, legislative measures taken in 1958¹ provided for a reduction in the working week from 48 to 45 hours, to be effected in two stages between 1959 and 1960, but by virtue of an agreement between the Confederation of Employers and the Federation of Trade Unions the reduction was made in one stage in 1959; moreover, more than a quarter of the workers affected already enjoyed a 45-hour week or less. A further reduction to a 42-hour week is envisaged for 1968.² In Sweden, legislation³ also provided for the working week to be reduced from 48 to 45 hours in three stages spread over the years 1957 to 1960, but a collective agreement of national application concluded at the beginning of 1966 provided that, as from February 1967, a second cycle should operate to bring this level down to 42½ hours by 1 January 1969.

113. In Bulgaria a reduction in the duration of the working day to six hours on days preceding holidays and weekly rest days resulted in a working week of 46 hours in 1956; a further reduction from 46 to 44 hours is planned under the 1966-70 Five-Year Plan. In Switzerland, the statutory weekly hours of work were reduced to 46 in 1964⁴; however, levels of 45 hours or even 44 hours are already applied under collective agreements.

114. Outside Europe, for example in Canada and the United States, where the 40-hour week is already standard practice, additional legislative measures have been taken or are being envisaged at the federal level. In Canada, the Labour Standards Code adopted in 1965 provides for a 40-hour working week in sectors coming within federal jurisdiction; in the United States, an amendment of the Fair Labor Standards Act proposed by the President, is now before Congress, with the object of extending the 40-hour statutory week to certain sectors, such as the retail trade, hotels and restaurants, laundries, hospitals, and various other industries. Elsewhere, according to government reports, a tendency to reduce working hours may be observed, which although not reflected either in concerted measures or a declared policy, is nevertheless revealed by the fixing and application of certain standards. In several countries of Latin America, for instance, the normal working week is 45 hours or less.⁵

115. In Africa, two essentially different attitudes emerge. On the one hand, as already pointed out at the beginning of this chapter, the reports of most of the African countries refer to the special obstacles to reducing working hours, on account of the economic situation. On the other hand, several of these countries have already adopted the 40-hour week—subject, of course, to the reservations concerning, in particular, the rate of remuneration for the overtime mentioned in paragraph 255. The trend towards shorter working hours is also illustrated by the normal hours of work in several other African countries.⁶

¹ Norway (Act of 1958 to amend the Workers' Protection Act).

² Idem (Government's report on Convention No. 30 for 1964-66).

³ Sweden (Act of 1957 amending the Hours of Work Act).

⁴ Switzerland (Federal Act of 13 March 1964, section 9 (2), envisages a further reduction to 45 hours in 1968, subject to certain economic conditions. Furthermore, in the case of certain public undertakings subject to the Act regulating hours of work, particularly the Postal, Telegraph and Telephone Administration (P.T.T.) and the workshops of the Federal Railways, it is planned to shorten the duration of the working week to 44 hours in two stages by May 1968 (Act of 6 October 1966).

⁵ For example: Argentina, Dominican Republic, Guatemala, Mexico, and, except in industry, in Bolivia, Uruguay and Venezuela.

⁶ For example: in Sierra Leone and Tanzania (Tanganyika), where the general level is 45 hours; in the United Arab Republic, where a 42-hour week is prescribed in over 300 undertakings specified by the Minister of Industry; and in Ghana (42-45 hours), Kenya and Nigeria, where the level in industry is 45 hours.

116. In Asia, a normal working week of less than 48 hours is observed in some countries.¹

117. Moreover, arrangements for a partial reduction of working hours exist in virtually every country. The different practices observed in this connection may be divided into three main types, which may in turn be combined. First, a reduction in hours of work is common in those sectors and among those categories of workers to whom Paragraph 9 of Recommendation No. 116 accords priority (arduous and dangerous work, etc.). However, the more favourable systems currently encountered in these cases are part of a long-standing tradition.² Other equally definite trends in this direction seem to be determined by a number of factors connected with the nature of the work and the legal status of the occupation—as has been seen in the case of non-manual occupations in general, and the banking and public administration sectors in particular³—or with the level of development of the undertaking or sector of activity concerned. Thus the metalworking, capital equipment or durable goods industries, i.e. those which on account of their importance are frequently in the spearhead of the economic and social progress of a country, are often the sectors in which the hours of work are first reduced, usually by collective agreements.⁴ Similarly, the size of the undertaking or industrial centre appears to have a bearing on the possibilities of reducing hours of work.⁵ Other factors favouring a reduction in hours of work are connected with the technical organisation of the work, particularly in the case of shiftwork, which will be dealt with later on.⁶ This is another illustration of the relationship between the level of economic development, technological progress and shorter working hours referred to in Paragraph 7 of Recommendation No. 116.⁷

¹ For example: Afghanistan (6½ hours in winter—8½ in summer in commerce and offices, and 8-9 hours in industry; *N.B.*: the hours of work include one hour for meals); Burma (44 hours in factories and mines); Ceylon (normal working week of 45 hours); Singapore (39 hours for office employees, 44 hours in industry and shops). See table I and the corresponding references.

² Owen and certain other advocates of shorter working hours in the nineteenth century were concerned primarily with women and children particularly when they were engaged in unhealthy occupations in mines and cotton mills.

³ Chapter III, paras. 73-74.

⁴ *Ibid.*, para. 64.

⁵ For example, in Japan, a survey undertaken in October 1965 by the Ministry of Labour showed that 23 per cent. of the establishments covered had reduced their hours of work. Of these, 35 per cent. were undertakings employing between 500 and 999 workers; 29 per cent. employed more than 1,000 workers; 21 per cent. employed between 100 and 500 workers, and 10 per cent. only employed 30 to 99 workers. According to the Government's report on Convention No. 47, 61 per cent. of the undertakings employing more than 1,000 workers have adopted the 40 to 45-hour week, as against 10 per cent. only of undertakings employing fewer than 500 workers. In the U.S.S.R. the five-day week was first introduced in the large industrial centres such as Perm (government report).

⁶ See paras. 156 and 160.

⁷ Ford (United States, 40-hour week) and Bata (Czechoslovakia, 45-hour week) were also among the first to take steps to reduce hours of work in the 1930s.

TABLE II. PROGRESSIVE REDUCTION OF NORMAL WEEKLY HOURS OF WORK IN SELECTED COUNTRIES *

Country **	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970
Austria	48				(45)							(39-45)				
Belgium	48			(45)						45		(40-44)				
Bulgaria	48	46										46				44 ¹
Czechoslovakia	48	46											44 ²			
Denmark	(48)			(48)		(45)						(42-44)				
Fed. Rep. of Germany	48					(45)						(41-43)				
Finland	47									(45)	40-45					40 ³
Italy	48					(45-46)						(42-46)				
Luxembourg	48		(44-45)					44 ⁴				(42-45) ⁴				
Netherlands	48					(48)		45					43 ^{3/4} ²			
Norway	48			48	46 ^{1/2}	45						45		42 ^{1/2} ²		
Sweden	48		48	47	46	45							(45)			42 ^{1/2}
Switzerland	48									46			(45) ²	45 ² ; (44) ²		
United Kingdom		(44)					(42-44)					(40-42)				
U.S.S.R.	48	46				41						(40)				35 ⁵
Yugoslavia	48										42-48					42 ³

* These do not include reductions made prior to 1955 (particularly in the case of several countries where the normal working week is already 40 hours, for example: Algeria, Australia, Canada, France, French-speaking African countries, New Zealand, United States), or those for which exact dates are not available. See also table I.

** The figures in parentheses represent either general standards fixed by collective agreements, or partial systems applicable to certain sectors. For references to sources, see those at the end of table I.

¹ Reduction proposed under the 1966-70 Five-Year Plan). ² Proposed reduction (in the case of Switzerland subject to certain economic conditions, except that planned for the public sector—figures in parentheses). ³ Reduction by stages over the period 1965-70.

⁴ Statutory 44-hour working week for private salaried employees. ⁵ Target envisaged by the programme of the XXIInd Congress of the U.S.S.R. Communist Party.

CHAPTER V

DISTRIBUTION OF WORKING HOURS WITHIN THE DAY AND THE WEEK AND OVER LONGER PERIODS

118. Normal hours of work must of necessity be calculated over a given period. For various reasons of a sociological as well as a physiological and practical nature the reference periods are generally the day and the week. However, the daily and weekly limits of normal hours are not inflexible. Adjustments in the timetable and in the number of hours normally worked have sometimes been necessary in order to take account of variations mainly of a technical and economic nature. Such adjustments can be effected either by exceeding the normal working hours, where this is permitted under exceptions which are considered below, or by distributing the normal working hours according to the variations in the activities of the undertaking. This chapter will deal with possible changes in the distribution of working hours, first within the daily and weekly limits prescribed, secondly by the averaging of hours of work over periods of more than a week, and finally with the making up of hours of work which have been lost.

SECTION 1: DISTRIBUTION OF WORKING HOURS WITHIN THE DAY

119. From the practical standpoint the number of hours of work fixed per day and per week must be worked during a specified part of the day and of the week, a reasonable allowance being made for the workers' rest and leisure time. Provision is made for the limitation of the work day, as opposed to the limitation of hours of work in general, in a number of instruments laying down detailed regulations in respect of specific activities such as glassworks and transport.¹ Conventions Nos. 1 and 30, being much more general in scope, do not deal with this aspect of the question.²

120. In national regulations daily hours of work may be limited either directly by rules prescribing a maximum spread-over³ or indirectly, by stipulations con-

¹ The Hours of Work and Rest Periods (Road Transport) Convention (No. 67) prescribes a period of rest comprising at least 12 consecutive hours in every period of 24 (Article 15) and a maximum spread-over to be prescribed by the competent authority (Article 8); the Sheet Glass Works Convention (No. 43) and the Reduction of Hours of Work (Glass-Bottle Works) Convention (No. 49) prescribe rest periods of 16 hours between two spells of work (Articles 2 to 5).

² For reasons which will be explained later, Recommendation No. 116 and Convention No. 47 do not provide for the limitation of daily hours.

³ For example, Belgium (Labour Act of 1964, section 5: the working day must fall between 6 a.m. and 8 p.m.); France (decrees for the application of the 40-hour week dated 18 January 1937 (railways), section 4: spread-over of from ten to ten-and-a-half hours; decree of 27 April 1937 (land transport), section 2: spread-over of 12 hours); Gabon (spread-over of 11 hours, government report); India (State Shops and Establishments Acts: spread-over of from ten-and-a-half to 14 hours).

cerning daily rest¹ or the opening and closing hours for establishments.² A maximum spread-over and a compulsory daily rest break are frequently prescribed in respect of women and young persons³ and for safety reasons in transport.⁴

121. Another very common way of limiting the distribution of daily working hours is by making a distinction between day and night work. Night work may be restricted to a shorter number of hours per day⁵ and in addition may give entitlement to higher pay.⁶

SECTION 2: DISTRIBUTION OF WORKING HOURS WITHIN THE WEEK

122. Convention No. 47 and Recommendation No. 116 do not provide for maximum daily hours, as the shorter working week of 40 hours is deemed to be a sufficient guarantee of a working day of eight hours or less⁷, so that working hours may be distributed freely over the week within the limits of the prescribed weekly maximum.

123. Convention No. 1 and Convention No. 30, which lay down two standards, one for weekly hours and one for daily hours, provide (Article 2 (c) of Convention No. 1 and Article 4 of Convention No. 30) for variations in the normal eight-hour day within the limit of 48 hours per week.

124. As a rule⁸ provision is made in national legislation and practice for such variations, which may moreover be implicit where hours of work are fixed only on a

¹ For example, Brazil (Consolidation of Labour Laws, section 66, rest period of 11 hours); Czechoslovakia (Labour Code, section 90, rest period of 12 hours).

² For example, Argentina (Acts respecting opening and closing hours for establishments in various provinces); Australia (see footnote to para. 252); Ghana (hours of work fixed by the various collective agreements); New Zealand (see footnote to para. 252); Uganda (Shop Hours Act of 1963, section 3 (1): between 7.30 a.m. and 7 p.m.).

³ For example, Gabon (Labour Code, section 113); Malagasy Republic (Labour Code, section 75); Mauritania (Labour Code, Book II, section 7) and in general in the French-speaking African countries which apply the system introduced under the Labour Code (Overseas Territories) of 1952, a rest period of between 11 and 12 hours is prescribed for women and young persons; Switzerland (Labour Act of 1964, sections 31 (2) and 34 (1): spread-over of 12 hours, inclusive of rest breaks, for women and young persons under 18 years of age).

⁴ For example, Argentina (Decree No. 66078 (road transport), section 19: daily rest interval of 11 hours); France (decree of 18 January 1937 (railways), section 10: rest interval of between ten and 14 hours; decree of 27 April 1937 (land transport), section 2: rest interval of 12 hours (see also the first footnote to this paragraph).

⁵ For example, Argentina, Brazil, Costa Rica, Iraq, U.S.S.R. (see para. 67).

⁶ For example, Brazil (20 per cent. increase between 10 p.m. and 5 a.m., Labour Code, section 73); Colombia (Labour Code, sections 160 and 168, increase of 35 per cent. between 6 p.m. and 6 a.m.); U.S.S.R. (Labour Code, section 96: night work is remunerated at 8/7, 7/6 or 6/5 of the daily rate, depending on the case). See also para. 259 concerning remuneration for overtime worked at night.

⁷ In France and in the African countries where the normal working week is 40 hours, the hours may be distributed over five or six days up to a limit of eight hours per day. The 40-hour week is normally spread over five days in New Zealand and Australia, where a working day of eight hours is also stipulated. In the United States the 40-hour maximum applies only to the week, which is generally of five days. Work in excess of eight hours per day would be conceivable only in a week of less than five full working days.

⁸ The exceptions concern mainly countries where normal hours are fixed on a daily basis: Afghanistan, Byelorussia, Ukraine, U.S.S.R.; in the last three cases, however, variations are allowed for the purpose of calculating hours of work over a monthly period. In a few other countries the 40 hours are distributed evenly over five days (Australia, New Zealand) or 45 hours over five-and-a-half days (Ghana, Jamaica, Singapore).

weekly basis ¹, or on a daily or weekly basis ², or where the daily limit is higher than the number of hours which would have resulted from an even distribution of the number of hours permitted per week.³

(a) *Circumstances in Which an Uneven Distribution is Permitted*

125. The relevant provisions of Conventions Nos. 1 and 30 authorise uneven distribution of working hours, without restricting it to specific cases.⁴ This is normally also the case in national legislation and practice, and where provision is made for uneven distribution, it is rare for stipulations to be made as to when recourse may be had to it.⁵

126. However, the extension of the duration of the weekly rest is often mentioned as a ground ⁶—sometimes the only authorised ground ⁷—for exceeding the daily limit of eight hours.

127. Some countries prohibit uneven distribution where the work is unhealthy.⁸

(b) *Limitation of the Amount by Which the Daily Maximum May Be Exceeded*

128. Although the uneven distribution of hours of work is permitted, it is obvious that for the workers' protection a limit should be imposed on the amount by which the daily maximum of eight hours may be exceeded. Convention No. 1 (Article 2 (b)) restricts it to one hour per day, while Convention No. 30 (Article 4) limits the maximum total daily hours to ten. In general the limits imposed by national legislation and practice do not go beyond this.

129. In a number of countries where the statutory working week is 40 hours, a limit of eight hours is imposed in the event of an uneven distribution.⁹

130. An uneven distribution, with not more than one additional hour per day, or with a maximum daily total of nine hours, is allowed under the national legislation and practice of a great many countries where weekly hours are from 45 to 48.¹⁰

¹ For example, United States (see footnote to para. 122).

² For example, Kuwait (Labour Law (Private Sector), section 33).

³ For example, India (Factories Act: nine hours per day, 48 hours per week; Shops and Establishments Acts of the various states: eight to ten-and-a-half hours per day, 48 hours per week); Pakistan (Factories Act: nine to ten hours per day, 48 to 56 hours per week; Shops Acts of the various states: nine-and-a-half to ten hours per day, 51 to 56 hours per week).

⁴ Convention No. 1, which provides that where the hours of work on one or more days of the week are less than eight, the limit of eight hours may be exceeded on the other days of the week, does not specify the circumstances where this might apply but specifies the procedure to be followed.

⁵ The regulations of some countries mention the nature of the work, for example: Federal Republic of Germany, (Hours of Work Regulations of 1938, section 4), Spain (Act of 1931, section 1).

⁶ For example, Argentina (decree No. 16115, section 1 (b)); Belgium (Act of 15 July 1964, section 6 (1)); Bolivia (Labour Code, section 51); Luxembourg (consolidated text of 1962, section 6); Malta (Wages Councils Regulation Orders); Norway (Workers' Protection Act, section 23 (1)); Turkey (Labour Code, section 35 (a)).

⁷ For example, Congo (Kinshasa) (decree of 14 March 1957, section 7); Colombia (Labour Code, section 164); Denmark (the working week generally consists of nine hours on four days and eight hours on Friday, to allow for Saturday to be a rest day).

⁸ For example, Costa Rica (Labour Code, section 136); Guatemala (Labour Code, section 118).

⁹ For example, France and French-speaking African countries (see footnote to para. 122).

¹⁰ For example, Argentina (Decree No. 16115, section 1 (b): not more than one additional hour may be worked per day); Belgium (Act of 15 July 1964, section 6 (1): daily limit of nine hours); Bolivia (Labour Code, section 51: one additional hour per day); Congo (Kinshasa) (decree of

131. A number of countries limit the additional hours to two, or the total daily hours to ten. In some cases this limit is applicable generally ¹, in others it applies only to a particular sector, such as transport ² or the retail trade ³, or to special cases, such as that of workers who, because of the distances involved cannot return home each day.⁴

132. Some systems provide for a limit of nine or ten hours per day, depending on whether the working week is distributed over six or five days.⁵ In other cases there is a double limit of nine hours for industry and ten hours for commerce.⁶

133. Sometimes a distribution on a basis other than that of a normal working day of eight hours is provided for without any limit being put on the number of additional hours which may be worked per day.⁷ Likewise where normal hours of work are fixed purely on a weekly basis, or on a daily or weekly basis, there is as a rule no limit to the number of hours which may be worked in a day so long as the weekly maximum is observed.⁸

14 March 1957, section 7: daily limit of nine hours); Finland (Hours of Work Act of 30 December 1965, section 5, and Commercial Establishments and Offices Act of 30 December 1960, section 4: a limit of nine hours is imposed in the event of distribution over a period of up to three weeks); Gabon (limit of nine hours per day over seven, 14 or 21 days; government report); Italy (some collective agreements provide for the 44-hour week to be spread over five days, giving a daily total of eight hours 48 minutes); Luxembourg (order of 30 March 1932, section 3, and consolidated text of 20 April 1962, section 6: not more than one additional hour per day); Norway (Workers' Protection Act, section 23 (1): daily limit of nine hours); Singapore (a daily limit of nine hours is imposed by the Labour Ordinance, section 43 (1) (b), the Shop Assistants' Employment Ordinance, section 38 (1), and the Clerks' Employment Ordinance, section 34 (1)); Spain (Act of 1931, section 1: daily limit of nine hours); Sweden (Hours of Work Act, section 4: daily limit of nine hours); Tunisia (Labour Code, section 79: limit of nine hours in cases of averaging in general); Turkey (Labour Code, section 35 (a)).

¹ For example, Austria (Hours of Work Regulations of 1938, section 4 (1) and (3): daily limit of ten hours for a distribution over from one to three weeks; the Government has drawn attention to this divergence in its reports); Brazil (Consolidation of Labour Laws, section 59 (2)); Costa Rica (Labour Code, section 136); Federal Republic of Germany (Hours of Work Regulations of 1938, section 4 (1) and (3): the limit of ten hours per day applies to a distribution over from one to three weeks); Guatemala (Labour Code, section 118).

² Finland (Commercial Establishments and Offices Act of 30 December 1965, section 4 (a)); France (decree of 27 April 1937 respecting the 40-hour week in land transport undertakings, Section 2: ten hours per day on not more than two days per week).

³ For example, Sweden (Hours of Work (Retail Trade) Act, section 4: ten hours per day and 11 hours on two days per week where there is only one employee; this exception, however, may be assimilated to that provided for in Article 7 (1) (c) of Convention No. 30, which is applicable to small establishments).

⁴ Belgium (Act of 15 July 1964, section 6 (2): this covers workers who have to be absent from their homes for more than 14 hours due to the timetables of the public transport facilities available to them).

⁵ For example, Morocco (order of 15 March 1937, section 3; the Government has emphasised in its report that it is having difficulty in applying Convention No. 1 for this reason); United Kingdom (Factories Act, sections 86 (a) and 100. The statutory provisions on hours of work apply only to women and young persons under 16 years of age; in practice collective agreements provide for a week of from 42 to 44 hours to be distributed over five or five-and-a-half days).

⁶ For example, Bulgaria: (section 16 of Ordinance No. 35 of 1958, as amended by Order No. 859 of 23 May 1962).

⁷ For example, Mexico (Labour Code, section 69); Nicaragua (Labour Code, section 52); Switzerland (General Ordinance of 1964, section 31; it should be pointed out that section 87 (1) (b) of the Ordinance, which appears to be designed to cover cases where a five-day week alternates with a longer week, limits the additional hours to four per week).

⁸ For example, Italy (Legislative Decree No. 692 of 1923, section 5; the Government has mentioned this divergence in its report on Convention No. 1); Kuwait (Labour Law (Private Sector), section 33); United States (Fair Labor Standards Act, section 7 (a) (1)).

134. It may occur, on the other hand, that a minimum number of hours of work is prescribed.¹

(c) *Authorisation Procedure*

135. Convention No. 1 (Article 2 (b)) provides that arrangements for the uneven distribution of hours of work may be authorised by the competent public authority or by agreement between the employers' and workers' organisations or their representatives. Convention No. 30 (Article 4) makes no special stipulations with regard to authorisation.

136. With some exceptions ², national legislation and practice do not require special authorisation to be obtained for uneven distribution where this is permitted by law. It is sometimes stipulated, however, that the distribution must be made on the basis of an agreement between the employer and the workers ³, and such an agreement may have to be submitted for approval to the competent joint body.⁴

137. Authorisation may be required, however, in cases where the distribution arrangement involves the working of more additional hours in the day than is normally permitted ⁵, or where the employers' and workers' organisations concerned wish to extend or introduce a uniform system in an industry or district.⁶

138. It should be pointed out that the competent authority's control over the distribution of hours of work may also be exercised through the work timetable, the drawing up and posting of which are prescribed by the instruments under consideration.⁷

* * *

139. Throughout international and national standards a growing degree of flexibility as regards the distribution of working hours within the maximum weekly limit is discernible. Unlike Conventions Nos. 1 and 30, Recommendation No. 116 contains no provisions prescribing a daily maximum, thus leaving complete freedom with regard to the distribution of weekly hours of work. This greater flexibility removes some of the difficulties which governments have encountered, particularly in regard to the daily maximum stipulated by Conventions Nos. 1 and 30, in the distribution of working hours within the limits of the weekly maximum. These difficulties are attested to by the comments made in the reports of a number of governments.⁸ They are further borne out by the fact that the Committee has often pointed out in this connection the incompatibility of certain national provisions with the requirements of the Conventions. However, although these divergences are relatively unimportant and although the nine and ten-hour limits fixed by Conventions Nos. 1 and 30 respectively may sometimes appear too rigid it will be appreciated

¹ Belgium (Act of 15 July 1964, section 7: it is prohibited to arrange spells of work of fewer than three hours in the case of medical assistants and similar staff, whose hours of work may be distributed over a seven-day week).

² For example, Luxembourg (in the case of employees in the private sector authorisation for a five-day week must be obtained in advance in writing from the Labour Inspectorate, consolidated text of 1962, section 6).

³ For example, Bolivia, Brazil, Colombia, Costa Rica, Guatemala.

⁴ For example, Spain.

⁵ For example, Austria, Federal Republic of Germany.

⁶ France (various decrees for the application of the 40-hour week).

⁷ See below, Chapter VII.

⁸ Austria (see footnote to para. 131); Italy (see footnote to para. 133); Morocco (see footnote to para. 132).

that there may be a real and continuing need for some daily maximum to be prescribed in the interests of the worker. The prescription of this maximum number of daily hours should be facilitated by the fact that the redistribution of hours within the week is normally intended to meet the desire of the workers for a longer period of weekly rest, rather than the technical or other needs of the undertaking.

SECTION 3: CALCULATION OF AVERAGE NORMAL HOURS OVER A PERIOD LONGER THAN A WEEK

140. The need to distribute working hours over a period longer than a week has been recognised in the three instruments laying down detailed regulations on hours of work, namely Convention No. 1, Convention No. 30 and Recommendation No. 116.¹ Provision is made in the instruments in question for the averaging of hours of work (a) in general terms, and also in particular cases, such as (b) shift work in necessarily continuous process, (c) shift work in general, and (d) the making up of time which has been lost.

(a) *Averaging of Hours of Work in General*

141. The Recommendation and Conventions Nos. 1 and 30 permit the averaging of hours of work subject to certain conditions relating to the circumstances in which this may be done, the limitation of the additional hours which may be worked in any one day and the procedure for obtaining authorisation.

(i) *Circumstances in Which the Averaging of Hours of Work Is Permitted.*

142. Under Paragraph 12 (1) of the Recommendation, the calculation of normal hours of work as an average over a period longer than one week should be permitted when special conditions in certain branches of activity or technical needs justify it. Under Article 5 of Convention No. 1 and Article 6 of Convention No. 30, calculation as an average may be authorised in exceptional cases where the limits of eight hours per day and 48 per week cannot be applied. Thus these provisions do not state the specific circumstances in which this procedure may be followed, but the Explanatory Report concerning the adoption of Convention No. 1 and the interpretation given to Article 5 of that Convention by the Conference of Ministers of Labour held in London in 1926, as well as opinions expressed by the International Labour Office, indicate that the cases in which this may be done include, *inter alia*, railways, the building trade and seasonal industries.²

143. As far as national legislation and practice are concerned, there are a number of countries where it has not been found necessary to take an average of hours of work over a period longer than a week.³

144. In the many cases where averaging is allowed, the relevant provision also refers to the branches of activity and undertakings where the normal limits are not applicable⁴, and where the nature of the work, technical reasons or seasonal varia-

¹ Convention No. 47, it will be recalled, concerns merely the adoption of the principle of the 40-hour week and not the methods of its application.

² See *International Labour Code*, op. cit., Vol. I, footnote 204 to article 240.

³ Reports from the Governments of Colombia, Cuba, India, Mexico (although averaging is provided for by section 69 of the Labour Code, the Government's report on Convention No. 3 for the period 1960-62 stated that recourse was not had to that section); New Zealand (averaging is done only in agriculture); Turkey.

⁴ For example, Belgium (Act of 15 July 1964, section 13, para. 1); Luxembourg (order of 30 March 1932, section 6, and consolidated text of 1962, section 6).





(iii) *Authorisation Procedure.*

151. Paragraph 12 (2) of Recommendation No. 116 provides that the competent authority or body should fix the maximum length of the period over which hours of work may be averaged. Convention No. 1 and Convention No. 30 lay down that authorisation must be given through regulations made by public authority. Convention No. 1 further provides that the regulations in question should be based on an agreement between the employers' and workers' organisations concerned. Moreover, Recommendation No. 116 (Paragraph 20 (2) (b)) and Convention No. 30 (Article 8) provide for consultation with employers' and workers' organisations. Convention No. 30 requires special regard to be paid to collective agreements, where these exist.

152. At the national level, as may be seen from the preceding paragraphs, averaging of hours of work is often authorised by decree or order concerning hours of work in particular activities. Such regulations are sometimes based on a collective agreement¹ or on the decision of a joint committee.² Provision is often made for them to be implemented by means of an agreement³, which may have to be approved by a competent authority or body.⁴

153. The obligation to consult employers' and workers' organisations will be dealt with later in Chapter VII.

* * *

154. The information supplied by governments confirms the ever-present and in some respects growing need for more flexible provisions allowing for the averaging of hours of work over longer periods. It should be recalled that averaging is widely used under arrangements for the shortening of hours of work by the granting of additional leave, either by way of compensation or otherwise.⁵ In this connection it is significant that the Government of Finland, where this system is widely used, has mentioned in its report divergences between national practice and the provisions of Convention No. 1. The Governments of Austria and the Federal Republic of Germany, for their part, have mentioned similar disparities with the provisions of Conventions in their reports, and the Government of Norway has also stated that averaging may be authorised in certain cases by the competent authority even if there is no collective agreement; in Sweden there is no need to invoke exceptional circumstances. These divergences, like those sometimes encountered by the Committee when it is assessing the effect given to Conventions Nos. 1 and 30, call for the following two comments. First, as concerns the provision in Convention No. 1 whereby the averaging of hours of work may be authorised by agreements which may be given the force of regulations (Article 5), the spirit of this provision may be said to be respected where this method of calculation is formally authorised and

No. 119 of 1964 to bring the limit down to ten hours, except for radio station staff); Norway (following a request made for the first time in 1961, the Regulations issued on 5 February 1965 by the Ministry of Labour and local authorities prescribed a limit of ten hours per day in cases where averaging was permitted under section 24 (1) and (3) of the Workers' Protection Act).

¹ For example, Luxembourg (see footnote to para. 146).

² For example, Belgium (see footnote to para. 149).

³ For example, Finland (Hours of Work Act of 30 December 1965, section 7); Italy (Legislative Decree No. 692 of 1923, section 4); Norway (Workers' Protection Act, section 23 (1) and (2)); Sweden (Hours of Work Act, section 5); United States (Fair Labor Standards Act, section 7 (b)).

⁴ For example, Finland (Conditions of Employment in Commercial Establishments and Offices Act of 30 December 1965, section 4 (a): at the request of the employers' and workers' organisations concerned, the Labour Council may permit special arrangements); Italy (the agreement mentioned above must be countersigned by the labour inspector).

⁵ See Chapter IV, section 2.

where consultation with the employers' and workers' organisations is ensured in a general way. Moreover, as concerns the circumstances in which averaging is authorised, attention should be drawn to the advantages presented by certain recent trends in favour of the adoption of these more flexible methods of calculation not only where they are indispensable for technical or other reasons but also where they are in the interest of workers.

(b) *Shift Work in Necessarily Continuous Processes*

155. The need is generally acknowledged for special provisions authorising the averaging of hours of work in processes which have to be carried on continuously, and provision is made for this in Article 4 of Convention No. 1 and Paragraph 13 of Recommendation No. 116. There is, however, one vital difference between these two instruments; whilst the 1919 Convention authorises an average working week of 56 hours in such cases, the 1962 Recommendation lays down that the average should "not exceed in any case the normal hours of work fixed for the economic activity concerned" (Paragraph 13 (2) of the Recommendation).

156. National legislation and practice, for their part, provide in the majority of cases for special arrangements with respect to shift work, but the trend appears to be not to make a distinction between shift work in general and shift work where processes have to be carried on continuously. In the great majority of cases, however, recourse is not had to the provision allowing an exception to be made (i.e. the lengthening of average hours of work) in the case of the latter type of work. On the contrary, shift work in general, for reasons of output and productivity, often enjoys shorter working hours than normal work, and in a number of cases hours are shorter still in work carried on continuously by a succession of shifts. This trend is thus in keeping with the provisions of Recommendation No. 116.

(i) *Processes in Which Averaging is Permitted.*

157. As stated above, provision is made in both Convention No. 1 and Recommendation No. 116 for special provisions concerning the calculation of hours of work in the case of "processes which, by reason of their nature, have to be carried on continuously by a succession of shifts".¹

158. In national legislation and practice the basic statutory provisions generally do no more than give a definition similar to that given above, but sometimes these processes are listed in implementing texts²; in other cases recourse to a special timetable or special hours permitted for this type of work is subject to the supervision of the competent authorities.³

¹ For the purposes of Convention No. 1 this exception covers work in which the technical processes have to be carried on without interruption day and night (such as blast-furnaces, coke manufacture, the refining of mineral oils, certain branches or operations in the chemical industry, cement manufacture, salt making, mining) or have to be kept going seven days a week due to the perishable nature of the product in question (such as dairy products in general), as well as public utility services (water, gas, electricity), see *International Labour Code*, op. cit., Vol. 1, footnote 202 to article 239. Under Article 7 (a) of Convention No. 1, governments which have ratified the Convention are required to communicate a list of the processes which are classed as being necessarily continuous in character under Article 4.

² For example, Colombia (Decree No. 1278 of 23 July 1931); Pakistan (East Pakistan Factories (Exemption) Rules of 1962, section 9).

³ For example, Ivory Coast (government report).

which has been lost (Paragraph 14 (b) (v)), but places it among the temporary exceptions where the extra hours worked must be deemed to be overtime and remunerated at a higher rate unless they are taken into account in the fixing of remuneration. It will consequently be discussed in the next chapter, which deals with exceptions.

* * *

166. Unlike the redistribution of working hours within the week (dealt with in section 2 above) which is normally intended to favour workers by extending the period of weekly rest, the provisions authorising the redistribution of hours over a longer period (dealt with in section 3 above) are generally intended to meet the needs of undertakings where for technical or other reasons it is difficult to avoid fluctuations in working hours. The relevant provisions of the international instruments are of course permissive and, as we have seen, a number of countries state that it is not considered necessary to permit the averaging of hours. However, while it may certainly be possible, with a high degree of organisation, to arrange working hours without a system of averaging even in such cases as rail transport and shift work, the flexibility permitted by such a system is normally found essential. It is for this reason that Convention No. 1, for example, requires the communication of detailed information on these points (Article 7), and that the Committee has often stressed the usefulness of permissive clauses authorising the averaging of working hours, and above all, the obligation in such cases of imposing certain safeguards and restrictions.

CHAPTER VI

EXCEPTIONS

167. In addition to the system of averaging which makes it possible to distribute the normal hours of work according to economic and social requirements, the need to adjust hours of work can also be met by the extension of the normal limits.

168. First, however, it must be pointed out that the restrictions imposed on exceptions must always be considered in the light of the level of normal hours of work in the various countries. The same limit on the number of additional hours of work permitted will obviously have different effects according to whether the normal hours of work are longer or shorter. Thus the number of hours which may actually be worked, and also the amount of overtime pay, will differ greatly when normal hours are 40 per week and when they are 48, even if the same number of additional hours is worked.

169. A second aspect of the problem which is of importance arises in countries in which the normal hours of work fixed by collective agreement are less than the statutory hours. In such cases the exceptions to the agreed normal number of hours are not always subject to the prescriptions regarding exceptions, that is, for example, the restrictions on the circumstances in which longer hours may be worked, on the number of additional hours permitted, and the full application of overtime pay for all additional hours.

SECTION I: CIRCUMSTANCES IN WHICH EXCEPTIONS MAY BE PERMITTED

170. The exceptions permitted by the instruments under consideration are divided into two main categories: permanent exceptions and temporary or periodical exceptions. Each of these categories covers a defined set of circumstances, and their application, as well as the variations that can occur in national law and practice, are considered in turn below.¹

(a) *Permanent Exceptions*

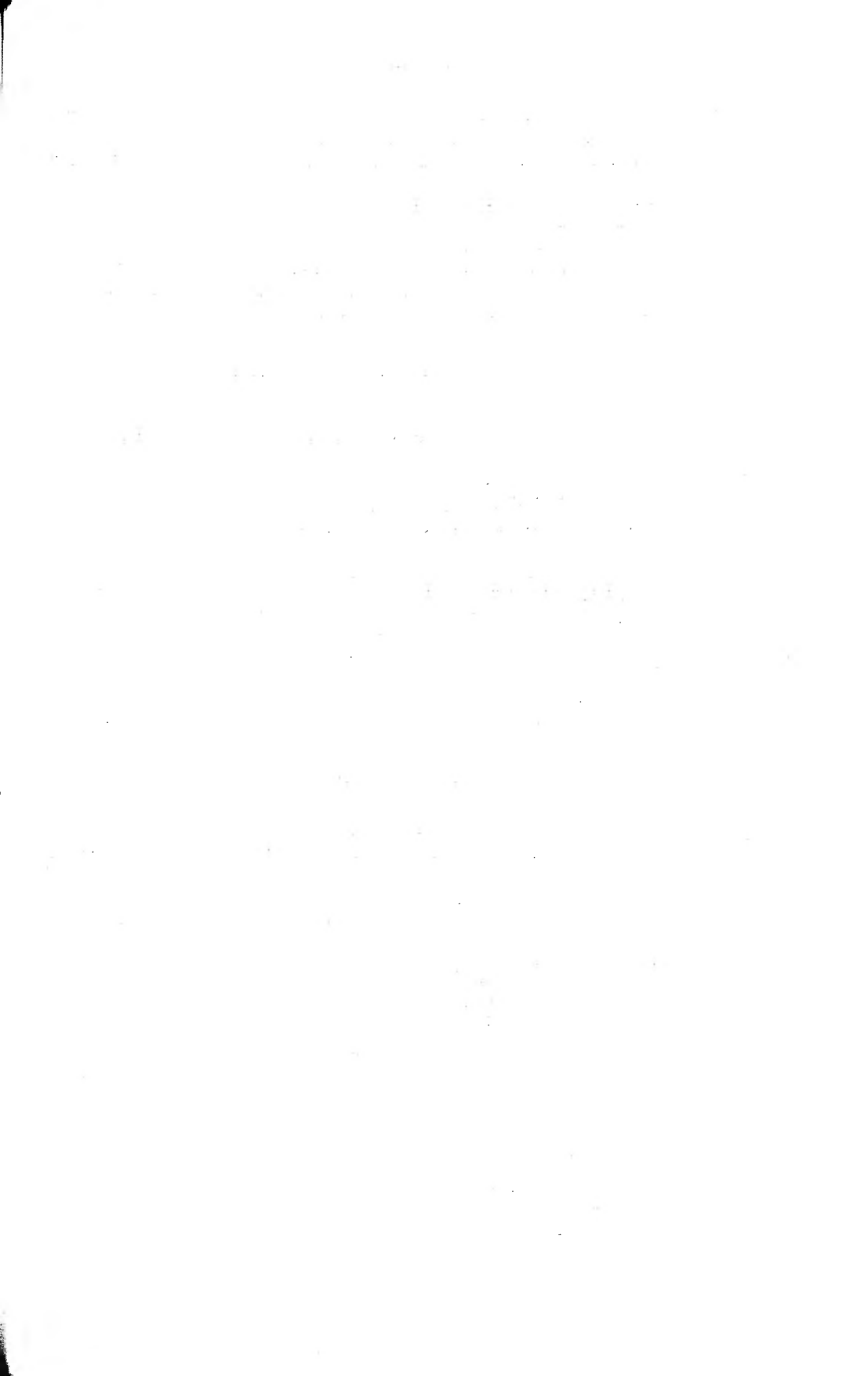
171. Permanent exceptions apply above all to cases in which a regular extension of the hours of work is necessary and admitted for the type of work, establishment and worker in question and may be regarded as part of the normal conditions of work.

(i) *Intermittent Work.*

172. This exception is provided for by Recommendation No. 116 (Paragraph 14 (a) (i)), Convention No. 1 (Article 6, paragraph 1 (a)) and Convention No. 30

¹ Among such cases, the making up of time which has been lost has features which make it possible for it to be treated either as a case of averaging of hours of work or as a temporary exception. Convention No. 30 chose the first and Recommendation No. 116 the second solution. This special case will be dealt with last, and separately from the other exceptions.





178. This exception is frequently found in national law and practice.¹ The types of work classed as preparatory or complementary cover a very wide variety of tasks and functions, but they can nevertheless be grouped under two main heads. The first is work involving maintenance and cleaning of premises and equipment.² The second is composed primarily of work necessary to start and run various machines or equipment or the undertaking generally³, including the work necessary for the relief of shifts.⁴ The legislation of certain countries further specifies that the nature of the work must be such that it cannot be carried out by the workers in turn within the limits of their normal hours⁵, or that the number of workers engaged in this work should not exceed a given proportion of the total number of workers employed.⁶

* * *

179. Application of this exception regarding complementary and preparatory work does not appear to give rise to any difficulties. The difference between this type of permanent exception and the preceding one might however be noted. In the case of intermittent work, it is the very nature of the work, involving to a greater or a lesser degree periods of presence or mere attendance, which justifies a longer duration. In the case of preparatory and complementary work, one is dealing with work actually done and with technically distinct processes, which may be performed either by persons who are not engaged in the general activities⁷ or in specific activities⁸ of the undertaking or by workers who are so engaged but in addition to their usual tasks. This idea is brought out by the terms of the instruments in question, which refer to work carried on outside the limits laid down for the undertaking or for the rest of the persons employed, or of the shift. For this reason, when the complementary and preparatory work entails an extension of normal hours of work, it is frequently counted as overtime, and is paid at a higher rate.⁹

(iii) *The Public Interest.*

180. Recommendation No. 116, Paragraph 14 (a) (ii), provides for permanent exceptions in certain exceptional cases required in the public interest.

181. General provisions of this nature are laid down in some countries.¹⁰ Particular instances of the application of this rule deal, for example, with exceptions to weekly

¹ For example, Argentina (Act No. 11544, section 4); Belgium (Act of 1964, section 15); Czechoslovakia (Ordinance No. 66 of 1965, section 12); Finland (Hours of Work Act of 1965, section 11); France (various decrees to implement the Act of 1936); Federal Republic of Germany (ordinance of 1938, section 5); Israel (Act of 1951, section 10); Norway (Workers' Protection Act, section 24, paragraph 4); Spain (Act of 1931, section 10); Sweden (Hours of Work Act, section 7, paragraph 1); Switzerland (Act of 1964, section 14, General Ordinance of 1964, section 41); Tunisia (Labour Code, section 83, paragraph 2); Turkey (Regulations No. 2/20738).

² Austria; France; Federal Republic of Germany (see note above); Morocco (order of 15 March 1937, section 10); Tunisia (decree of 4 August 1936).

³ For example, moulding and stripping castings in foundries: France (decree of 27 October 1936 concerning hours of work in the metal industry, section 5) and Tunisia (order of 4 August 1936); getting up steam for machinery: New Zealand (section 9 (3), Factories Act); loading and unloading ships, aircraft, lorries; Morocco (order of 15 March 1937).

⁴ For example, Czechoslovakia (Ordinance No. 66 of 1965); Morocco (order of 15 March 1937).

⁵ Spain (decree of 1931, section 10).

⁶ Turkey (Regulations No. 2/20738, section 4).

⁷ For example, cleaning, maintenance, electrical repairs, the work of specialist employees operating ovens, dryers, etc.

⁸ For example, workers employed in the greasing and maintenance of vehicles as compared with drivers in the delivery service of a department store.

⁹ See below paras. 246-247.

¹⁰ For example, Finland (Hours of Work Act 1965, section 7); Federal Republic of Germany (Regulations of 1938, section 8 (2)).

rest for reasons of public interest on account of the services provided and the needs they are intended to satisfy.¹

182. It should be noted that this exception sometimes coincides with that applicable to continuous work concerned with public utilities.² In certain cases it comes close to the exceptions permitted on the grounds of the nature of the work, the size of the population and the numbers of persons employed, which will be discussed in the following paragraphs. On the other hand, it will be shown below that considerations of public interest are quite often present in temporary exceptions.

(iv) *Exceptions Allowed in View of the Nature of the Work, the Size of the Population, or the Number of Persons Employed.*

183. This exception is provided for under Convention No. 30, Article 7, paragraph 1 (c).³

184. The cases in which this exception is resorted to in national law and practice are related mainly to the retail trade, in which longer hours are permitted, varying according to the size of the population⁴, or the number of persons employed.⁵ In certain cases, an extension of the working day is permitted so that customers already in the shop can be served and to allow for the necessary tidying-up.⁶ Such extensions are sometimes classified elsewhere as complementary and preparatory work.

* * *

185. A development in international standards and national law and practice can be seen in connection with permanent exceptions, from both the point of view of their limitation, and the remuneration of additional hours of work. According to the spirit of Conventions Nos. 1 and 30, additional hours worked under permanent exceptions come within the limits of a longer "regular normal number of hours" permitted for certain categories of work and establishments.⁷ Overtime, paid at higher rates, would be over and above these hours which may be qualified as special. Recommendation 116, Paragraph 16, reinforced the restriction on prolongation of hours of work by recommending a higher rate of pay for all hours worked in excess of the normal hours, whether in virtue of permanent or of temporary exceptions, unless they are taken into account in fixing remuneration. A tendency in this direction is also to be found in national law and practice. It will be discussed in more detail in section 2 of this chapter.

¹ Argentina (Act No. 4675, section 2 (1) and Decree No. 16117, section 7); Czechoslovakia (Labour Code, section 91 (3) (f)); Israel (Act of 1951, section 10).

² Water, gas and electricity supply, see note under para. 157.

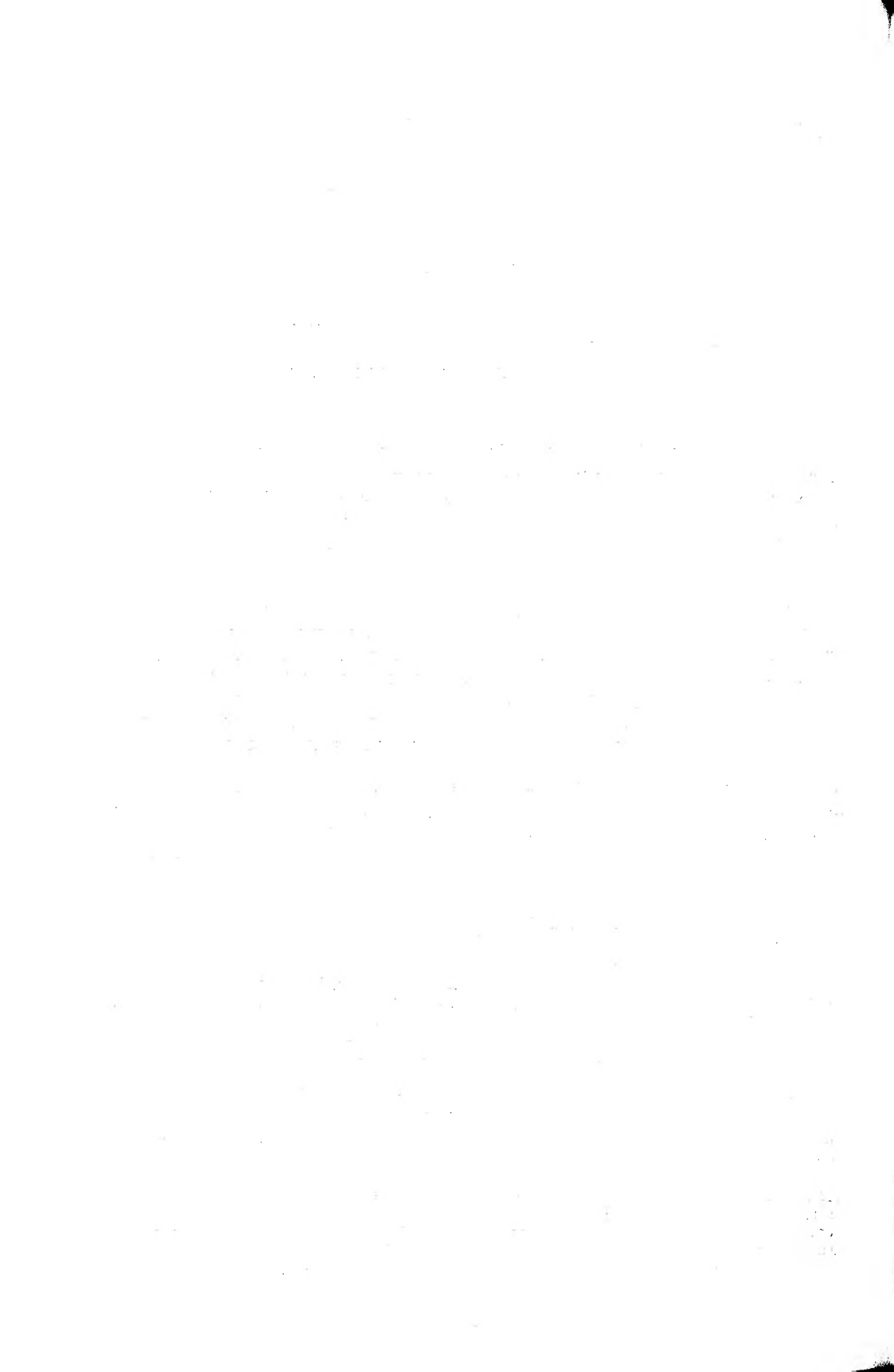
³ In connection with exceptions due to the nature of the work, it may be useful to recall the special standards, laid down by Convention No. 1, Article 4, in the case of processes which are required to be carried on continuously, which were dealt with above.

⁴ For example, Italy (Decree No. 2657 of 1923, items 14 and 22 of the adjoined table: the work of shop assistants in towns of less than 50,000 inhabitants and of hairdressers in towns of less than 100,000 inhabitants is considered intermittent, unless otherwise decided by the local authority on the recommendation of the employers' and workers' organisations and the labour inspectorate).

⁵ For example, Sweden (Hours of Work (Retail Trade) Act, section 4: a limit of 11 hours per day on two days per week is permitted when the weekly hours of work are unequally distributed and there is only one employee).

⁶ For example, Argentina (Decree No. 5070 of 14 August 1942: extension of an hour and a half per day and nine hours per week for retail food shops); Federal Republic of Germany (order of 1938, section 5, para. 2: extension of half an hour); Norway (Workers' Protection Act, section 24, para. 4: extension of half an hour); Sweden (Act respecting the retail trade, section 7, para. 1: extension of an hour and a half per day and seven hours per week).

⁷ See note 209, article 241, *International Labour Code*, op. cit., Vol. I.





based purely on agreement or where they are normally permitted without restriction as to circumstances¹, exceptions in cases of accident or *force majeure* are nevertheless provided for and are exempted from all restrictions, however partial they may be. On the other hand, the rule forbidding young persons to work additional hours is often not applied to cases of *force majeure*.² In certain countries the mere idea of urgency is sufficient to authorise possible exceptions.³

193. However, here too, a trend towards the better protection of employees can be discerned in this category of exceptions. Although the relevant provisions in the instruments in question do not require a limit to be fixed in such cases⁴, Recommendation No. 116 nevertheless recommends payment at a higher rate. The trend of national law and practice is also in this direction, and limits are even quite frequently put on the number of hours in excess of the normal hours of work. This point will be taken up in more detail in section 2.

(iii) *Suspension or Exceptions in the Event of War or National Danger.*

194. Convention No. 1 (Article 14) and Convention No. 30 (Article 9) provide for provisions governing hours of work to be suspended by order of the government in the event of war or other emergency endangering the national safety. Recommendation No. 116 (Paragraph 14 (b) (vi)) also provides for exceptions in case of national emergency.

195. In certain countries there are legislative provisions to this effect.⁵ Some countries also provide for exceptions in the case of work performed in the interests of national safety and defence⁶, and particularly in the case of orders for the army.⁷

(c) *Exceptions Not Specifying the Circumstances*

196. As has already been mentioned, national law and practice, in most cases, specify more or less rigidly in what circumstances exceptions may be authorised.

Ordinance, section 75); Chile (Labour Code, section 27); China (Factory Act, section 10); Colombia (Labour Code, section 163); Costa Rica (Labour Code, section 140); Finland (Hours of Work Act, 1965, section 12, and Conditions of Employment in Commercial Establishments and Offices Act, 1965, section 5); France (various decrees under the Act of 1936, section 6, para. 1); Guatemala (Labour Code, section 122); Israel (Act of 1951, section 10 (a) (i)); Italy (Decree No. 1955 of 1923, section 11); Japan (Labour Standards Law, section 103); Luxembourg (Grand-Ducal Order of 30 March 1932, section 7 (b)); Malaysia (Malaya) (Employment Ordinance, section 59, para. 1); Sarawak (Labour Ordinance, section 105 (a)); Mexico (Labour Code section 75); Morocco (Dahir of 18 June 1936, section 3, para. 5, and order of 15 March 1937, section 11); Norway (Workers' Protection Act, section 29); Poland (Amended Act of 1919, section 8 (a)); Portugal (Legislative Decree No. 24402, section 5); Spain (Act of 1931, section 9); Tunisia (Labour Code, section 83); U.S.S.R. (Labour Code, section 104 (d)); United Kingdom (Factories Act, section 96).

¹ See below para. 197.

² See note relating to para. 70.

³ For example: Czechoslovakia (Labour Code, section 97, para. 1 and Government Ordinance No. 66 of 1965); Federal Republic of Germany (order of 1938, section 14; the examples given arise, however, out of cases of exceptions to prevent the loss of perishable goods or to avoid endangering the technical results of the work, see above para. 188).

⁴ See below para. 227.

⁵ For example: Belgium (Act of 1964, section 24); Bulgaria (Labour Code, section 46 (a) and (b)); Israel (Act of 1951, sections 10 and 11: state of emergency); Sweden (Act No. 494 of 1940); U.S.S.R. (Labour Code, section 104 (a)).

⁶ For example: France (Act of 1936, section 6 of various decrees applying that Act); Tunisia (Labour Code, section 84).

⁷ Israel.

There are instances, however, where exceptions are provided for or are possible without restriction as to circumstances.

197. Thus, under certain systems either there is no restriction on additional hours of work, other than the payment of an increased rate of remuneration¹, or the restrictive provisions concerning exceptions are applicable only to women and young persons and relate exclusively to the limits on the permitted working of additional hours.² In neither case is the working of additional hours conditional upon given circumstances, although other restrictions may be prescribed, particularly payment of an increased rate of remuneration, as discussed below. There are also cases where exceptions are authorised on the basis of agreement between employers and workers.³

* * *

198. The above enumeration of the many different ways in which exceptions are authorised shows the problems which may arise when assessing the degree of conformity between national and international standards. On the one hand, when the international instrument is worded in detailed and precise manner, certain governments may consider that the terms used do not cover all the possible circumstances in which an exception might be necessary.⁴ On the other hand, if the provisions are worded in very general terms, this may, in some cases, mean that they will be interpreted with varying degrees of strictness.

199. Nevertheless, the Committee has on many occasions stressed the value of measures to limit the circumstances in which permanent or temporary exceptions may be authorised, and numerous divergences between national and international provisions pointed out by the Committee have been removed. The fact remains that at the national level a certain degree of variations in the circumstances where exceptions are possible, together with failure in some instances to stipulate authorised grounds with sufficient clarity may lead to difficulties with regard to the satisfactory application of the Conventions and the Recommendation.

200. These difficulties might, however, be circumscribed, particularly where a 40-hour week is applied, by means of various measures which could more easily be enforced, such as progressive overtime rates of pay and the fixing of the maximum number of additional hours that may be worked.

¹ For example: Canada (Saskatchewan) (Hours of Work Act).

² For example: Australia (New South Wales and Queensland) (legislation on factories); Canada (Manitoba) (Employment Standards Act); Japan (Labour Standards Law); New Zealand (Factories Act).

³ For example: Brazil (Consolidated Labour Laws, section 59); Italy (Legislative Decree No. 692 of 1923, section 5; however, agreements are subject to approval by the district inspector of industry and labour; section 5bis of the above Legislative Decree, which was added by Act No. 1070 of 30 October 1955, prohibits overtime working which is not purely temporary); Spain (Act of 1931, section 11).

⁴ For example: Austria (the Government's report on Recommendation No. 116 states that legislation permits exceptions by way of collective regulations or through authorisation by the labour inspectorate (sections 7 (1) and (2) and 8 (1) of the 1938 Regulations) and that the Constitutional Court has repealed Ordinance No. 191/1956 which imposed stricter conditions for exceptions in the event of urgent need. The report reveals, however, that the cases covered relate in particular to extension of hours of work for production reasons, for example in order to meet urgent deadlines); Federal Republic of Germany (the Government's report on Conventions Nos. 1 and 30 stresses the fact that sections 8 (exceptions in the event of urgent requirements) and 28 (public interest) of the 1938 Regulations have been confirmed in decisions by court of law and that Article 3 of Convention No. 1 does not cover the case of perishable goods or materials or of possible harm to production).

(d) *Making up Time Lost*

201. The question of the making up of time which has been lost is briefly examined below from the point of view of: (i) conditions of application, that is to say the circumstances in which this is authorised, (ii) the lapse of time within which this must be done, (iii) the limits on extension of normal daily hours of work, (iv) the obligation to notify the competent authorities, and (v) remuneration.

202. Governments' reports indicate that law and practice in several countries do not make any provision for this particular form of extension of hours of work.¹

(i) *Conditions of Application.*

203. Article 5 (1) of Convention No. 30 states that hours of work in the day may be increased for the purpose of making up the hours of work which have been lost in the event of a general interruption of work due to: (a) local holidays, or (b) accidents or *force majeure* (accidents to plant, interruption of power, light, heating or water, or occurrences causing serious material damage). Convention No. 1 does not provide for this particular exception.²

204. Recommendation No. 116 provides in Paragraph 14 (b) (v) for a temporary exception in order to make up time lost through collective stoppages of work due to accidents to materials, interruptions to the power supply, inclement weather, shortages of materials or transport facilities, and calamities.

205. The differences between these two instruments will have been noted. Recommendation No. 116 does not provide for time lost owing to local holidays to be made up but does refer to inclement weather and to shortages of materials or transport facilities, which are more liable to affect industrial undertakings than commercial establishments and offices.

206. In national law and practice provision is normally made for time lost to be made up only where this is a result of collective stoppages of work. The case of holidays is frequently covered³, but no difference seems to be made, between legal and local holidays. Certain countries provide in particular for the making up of days not worked or of interruptions in the normal working schedule if authorised by a decision of a joint body or by agreement between the employer and the workers.⁴

207. The practice of making up time lost as a result of accident or *force majeure* is also common.⁵ Inclement weather or shortages of materials or transport facilities

¹ For example: Australia, Mexico, New Zealand, Nigeria, Norway, United Kingdom, United States.

² However, the conclusions adopted by the Conference of Ministers of Labour held in London in 1926 provide for hours not worked owing to local holidays to be made up. See *International Labour Code*, op. cit., Vol. I, article 241, footnote 207; see also the footnote to para. 216 below.

³ For example: France (various decrees to apply the Act of 21 June 1936); French-speaking African countries (Orders Nos. 3246 of 2 June 1953 and 3436 of 21 October 1953); Federal Republic of Germany (Regulations of 1938, section 4 (2)); Spain (Act of 1931, section 8); Switzerland (Act of 1964, section 11).

⁴ For example: Italy (Decree No. 1955 of 1923, section 5); Spain (Act of 1931, section 8). In Finland, collective agreements commonly allow for time to be made up in this manner, Saturdays being worked in a week containing another holiday; this procedure can therefore be assimilated to the system of distributing the weekly hours of work.

⁵ For example: Afghanistan (Regulations of 1946, section 60: only in the case of interruptions lasting more than one day); Brazil (Consolidated Labour Code, section 61 (3)); France (various decrees to apply the Act of 1936); Luxembourg (Grand-Ducal Order of 28 October 1964, section 7); Spain (Act of 1931, section 8).

are either included within cases of accident and *force majeure* or specifically stipulated.¹ There is also provision for making up time lost in an off season, which, as mentioned above, may be considered as equivalent to averaging hours of work for seasonal activities.²

208. There may also be general provision for making up time lost without any stipulation as to the circumstances in which this is permitted³, but subject to certain restrictions in addition to the limits on the number of hours which may be made up, for example that dismissal of staff within one month after a period of making up time lost should be prohibited, that the competent authority should be notified in advance and that full information on the matter should be communicated subsequently.

209. Several countries⁴ specifically forbid the making up of hours lost as a result of strike or lockout, although this may sometimes be permitted subject to agreement between the employer and the workers.⁵

(ii) *Time Limits.*

210. Recommendation No. 116 does not recommend any period within which hours of work lost must be made up, as this is considered to be a temporary exception. Convention No. 30 merely provides for a reasonable period.

211. The lapse of time laid down in national law and practice varies between one and three months.⁶ It may sometimes be extended owing to the number of hours lost which are to be made up, and the competent authority may allow an extra period for this purpose.⁷ A time limit of one year is rare and is applied largely in the case of time lost in off seasons.⁸

(iii) *Maximum Number of Hours Which May Be Made Up.*

212. The Recommendation states, with regard to exceptions in general, that limits should be fixed by the competent authority or body. Convention No. 30 (Article 5 (1) (a), (b) and (c)) provides that the normal daily hours of work may not be increased by more than one hour in order to make up time lost and that the total daily hours of work shall not exceed ten. The maximum number of hours which may be made up is indirectly limited since authorisation to make up time lost cannot be granted on more than 30 days per year.

213. The limits fixed by national law and practice in exceeding normal daily hours of work are generally not more than two extra hours per day or a daily total of ten hours.⁹ The total number of hours which may be made up, as related to the number

¹ For example: Argentina (Decree No. 85148 of 1941 in the case of urban transport); Czechoslovakia (Labour Code, section 96 (2)); France and French-speaking African countries (various decrees to apply legislation).

² See para. 146.

³ France (system applied by the decree of 24 May 1938).

⁴ For example: France and the French-speaking African countries.

⁵ Tunisia (Labour Code, section 92).

⁶ For example: Austria and the Federal Republic of Germany (five weeks); Switzerland (12 weeks); Tunisia (within the following two months).

⁷ For example: France and the French-speaking African countries (up to one day may be made up in the week following, two days within two weeks and so on up to four weeks, longer periods being granted by authorisation).

⁸ See para. 148.

⁹ For example: Argentina (one hour per day); Brazil (two hours per day); France (one hour per day); Iraq (total daily hours: ten); Italy (one hour per day); Spain (one hour per day); Switzerland (two hours per day).

of days on which time lost may be made up, is very variable, and may be as much as 120 hours in seasonal industries.¹ In certain cases no limit seems to be put on the number of days on which time lost may be made up.²

(iv) *Notification of Competent Authority.*

214. Article 5 (2) of Convention No. 30 states that the competent authority must be notified of the nature, cause and date of the general interruption of work, of the number of hours of work which have been lost and of the temporary alterations provided for in the working timetable.

215. This supervisory procedure is laid down in most cases where national regulations allow time lost to be made up.³ In certain cases authorisation must be received from the competent authority or body⁴, particularly when the maximum number of hours and lapses of time are exceeded.⁵ Failure to notify the competent authority, as required, may entail loss of the right to make up hours lost in the case in question.⁶

(v) *Remuneration.*

216. Convention No. 30 contains no specific provision concerning remuneration for making up time lost. Recommendation No. 116 advocates increased remuneration, subject as always to the provision that such work is not taken into account in fixing remuneration; according to the interpretation given by the Conference of Ministers of Labour held at London in 1926, hours made up as a result of time lost through local holidays should, under the requirements of Convention No. 1, be included in the maximum of additional hours of work permitted and remunerated at an increased rate.⁷

217. The rate of remuneration for hours worked to make up time lost obviously depends on whether the operation is considered as an exception or as a method of compensating normal hours of work.

218. A distinction should here be made between workers paid on a daily basis and those paid on a weekly or monthly basis.

219. In the former case, if the worker was not even present at his job the time lost for various causes may affect the level of normal income which the worker is entitled to expect from his employment. Certain systems provide for compensation for regular employees to be compensated in respect of hours lost owing to inclement weather by the making up of such time lost.⁸ There are thus resemblances between this system and that whereby those concerned are guaranteed a minimum number of hours of work in the event of averaging over periods of one year established by collective agreement.⁹

¹ For example: Argentina (30 days per year); Brazil (45 days per year); France (100 hours per year in respect of off seasons, 120 hours for building sites in mountainous terrain); Iraq (30 days per year).

² For example: Afghanistan, Czechoslovakia, Italy, Spain, Switzerland.

³ For example: France and French-speaking African countries, Iraq, Tunisia.

⁴ For example: Brazil (prior authorisation required); Spain (decision by joint body).

⁵ France.

⁶ France (general system for making up time lost, see para. 208).

⁷ See *International Labour Code*, op. cit., Vol. I, article 241, footnote 207.

⁸ France (Act No. 46-2299 of 21 October 1946 applying to building and public works undertakings).

⁹ United States (Fair Labor Standards Act, section 7 (b) (2)).

220. For workers remunerated at a weekly or monthly flat rate, extension of hours of work in order to make up time lost is obviously not of such importance because there has been no loss of earnings. However, there are instances of this kind where special provisions lay down normal rates of remuneration for hours worked to make up time lost, over and above the normal wage.¹

221. It is quite rare for national regulations to provide for remuneration at an increased rate for making up time lost.² Of course the increased rate for additional hours of work must begin as soon as the normal daily or weekly limits for the making up of time lost are exceeded.

* * *

222. The whole question of making up time lost is complex and may be viewed very differently depending on whether the worker is paid on time rates or piece rates, on whether or not he remains at the disposal of the employer (perhaps even at the place of work) during the stoppage of work, on whether the time lost is due to an external factor or to the workers' desire to redistribute their working hours, on whether or not the practice is sanctioned by legislative provisions with appropriate safeguards, etc. The complexity of the problem is reflected in the international instruments: Convention No. 1, while not providing specifically for the making up of lost time, would not seem to prohibit it, provided it is assimilated to overtime³; Convention No. 30 (Article 5) authorises the practice subject to prescribed safeguards but without imposing overtime pay; and Recommendation No. 116 deals with one aspect of the practice (collective involuntary stoppages of work) and fully identifies it with temporary exceptions.⁴ It seems clear however from the information supplied, that the practice of making up for time lost is permitted tacitly or expressly in most countries. It would also seem that a formal distinction might be made between the making up of time lost because of involuntary collective stoppages of work due to accidents or similar reasons, and voluntary stoppages or averaging of hours such as are dealt with above in paragraph 206, and that, as far as possible, the making up of lost time should be governed by specific provisions and appropriate safeguards.

SECTION 2: MAXIMUM NUMBER OF ADDITIONAL HOURS AND OVERTIME PAY

223. The restriction of exceptions to specified cases, although important, is only effective up to a certain point in the limitation of overtime. The most direct form of restriction is, of course, the prescription of the maximum number of additional hours which may be worked. Subject to this maximum, the obligation to pay for overtime at a higher rate not only provides compensation but also helps to check, where necessary, undue recourse to the exceptions allowed.

¹ France (order of 31 May 1946; additional remuneration applies only to cases where time lost owing to a local holiday is made up).

² For example: France (the Government's report on Recommendation No. 116 states that the increased rate is frequently laid down in collective agreements); Iraq (Labour Code, section 131 (1)).

³ See footnote to para. 203.

⁴ In this connection the Government of the Federal Republic of Germany points out that Article 5 (1) of Convention No. 30 does not cover interruptions owing to ceremonies within the undertaking, collective celebrations, public events or days off added to public holidays in order to enable the workers to have a longer uninterrupted holiday and that Convention No. 1 contains no provision of this type either.

(a) *Maximum Number of Additional Hours*

224. Convention No. 1 (Article 6 (2)) provides that regulations may be made by public authority fixing the maximum additional hours which may be worked in each instance. Convention No. 30 (Article 7 (3)) states that regulations must determine the number of additional hours of work which may be allowed in the day and, in respect of temporary exceptions, in the year. Finally, Recommendation No. 116 states (Paragraph 17) that limits should be set to the total number of hours of overtime which can be worked during a specified period.

225. However, in cases of accident, urgent work and *force majeure*, Convention No. 1 implicitly¹ and Convention No. 30 (Article 7 (3)) and Recommendation No. 116 (Paragraph 17) explicitly do not require any limit to be set to the number of additional hours that may be worked.

226. Although these instruments stipulate that limits must be set, they leave it to the competent authorities in each country to specify the maximum number of additional hours they consider necessary or desirable. Nevertheless, some information is available as to the number of additional hours which might be considered to be reasonable. Thus according to the preparatory report of 1919 for Convention No. 1, the limits considered to be permissible at that time amounted to a total of 60 hours a week in the case of permanent exceptions and 150 hours a year in the case of temporary exceptions or 100 hours a year for non-seasonal activities. When Convention No. 30 was adopted, in 1930, consideration had been given to maxima of ten hours a day and 60 a week for intermittent work and ten a day and 54 a week for preparatory or complementary work.²

(i) *General Limits.*

227. Limits on the number of additional hours which apply to all types of exceptions appear to be very uncommon. In the great majority of countries there are different limits for permanent exceptions and for temporary exceptions and moreover cases of accident, urgent work and *force majeure* are usually exempt from any limit or else are subject to special arrangements.³

228. The regulations of certain countries determine a maximum number of additional hours which applies to all temporary exceptions, including cases of accident, *force majeure* and urgent work.⁴ In one country a maximum working day is prescribed which must be respected even when more than one exception is authorised, but this limit does not affect cases of accidents or urgent work.⁵

¹ These cases are covered by a separate provision, viz. Article 3 of Convention No. 1, whereas the other types of exceptions in respect of which limits must be set are covered by Article 6.

² See International Labour Conference, Washington, 1919, *Record of Proceedings*, First Annual Meeting, "Report of the Commission on Hours of Work", p. 229; and 14th Session, Report II (First Supplement), *Hours of Work of Salaried Employees*, Geneva, I.L.O., 1930, pp. 253-254.

³ See below, paras. 236-237.

⁴ For example: Bulgaria (section 46 of the Labour Code); U.S.S.R. (section 110 of the Labour Code); in both cases overtime is limited to four hours on two consecutive days and 120 a year. Tunisia (sections 81 (1) and 93 of the Labour Code); the working day may not exceed ten hours, with a maximum of 100 as overtime a year; in the case of exceptions other than those allowed for accidents and *force majeure*, there is also a maximum working week of 60 hours.

⁵ Belgium (section 18 of Act of 1964: maximum working day of 11 hours).

(ii) *Limits on Permanent Exceptions.*

229. As regards the maximum number of additional hours in cases of intermittent work, the limits fixed by national law and practice vary widely. In the systems based on the concept of equivalent time, the working week ranges from 45 to over 60 hours, depending on the kind of work.¹ Elsewhere, an extra two to four hours a day, and a working day of between ten and 12 hours, are frequently permitted, i.e. a working week of up to 72 hours.²

230. For preparatory and complementary work, the usual number of additional hours that may be worked is two a day.³ Where weekly limits are set, they are usually similar, i.e. they do not allow more than 12 extra hours to be worked in any one week.⁴

231. In the case of other permanent exceptions relating to the nature of the work, the size of the population or the number of persons employed, the permissible limit does not normally exceed an hour-and-a-half per day.⁵

(iii) *Limits on Temporary Exceptions.*

232. In examining the national law and practice, a useful distinction may be made between the various cases based on the periods in respect of which limits are set to temporary exceptions.

233. Thus in many countries limits are both daily and annual and secondarily may also apply to another period⁶; alternatively, a daily or weekly maximum is set and recourse to the exceptions is permitted only on so many days or weeks per year

¹ France (hairdressers: 45 hours a week in the Paris area and up to 52 a week in towns with less than 50,000 inhabitants—decree dated 20 April 1937 as amended; hotels, restaurants and cafés: 45 hours for cooks and 50 for other employees—decree dated 16 June 1937 as amended; watchmen: 56 to 64 hours—section 5 of several decrees issued under the 1936 Act); (in the French-speaking African countries a similar system is in force by virtue of a number of decrees issued under the 1952 Overseas Labour Code which are still in force).

² For example: two additional hours per day: Italy (Legislative Decree No. 692 of 1923, section 5); Norway (Workers' Protection Act, section 24 (5)); ten-hour working day: Brazil (for watchmen—section 62 (b) of the Consolidated Labour Laws); 12-hour working day: Argentina (Decree No. 560 dated 1930, section 2); Bolivia (Labour Code, section 46); Brazil (railway operating staff: section 239, Consolidated Labour Laws); Congo (Kinshasa) (ordinance of 13 May 1958, 12 hours a day, 72 a week); Costa Rica (section 143 of the Labour Code, including an hour-and-a-half's break); Guatemala (section 124 (c) of the Labour Code); Nigeria (Wage-Fixing (Mine Fields) Order-in-Council); Sierra Leone (Government's report); Spain (section 79 of Act of 1931).

³ For example: Argentina (Decree No. 114629: two hours a day in the case of lift maintenance staff); Belgium (Royal Order dated 17 August 1961: two hours a day in the textile industry); France (various decrees issued under the 1936 Act: between half an hour and two hours a day permitted); Morocco (order dated 15 March 1937: between half an hour and two hours a day permitted); New Zealand (section 9 (3) of the Factories Act: one hour a day); French-speaking African countries (various decrees issued under the 1952 Code: between half an hour and two hours a day permitted); Turkey (section 2 of Regulation No. 220738: two hours a day).

⁴ For example: Sweden (Hours of Work Act, section 7 (1): seven hours a week); Syrian Arab Republic (Order No. 5/61: 12 hours a week).

⁵ See above, para. 184.

⁶ For example: Belgium (Act of 1964, section 17, para. 1, subpara. 2: one hour a day and 65 per calendar year in the case of activities liable to be affected by bad weather); Czechoslovakia (section 97 of Labour Code: Ordinance No. 66 of 1965: not more than four hours on two consecutive days, eight a week or 150 a year); Kenya (Shop Hours Act, section 5 (3): eight hours a week, 62 a year); Switzerland (section 12 of the Labour Act, 1964: two hours a day, maximum 220 a year); U.S.S.R. (see note on para. 228).

—a method often employed in the case of seasonal or periodical jobs (stock-taking, preparation of balance sheets, etc.).¹

234. In some countries there are both daily and weekly limits or in some cases one or the other.² The maximum that could be permitted in accordance with these limits may vary from 200 to as much as 1,200 hours a year.

235. Lastly, in several countries there appears to be no limit on the number of additional hours permitted³, or else the limit applies only to certain sectors⁴ or else only to women and young persons.⁵

(iv) *Accidents, Urgent Work and "Force Majeure"*.

236. Usually national law and practice do not set any limit on the number of additional hours permitted in such cases. In some countries there is a requirement, as in the relevant provisions of Conventions Nos. 1 and 30, that recourse to these exceptions may be had only to the extent that is necessary.⁶

237. It is not uncommon for special limits to be set in cases of *force majeure* and similar exceptions.⁷ Lastly, in some countries the exceptions are subject to the general limits in force.⁸

* * *

238. The Committee has always attached the utmost importance to provisions limiting the number of additional hours which may be worked. The setting of an absolute maximum number of hours constitutes a simple but effective form of pro-

¹ For example: Belgium (section 17 (2) of Act of 1964: two hours a day, ten a week for 13 weeks per calendar year; for stock-taking and balancing accounts: overtime permitted for seven days per calendar year, section 10, *ibid.*); Italy (section 5 of Legislative Decree No. 692 of 1923 and schedule annexed to Decree No. 1957 of 1923: two hours a day, 12 a week on average over nine weeks or over 3 to 4 months in seasonal industries); Spain (Act of 1931, section 47: 66 hours a week for eight weeks in the year in tile-works); United Arab Republic (section 120 of the Labour Code: ten hours a day for 15 days a year for the purpose of balancing accounts).

² For example: Bolivia (section 50 of the Labour Code: two hours a day); Brazil (section 59 of the Consolidated Labour Laws: two hours a day); Chile (section 28 of the Labour Code: two hours a day); Colombia (section 162 of the Labour Code: 12 hours a week); Costa Rica (section 140 of the Labour Code: daily maximum of 12 hours permitted four times a week); Cyprus (Hours of Employment (Commerce and Offices) Order, section 5 (2): two hours a day, four a week); France (1946 Act as amended in 1966, section 3: maximum total of 60 hours a week and average of 54 hours over any period of 12 weeks); Guatemala (Labour Code, section 122: daily maximum of 12 hours); Haiti (Labour Code, section 100: 20 hours a week); Greece (Ministerial Decision No. 2382 dated 1963 concerning urban transport in Salonika: one hour a day, four-and-a-half a week for drivers and conductors and one-and-a-half a day and nine a week for depot superintendents and inspectors); Iraq (section 7 of the Labour Code: two hours a day, ten a week); New Zealand (Factories Act, section 20 (2) (a) and (b): three hours a day, nine a week in the case of women); Singapore (daily maximum of 12 hours prescribed by the three work ordinances); Syrian Arab Republic (Labour Code, section 120: daily maximum of ten hours); United Arab Republic (Labour Code, section 120: daily maximum of ten hours).

³ For example: Dominican Republic, Ethiopia, Philippines, Portugal, United States.

⁴ For example: India, where there is no limit to the amount of overtime that may be worked on the railways, and in Pakistan where 48 additional hours may be worked in this industry.

⁵ Australia (the Government states that there is no maximum but that sometimes arbitration awards prescribe a "reasonable" limit); Canada (Manitoba, New Brunswick); Japan; New Zealand; United Kingdom.

⁶ For example: Argentina, Bolivia, Ceylon, Japan, Sweden; for references see note to para. 192.

⁷ France (various decrees issued under the 1936 Act) and the French-speaking African countries (various decrees issued under the 1952 Code: overtime is not limited on the first day but may not exceed two hours on the following days).

⁸ See para. 228.

tection against undue recourse to overtime, a practice which in many branches and indeed in many countries leads to the normal or statutory working week being little more than a theoretical standard.¹

239. Accordingly, the Committee has addressed a number of direct requests or observations on the subject to countries where the maximum number of additional hours permitted in case of temporary exceptions was not determined by regulations for all or for certain workers. Moreover, although the Conventions in question do not indicate at what level the number of hours should be fixed, the Committee has found it necessary over the years to draw the attention of certain governments to the fact that provisions fixing an unduly high maximum (for example, ten or 20 additional hours a week without any other restriction) may well lead to a violation of the entire spirit of the Conventions.

240. However, this reference to divergencies with the international instruments, or their spirit, should in no case lead one to overlook the fact that national provisions are often more favourable than those of the Conventions. This is the case, for example, when not only the global but also the daily number of additional hours permitted in industry is prescribed; when regulations prescribe the maximum hours in industry in the case of intermittent and preparatory or complementary work; when similar restrictions are imposed in cases of *force majeure* and accidents; and above all in the increasing number of cases where the sum of the normal working hours and the additional hours permitted is lower than the normal 48-hour limit prescribed by the 1919 and 1930 Conventions.

(b) *Payment and Compensation for Overtime*

241. The principle of payment for overtime at a higher rate would appear to be justified by two reasons. In the first place it is normal that the additional effort demanded from a worker should be rewarded by a proportionate payment. In the second place the obligation to pay workers at a higher rate helps to keep within bounds any tendency by employers to have undue recourse to overtime working, and the higher the progressive increase in the rate of payment, the more effective this deterrent becomes. This principle was accepted as long ago as 1919 and is embodied in Conventions Nos. 1 (Article 6, paragraph 2) and 30 (Article 7, paragraph 4). However, the economic and social progress achieved over the past two decades is reflected in Recommendation No. 116 and accounts for its higher standards.

242. The main features of payment for overtime (which are discussed below) are first, the cases in which and the point beyond which payment must be made at a higher rate and, secondly, the level of this rate and its variations; the question of compensation in the form of time off will also be considered.

(i) *Cases in Which Higher Rates Are Payable.*

243. Convention No. 1, Article 6 (2) states that the regulations specifying permanent or temporary exceptions "shall fix the maximum of additional hours in each instance, and the rate of pay for overtime shall not be less than one-and-one-quarter times the regular rate". From the context, it would not appear, *a priori*, that permanent exceptions are excluded from the obligation to make payment at a higher rate. However, the interpretation given by the Conference of Ministers of Labour held in London in 1926 was that "the obligation as to the rate of pay for overtime imposed by the Convention applies only to the additional hours contemplated by

¹ See table I.

Article 6 (1) (b) " ¹ (i.e. temporary exceptions). Higher pay is not required under this Convention in the case of overtime made necessary by *force majeure* or accidents.

244. Convention No. 30 for its part is very clear on this subject, and Article 7 (4), which specifies the rate of pay which should be granted in the event of temporary exceptions, specifically excludes permanent exceptions and cases of accident and *force majeure*.

245. In the case of Recommendation No. 116, instances in which normal working hours are deemed to be exceeded are listed in Paragraph 14, and include all permanent, temporary and periodical exceptions including cases of *force majeure* and national emergency. Paragraph 16 states that all these hours worked in excess of normal hours should be deemed to be overtime unless they are taken into account in fixing remuneration in accordance with custom.

246. Many countries require higher rates of pay for all temporary exceptions and also for preparatory and complementary work whenever such an exception is allowed.² In some cases higher rates of pay for certain exceptions are required by collective agreement only, with the legislation providing for normal rates of pay,³ and sometimes in the event of accident and *force majeure*, the higher rate is only payable with effect from a certain minimum number of additional hours.⁴

247. As regards permanent exceptions, practice varies in the case of preparatory and complementary work. In a number of countries this is treated as overtime⁵, whereas in others preparatory and complementary work is not reckoned as overtime payable at a higher rate.⁶ The longer working hours entailed by intermittent jobs are normally taken into account in fixing wages.⁷ In some cases the normal working week

¹ See *International Labour Code*, op. cit., Vol. I, note 209, article 241.

² For example: Australia (Government's report); Belgium (section 21 of the 1964 Act); Bulgaria (section 45 of the Labour Code); Byelorussia (section 60 of the Labour Code); Canada (Labour Standards Code, section 8, and Government's report); Costa Rica (section 139 of the Labour Code); Czechoslovakia (section 96 (1) of the Labour Code); Dominican Republic (section 146 of the Labour Code); France (Government's report, except in cases where hours of work are reckoned on an equivalent time basis, the exceptions enumerated in Paragraph 14 of the Recommendation are usually paid at the higher rate; when lost time is being made up, the rate of pay is often fixed by collective agreement); Guatemala (section 121 of the Labour Code); Hungary (section 41 of the Labour Code); India (Government's report); Iraq (sections 7 and 130 of the Labour Code; in the event of an accident the higher rate is payable from the first hour onwards); Israel (section 1 of 1951 Act); Japan (section 37 of the Labour Standards Act); New Zealand (Government's report); Philippines (section 3, Eight-Hour Labour Law); Rumania (section 39 of the Labour Code); Singapore (Labour, Shop Assistants' Employment and Clerks' Employment Ordinances); Spain (1931 Act, sections 6, 8 and 9; when lost time is being made up, however, the higher rate is only payable in excess of 52 hours a week); Syrian Arab Republic (Government's report and section 121 of the Labour Code); Turkey (Government's report and section 38 of the Labour Code; in the event of an accident the higher rate is payable as from the first hour); Ukraine (section 60 of the Labour Code); U.S.S.R. (section 60 of the Labour Code); United Arab Republic (section 121 of the Labour Code); United States (Fair Labor Standards Act, Walsh-Healey Act and Work Hours Act).

³ France (see previous note).

⁴ For example: Iraq, Turkey (see note above).

⁵ For example, Argentina (section 13 of Decree No. 16115); Belgium, France, Israel, New Zealand, Spain, Syrian Arab Republic, Turkey, United Arab Republic (for references see note to previous paragraph).

⁶ For example, Algeria (decrees issued under Act of 1936); Austria (section 15 of 1938 regulations); French-speaking African countries (orders issued under 1952 Labour Code); Switzerland (section 14 of 1964 Act).

⁷ A flat-rate payment for temporary exceptions also is, however, possible and is actually practised, especially in cases of general exceptions, e.g. for the purpose of increasing output, when longer working hours than the statutory norm may regularly be required by an employer. In such a case the flat rate would have to be equal to the normal wage plus payment for the overtime at the current rate. Cf. French case law on the subject, *Liaisons Sociales*, No. 2672, Paris, Nov. 1962, p. 48 *et. seq.*

is taken as the basis for payment¹; in others, the time actually worked is treated as a special standard for the type of work in question and paid for accordingly; lastly, under equivalent time systems, the time spent on duty is reckoned to be equivalent, in accordance with a specific scale, to normal hours of work.²

248. As regards the temporary and periodical exceptions allowed under Paragraph 14 (b) and (c) of Recommendation No. 116, and by Conventions Nos. 1 (Article 6 (1) (b) and 30 (Article 7 (2) (b) and (c)), national laws and regulations usually provide for higher rates of pay in the case of all exceptions due to abnormal pressure of work, including the preparation of annual balance sheets and seasonal activities; there are few exceptions to this³ although there are certain qualifications affecting the rate payable (these are dealt with below).

249. As indicated above, overtime worked in the event of accident, urgent work or *force majeure* is often treated in the same way as the other exceptions and paid for at a higher rate. In many countries, however, these cases are excluded both from the limitation on the number of additional hours that may be worked (as indicated above) and from entitlement to a higher rate of pay.⁴

250. In some cases payment at the higher rate is only required after a certain number of additional hours have been worked during the year⁵; this may be the case as regards hours worked for the purpose of preparing balance sheets or in seasonal activities.⁶

251. One of the chief features of this question of higher rates of pay for overtime is the point at which they start. Usually this point is specified in national legislation, but difficulties may occur in the increasingly common cases in which the normal hours of work are shorter than the statutory level. The law sometimes covers this situation when it states that normal hours of work may be either statutory or negotiated and that if the latter are shorter, they must serve as a basis for the payment of overtime.⁷ However, in most cases there is no legal obligation as regards payment for overtime falling between the negotiated maximum and the statutory maximum and the matter is dealt with through collective agreements or in some other way. In point of fact, these agreements or arrangements very often provide for such additional hours

¹ For example, the method of calculating wages for watchmen in New Zealand, where arbitration awards are based on a normal working week of 40 hours.

² See paras. 173-174.

³ For example, the Government of Senegal states in its report that the higher rate is not payable when overtime is worked to prevent the loss of perishable materials.

⁴ For example: Algeria (decree issued under 1936 Act); Austria (section 15 of 1938 regulations); French-speaking African countries (orders issued under 1952 Code); Brazil (section 59 of the Labour Code); Luxembourg (Government's report; the exception appears to apply to manual workers only); it should be noted that some countries distinguish between cases of *force majeure*, in which additional working hours must be treated as overtime and exceptions due to accidents, in which they are not (Pakistan, Sweden, United Kingdom). See answers to the questionnaire in: International Labour Conference, 44th Session, Report VII (2), *Reduction of Hours of Work*.

⁵ For example: Switzerland (section 13 of the 1966 Act; in the case of office workers, technical staffs and employees of large stores no additional payment is made until 60 additional hours have been worked during the year).

⁶ For example: United States (Fair Labor Standards Act, section 7 (b) (3); the higher rate is only payable with effect from 12 hours a day and 60 a week during 14 weeks in the year in industries producing foodstuffs and perishable commodities); Zambia (Shop Assistants' Ordinance; for the purpose of establishing balance sheets, an additional 50 hours a year at normal rates of pay).

⁷ For example: Brazil (Consolidated Labour Laws, sections 58-59), Colombia (Labour Code, sections 158-159), Dominican Republic (Labour Code, sections 137 and 146).

to be paid for at overtime rates, but sometimes when there is no legal requirement to this effect, payment is at the normal or a slightly higher rate.¹

252. As has been seen, the periods of a day and a week on which normal working hours are based are often accompanied by measures specifying how these hours should normally be distributed within the day and within the week (so as to ensure daily and weekly rest periods). Work outside this normal day or week may confer entitlement to a higher rate of pay, as in the case of night work and work on public holidays and the weekly rest, which is often paid for at double the normal rate. These higher rates may be applicable even if the level of normal working hours is not exceeded.²

253. As regards the making up of lost time, reference should be made to paragraphs 216-221.

(ii) *Rate of Overtime Pay.*

254. An increase of at least 25 per cent. is prescribed by the various instruments (Article 6 (2) of Convention No. 1, Article 7 (4) of Convention No. 30 and Paragraph 19 (2) of Recommendation No. 116). Recommendation No. 116 in paragraph 19 (1) also makes provision for a progressive system in stating that overtime should be "remunerated at a higher rate or rates than normal hours of work".

255. The above criteria are not always fully complied with. For example, reference has already been made (paragraph 251) to cases where longer hours than those prescribed by collective agreement are worked, without however reaching the statutory duration. Another such case is that where the prescribed rates for overtime pay are lower than the minimum prescribed by international instruments.³ In one group of countries, time worked in excess of the statutory 40-hour week but below 48 hours a week is paid at only a slightly higher rate.⁴

¹ For example: Italy (in some cases overtime not exceeding the statutory 48-hour week is paid for at the normal statutory rate—Government's report. The collective agreements in the iron and steel and metalworking industries provide for a bonus of between 7 and 10 per cent. of the basic wage between the 44th and the 48th hours; overtime proper is considered to begin with effect from the 48th hour); Spain (National Employment Regulations, 1948, for the Bank of Spain, section 64); there is a school of thought which argues that overtime below the statutory limit should be described as extra time. See *Revista de Política Social*, Madrid, Oct.-Nov. 1963.

² Australia (Victoria) (Labour and Industry Act; section 30 empowers a wages board to fix working hours and days. A higher rate is payable in respect of hours worked outside the prescribed day—Government's report and arbitration awards, especially in the metalworking and rubber industries); New Zealand (e.g. collective agreements for Forest Product Limited, 1964 (boiler makers) and in meat packing, 1964; any work outside the normal working day or week (Monday to Friday from 7.30 to 8 a.m. to 4 to 5 p.m.) or in excess of 40 hours a week is reckoned as overtime).

³ For example: Brazil (the minimum additional rate in the event of an agreed exception is only 20 per cent. However, rates of between 25 and 70 per cent. are laid down in respect of statutory exceptions (sections 59 (1), 61 (2), 227 (1) and 241 of the Consolidated Labour Laws)); Italy (the minimum rate for any additional working, prescribed by agreement is only 10 per cent. under section 5 of Decree No. 692 of 1923; the law does not prescribe any other rate). It should be noted that these two cases deal with the rates for agreed exceptions. In both cases, however, the rates laid down by collective agreement for time worked in excess of the statutory duration are usually higher than 25 per cent. In the Central African Republic and the Ivory Coast, the legal rate for hours worked in excess of 48 is only 20 per cent., but the Government of the former country states in its report that it is planned to increase this figure to the minimum of 25 per cent. prescribed by the relevant international instruments. On this latter point see also the following note.

⁴ For example: French-speaking African countries (the increase for hours between 40 and 48 a week varies from 5 per cent. (Upper Volta) to 15 per cent. (Cameroon) but is usually 10 per cent.). In the Malagasy Republic, where the normal working week in public services is 44 hours, the lower rate of pay also applies to the first eight hours in excess of this figure.

256. In most countries, however, the law prescribes a minimum rate of 25 per cent.¹; a rate of 50 per cent. is not uncommon², and some countries prescribe even higher rates.³

257. Payment at progressively higher rates is frequently prescribed and is usually required (a) if the number of overtime hours goes beyond a certain point, or (b), if the overtime is worked outside the normal working day, viz. by night, on public holidays and during the weekly day of rest. The first case can, of course, be combined with the second.

258. The point at which progressively higher rates are payable is usually after two hours but sometimes after four. Two steps—after two hours and after four hours—are sometimes also provided. Usually, the basic overtime rate is doubled and sometimes even trebled.⁴ In cases where a fairly low rate is payable for overtime between the 40th and 48th hours, the higher rate is payable with effect from the latter point.⁵

259. The increase in rates for night work and overtime on weekly days off or public holidays is usually similar in scale.⁶

260. Mention should also be made of a special aspect of the principle of proportionate compensation, viz. when a worker is recalled after leaving his place of

¹ For example: Belgium (section 21 of 1964 Act); Brazil (see note on para. 255); Congo (Kinshasa) (section 21 of decree dated 14 March 1957); Czechoslovakia (section 116 of the Labour Code); France (from the 41st to the 48th hour under section 1 of the Act of February 1946); Federal Republic of Germany (section 15 (2) of 1938 Regulations); Iraq (section 29 of the Labour Code); Israel (section 16 of 1951 Act); Japan (section 37 of Labour Standards Act); Kenya (time-and-a-third according to Government's report); Morocco (section 13 of order dated 15 March 1937); Philippines (section 3 of Eight-Hour Labour Law).

² For example: Argentina (section 13 of Decree No. 16115); Costa Rica (section 139 of the Labour Code); Cyprus (applicable to hotels according to Government's report); Finland (section 17 of the Hours of Work Act, 1965 and section 6 of the Conditions of Employment in Commercial Establishments and Offices Act, 1946); Jamaica (Government's report); Luxembourg (section 6 of the 1962 consolidated text on hours of work of private employees); Malaysia (Government's report); Poland (Government's report); Singapore (Labour Ordinances for various occupations); Spain (section 6 of the 1931 Act—increase of 50 per cent. for overtime worked by women); U.S.S.R. (section 60 of the Labour Code).

³ For example: Bolivia (section 55 of the Labour Code—double time); Kenya (double time in hotels); Mexico (double time under section 92 of the Labour Code); Tunisia (section 90 of the Labour Code—time-and-three-quarters when the normal working week is 48 hours).

⁴ For example: Belgium (50 per cent. after two hours); Brazil (railways, 50 per cent. after two hours, 75 per cent. after four hours, Consolidated Labour Laws, section 241); Congo (Kinshasa) (50 per cent. after two hours); Finland (100 per cent. after two hours); Israel (50 per cent. after two hours); New Zealand (100 per cent. after three or four hours); Poland (100 per cent. after two hours); U.S.S.R. (section 60 of the Labour Code—100 per cent. after two hours); Zambia (100 per cent. after four hours under collective agreements covering mining).

⁵ France (25 per cent. up to 48 hours and 50 per cent. beyond that point); for French-speaking African countries see para. 257; Tunisia (in occupations with a 40-hour week, the rate is 25 per cent. up to 48 hours and 50 per cent. beyond that point; in occupations with a 48-hour week the usual increase is 75 per cent. under section 90 of the Labour Code).

⁶ (a) Overtime by night: Colombia (75 per cent. as against a normal rate of 25 per cent.); Czechoslovakia (double rate, i.e. 50 per cent.); Morocco (double rate, i.e. 50 per cent.); Mauritania (50 per cent. as against 35 per cent. for overtime by day); New Zealand (double rate, i.e. 100 per cent.); Singapore (double rate, i.e. 100 per cent.).

(b) Work on public holidays or weekly day off: Belgium (100 per cent.); Congo (Kinshasa) (50 per cent. higher than normal increase); Jamaica (100 per cent.); Luxembourg (75 per cent. on Sundays and 100 per cent. on public holidays); Malaysia (100 per cent.); Malta (100 per cent.); Mauritania (100 per cent.); New Zealand (100 per cent.); Niger (100 per cent.); Poland (100 per cent.).

employment or when he has to work on his normal day off or at night, he must be paid a minimum of two or three hours at overtime rates.¹

(iii) *Compensatory Rest Periods.*

261. In some cases compensatory rest is granted when overtime has been worked. It may be allowed instead of an additional payment, which of course involves calculation of working hours as an average², or alternatively time off may be given in addition to payment at overtime rates.³

* * *

262. The above survey on increased rates of pay for additional hours shows not only that the standards fixed by the Conventions of 1919 and 1930 are implemented without difficulty in practically all countries, but that in a great number of cases the national provisions are at, or even superior to, the higher level fixed by the 1962 Recommendation. In the first place, as regards the circumstances in which overtime pay is due, these are being gradually extended from the stricter system in which only certain temporary exceptions gave entitlement to higher pay, to the increasingly prevailing system where overtime rates must be paid for all additional hours whether they are worked in the way of permanent exceptions or of temporary exceptions (including even cases of accident and *force majeure*). In the second place, the rate of pay is very often well above the minimum of time-and-a-quarter prescribed by the international instruments, and the system of progressively higher rates has been extended to many countries.

263. However, satisfaction at the increased rates of overtime pay enjoyed by workers should not lead one to forget that their effect as a brake against excessively long hours may be mitigated by various factors. Consequently, higher overtime rates of pay can do no more than strengthen the basic protection conferred by fixing the maximum number of additional hours that may be worked.

(c) *Additional Restrictions in Certain Cases*

264. Recommendation No. 116 provides for additional restrictions in certain specified cases. It advocates (Paragraph 15) that where normal hours of work exceed 48 a week, the competent authority should most carefully consider whether there is a real need for exceptions other than those required in the public interest (Paragraph 14 (a) (ii)), accidents, urgent work and *force majeure* (Paragraph 14 (b) (i), (ii), (iii)) and national emergencies (Paragraph 14 (b) (vi)). This provision of course only applies to a very few cases, where moreover the longer hours are usually of limited scope and cover certain branches only.⁴

265. Recommendation No. 116 also provides (Paragraph 18) that "due consideration should be given to the special circumstances of young persons under 18 years of age, of pregnant women and nursing mothers and of handicapped persons".

266. The special regulations governing hours of work for women and young persons are examined elsewhere in this report. It should merely be noted here that

¹ New Zealand (various collective agreements); Singapore (collective agreements).

² For example: Czechoslovakia (sections 116 and 118 of the Labour Code); Sweden (section 8 of Hours of Work Act); Switzerland (sections 13 (2) and 14 (3) of the 1964 Act).

³ For example: Belgium (section 15 of 1964 Act); Morocco (section 11*bis* or order dated 15 March 1937); Tunisia (section 83 of the Labour Code).

⁴ See table I.

protection against excessively long hours may either be absolute through the prohibition of overtime by such persons, or relative whenever the statutory restriction of normal hours of work or exceptions thereto only applies to this category of workers.¹

267. Little information is available about handicapped persons.²

268. Finally, the legislation of some countries provides for overtime to be suspended during periods of unemployment and also forbids the dismissal of workers who have performed overtime for a period of one month thereafter.³

(d) *Consultation with Employers' and Workers' Organisations*

269. Conventions Nos. 1 and 30 and Recommendation No. 116 prescribe consultation with the representative organisations of the employers and workers, especially as regards exceptions. This question is dealt with in the following chapter, which is concerned with consultation in general.

270. It should be noted, however, in connection with the restrictions on exceptions, that under certain systems the workers' consent is required before overtime can be worked, except in the event of *force majeure* or circumstances involving the public interest.⁴ In most of the socialist countries the consent of the appropriate trade union body is needed.⁵

* * *

271. It is difficult to conceive how a provision fixing maximum working hours can be applied strictly, without recourse being had to exceptions on certain occasions or for certain types of work. It is for this reason that, although the relevant provisions of Conventions Nos. 1 and 30 are merely permissive, the Committee has always sought to have clear information on what national provisions authorise extensions of working hours, and has found it necessary to address a number of requests or observations to governments on the subject. But, more often, the Committee has had to inquire as to the safeguards imposed in regard to exceptions, that is, restrictions on the circumstances in which longer hours may be worked and on the number of additional hours permitted, and as regards overtime pay. The need for such restrictions is illustrated by statistics on hours actually worked which may show that they average as much as 25 per cent. above the normal hours.⁶ All things considered and due account being taken of the level of normal hours of work, both the possibility of having recourse to exceptions and the prescription of proper restrictions are clearly essential.

¹ See above, paras. 70-71.

² For example: Bulgaria (section 29 of Decision No. 35 of 1958: handicapped persons and re-employed pensioners cannot be required to work overtime without their consent); Byelorussia, Ukraine, U.S.S.R. (overtime is forbidden in the case of consumptives who have returned to work, disabled ex-servicemen and disabled persons certified by an industrial doctor, etc.—Governments' reports).

³ For example: France (section 3 of Act dated 25 February 1946; and section 4 of decree of 24 May 1938; see also footnote to para. 208); French-speaking African countries (general regulations issued under 1952 Labour Code).

⁴ For example: Singapore (the Government's report states that workers may be required to perform overtime in exceptional circumstances involving the public interest, accidents or national emergency); Spain (section 5 of the 1931 Act; section 4 makes it necessary to obtain the consent of the appropriate joint body also); Turkey (section 37 (4) of the Labour Code); Zambia (collective agreement negotiated by the Miners' Union); cf. para. 197 for cases of agreed exceptions.

⁵ For example: Czechoslovakia (section 98 of the Labour Code requires the approval of the works council); Byelorussia, Ukraine, U.S.S.R. (para. 9 of the decree of 15 July 1958).

⁶ See table I.

CHAPTER VII

MEASURES OF ENFORCEMENT AND CONSULTATION OF EMPLOYERS AND WORKERS

272. The various measures of enforcement required by the instruments on hours of work, and which are dealt with below, are: (a) the notifying of hours of work to the workers, (b) the keeping of records, (c) inspection, (d) sanctions, (e) the obligation to communicate certain information to the I.L.O. In addition, the present chapter deals, under (f), with consultation of employers' and workers' organisations, as this constitutes not only a means of ascertaining the view of the persons concerned, but also a means of enforcing the application of the relevant provisions.

(a) *Notification of Hours of Work*

273. Conventions Nos. 1 (Article 8 (1) (a) and (b)), No. 30 (Article 11 (2) (a) and (b)), Recommendation No. 116 (Paragraph 21, (b) (i) to (iii)) provide that the employer must inform the workers concerned, by posting notices or in any other way approved by the competent authority, of the hours at which work begins and ends for all the staff or, as the case may be, for each shift, and also the rest intervals, and the working days in the week (Recommendation No. 116, Paragraph 21 (b) (iv).)

274. On the whole, these requirements are met in national legislation and practice by the obligation on the employer to establish and display a timetable or internal rules containing the relevant information.¹ In countries where the rules are made by an arbitration decision or by collective agreement, the posting of copies of the relevant documents is often required.² The notification of hours of work is sometimes made, in the case of office workers, by means of the provisions in the contract of employment.³

¹ For example: Afghanistan (section No. 237 of the Regulations of 1946); French-speaking African countries (decrees applying the Labour Code of 1952); Argentina (section 6 (a) and (b) of Act No. 11544); Austria (section 24 of the Regulations of 1938); Belgium (section 22 of the Act of 15 July 1964 and the Act of 8 April 1965 establishing Labour Regulations); Bolivia (section 38, decree on application of the Labour Code); Dominican Republic (section 151 of the Labour Code); India (Factories Act, section 61 and section 36 (1) of the Mines Act); Italy (section 12 of Decree No. 1955 of 1923); Jamaica (section 6, Shops and Offices Law); Malta (Act of 1952, section 15); Malaysia (Sarawak) (section 107 (a) and (b) Labour Ordinance); Morocco (section 4, decree of 15 March 1937); Mexico (section 104 of the Labour Code); Tunisia (section 85 of the Labour Code); Turkey (section 29 of the Labour Code); United Arab Republic (section 122 of the Labour Code). Convention No. 1 also stipulates that any change in the hours of work must be made in accordance with the procedure and the form of notice approved by the government. The general provisions of some countries provide for cases of amendment to be made in accordance with the same formalities.

² For example, Australia (Conciliation and Arbitration Act, section 148); New Zealand (Industrial Conciliation and Arbitration Act, section 183); Singapore (section 48 (1), Industrial Relations Ordinance); United Kingdom (Wages Councils Act, section 17 (2)); Zambia (Minimum Wages and Conditions of Employment Ordinance, section 2).

³ For example, United Kingdom (Terms and Conditions of Employment Act, section 4 (1) and (7)).

275. In certain countries ¹, there is no measure requiring the employer to inform the workers of the hours at which work begins and ends. Other exceptions relate, for instance, to the exemption of small undertakings, as for example in Guatemala, where the establishment of internal regulations (indicating hours of work) is only required in undertakings with more than ten workers. The Government of Singapore states in its report that there are no special provisions on the subject, but that the workers are well aware of the hours of work.

(b) *Keeping of Records*

276. The instruments under consideration (Convention No. 1, Article 8 (1) (c); Convention No. 30, Article 11 (2) (c); Recommendation No. 116, Paragraph 21 (c)) require that records should be kept in the manner approved by the competent authority, and that they shall show normal and additional hours of work and the amount of wages paid.²

277. These requirements, too, are usually complied with. At the national level, the keeping of records may be prescribed in the regulations on hours of work or those on wages.³ Some systems also provide for individual documents, such as work cards or pay books.⁴

278. The Committee has always attached special attention to observance of these measures concerning the keeping of records, which ensure definite means of verification for the authorities entrusted with supervision in the various countries.⁵ It has addressed a number of observations and requests on the subject to governments.

(c) *Inspection*

279. Convention No. 30 (Article 11 (1)) provides that the necessary measures shall be taken to ensure adequate inspection. This is also advocated in Recommendation No. 116, Paragraph 21 (a).

280. Labour inspection constitutes, as a rule, a distinct and essential aspect of supervision over labour conditions in general, and was the subject of the survey made by the Committee in 1966 in pursuance of article 19 of the Constitution (Conventions and Recommendations concerning labour inspection); information on national legislation and practices in regard to labour inspection will be found in

¹ For example, Kuwait, Nicaragua (however, the Governments concerned have announced their intention to adopt the necessary measures).

² Convention No. 1 does not provide expressly for entering the amount of wages in the record and, like Convention No. 30, only requires the entering of additional hours—which, however, implies information on normal working hours.

³ For example, French-speaking African countries (decrees on the application of the Labour Code, 1952); Argentina (Act No. 11544, section 6 (c) and section 21 of Decree No. 16115); Belgium (Act of 26 January 1951 requiring individual entries for each worker); Bolivia (section 41, decree issued in application of the Labour Code); Bulgaria (section 40, Decision No. 35 of 1958); Ceylon (section 41 (1)—Wages Boards Ordinance, and section 18 of the Shop and Office Employees Act); Dominican Republic (Labour Code, sections 152 and 153); India (section 62 of the Factories Act); Jamaica (Minimum Wages Act, section 11); Japan (Labour Standards Act, section 108 and Law of Application, section 54); Philippines (Rules and Regulations to implement the Minimum Wages Law); Singapore (Labour Regulations of 1959); Sierra Leone (Wages Boards Act, sections 21 and 23); Turkey (sections 51 and 97 of the Labour Code).

⁴ For example: Kuwait (the Government states that the work cards contain information on hours of work and wages); United Arab Republic (overtime and wages paid in respect thereof are marked on the wage receipts, Decree No. 141 of 1959).

⁵ It should be pointed out that the forms for reports on ratified Conventions relating to Conventions Nos. 1 and 30 request governments to supply copies of notices and forms.

this survey. It is enough to recall here that various types of inspection systems exist in most of the countries covered by the present survey, and are required, *inter alia*, to ensure the application of the laws and regulations dealing with hours of work.

(d) *Sanctions*

281. Conventions No. 1 (Article 8 (2)) and No. 30 (Article 11 (3)) state that it shall be an offence to employ a person outside the prescribed hours, and Recommendation No. 116 (Paragraph 21 (*d*)) advocates such sanctions as may be appropriate to the method by which effect is given to the provisions of the Recommendation.

282. In general, the various national regulations provide for sanctions either of a general nature in regard to infringements of the law, or relating to specific cases.¹ It should, however, be recalled that the possibility of imposing sanctions does not normally exist in relation to those aspects of hours of work which are governed by collective agreements, unless such agreements have acquired the force of law.

(e) *Communication of Information to the I.L.O.*

283. In connection with measures of enforcement, Article 7 of Convention No. 1 provides that each government which has ratified the Convention shall communicate in its report on the instrument a list of the processes which are classed as being necessarily continuous in character under Article 4, together with full information regarding the calculation of average hours of work (Article 5) and exceptions (Article 6).

284. As can be seen, this information relates to provisions which allow of variations and increases in the normal hours of work laid down in the Convention, and shows the desire of the authors of the first international instruments relating to hours of work to ensure, by means of this indirect control, an additional check on points which, as has been seen, have given rise and still give rise to numerous comments on the part of the Committee.²

(f) *Consultation of Employers' and Workers' Organisations*

285. It is difficult to conceive of real protection of the workers' interests unless the needs and wishes of those concerned are taken into account. The various instruments under consideration for that reason provide for consultation of organisations of employers and workers. The two Conventions provide for such consultation, particularly in the case of exceptions and the calculation of average hours of work (Article 6 (2) of Convention No. 1, and Article 8 of Convention No. 30); Recommendation No. 116, Paragraph 20, advocates systematic consultation on questions relating to the application of the instrument, and in particular on measures for reducing hours of work, the calculation of hours as an average, including provisions concerning continuous processes, and on the regulation of, and pay for, additional hours in general.

¹ For example: Argentina (section 8, Act No. 11544); Belgium (section 23 and sections 31 to 37, Act of 15 July 1964); Ceylon (section 109, Factory Ordinance, and section 48 (1) (*c*), Wages Board Ordinance); Hungary (Article 153, Labour Code); India (sections 92 to 106, Factories Act); Japan (section 119, Labour Standards Law); Mexico (sections 674 and 677 of the Labour Code); Morocco (section 11, Dahir of 18 June 1936); Norway (section 64, Workers' Protection Act); Sweden (section 12, Act on Working Hours); Syrian Arab Republic (section 222, Labour Code); Tunisia (sections 234 to 237 of the Labour Code); U.S.S.R. (the Penal Code of the R.S.F.S.R. provides for severe penalties for infringements of labour legislation).

² See above, paras. 166 and 271.

286. On the whole, by a variety of methods, it would seem that these provisions are widely applied in national legislation and practice.

287. First of all, consultation may be required on specific matters such as measures to reduce working hours ¹, the distribution of working hours ², or in regard to certain exceptions ³ or extensions in the limits set to overtime.⁴ Mention should also be made here of cases where exceptions are jointly agreed ⁵ or are subject to the consent of the workers.⁶

288. Further, consultation may be ensured automatically because working hours are governed, either through collective agreements which, as has been seen, play an increasingly important part both as regards conditions of work in general and as regards the reduction of working hours, or through decisions by joint or tripartite bodies (committees, wage councils, arbitration courts, industrial tribunals, etc.), which often merely sanction the collective agreements concluded under their auspices.⁷ In certain cases the competent authority must always reach its decision after consultation with, or on the initiative of, the joint bodies.⁸ In the U.S.S.R., as in certain other Socialist countries, the trade union organisations participate at all stages in the preparation and application of labour regulations.

289. In several countries, the basic texts, labour codes or Acts include a general provision on consultation with the employers' and workers' organisations or with joint bodies when adopting measures of application relating to various branches and given industries.⁹

290. Several countries provide for consultation on an institutional basis. Representative bodies at the national level are set up and given general powers to deal with all questions affecting the regulation of labour and employment.¹⁰ At the

¹ For example, the joint committees set up in Denmark, Norway and Sweden with a view to studying possibilities of reducing hours of work and the effects of such reduction.

² See above, para. 152.

³ For example, Ceylon (at the request of the parties concerned, the Minister of Labour may consult employers' and workers' organisations or joint bodies with a view to investigating the possibility of reducing overtime for women and young persons; section 68 (5) of Ordinance on Employment); France (cases of recuperation for slack periods, provided for in the decree on application of the Act of 1936; the inspector authorising such recuperation must consult the employers' and workers' organisations concerned).

⁴ For example, New Zealand (section 24 of the Factories Act provides for consultation for the purpose of authorising the extension of overtime limits laid down for women).

⁵ See above, para. 197.

⁶ See para. 270.

⁷ Cf. the arbitration courts in Australia, New Zealand and Singapore, and the wages councils in Canada and in most of the systems in the British tradition which are in force in various countries and territories of the Commonwealth; see Chapter II on Methods of Application.

⁸ For example: Belgium (in exercising the power to issue regulations conferred on him by the Act, the King must seek the opinion of the competent joint committee or joint body concerned. Otherwise, an opinion is requested from the National Labour Council (section 25, Act of 15 July 1964); the joint committees may on their own initiative make proposals to the competent Minister.

⁹ For example: Argentina (section 5 of Act No. 11544 and sections 17, 18 and 19 of Decree No. 16115); Cameroon (Labour Code, section 112); France (section 7, second subsection, of the Act of 1936); Japan (Labour Standards Law, section 111); Malagasy Republic (Labour Code, section 73); Morocco (sections 2 and 13, Dahir of 18 June 1936); Tunisia (section 81 of the Labour Code).

¹⁰ For example, the labour councils in Finland and Sweden, the labour inspection board in Norway, the advisory labour commissions or the national labour councils in the French-speaking African countries; the national tripartite committees, and those of the states, in India.

level of the undertakings mention should also be made of the part played by staff representatives who co-operate with the competent authorities—in general, the labour inspectorate—for the purpose of ensuring the observance of the general measures for the protection of workers.¹

* * *

291. Consultation of employers' and workers' organisations is an essential factor of labour regulations. The Committee has always attached particular importance to this principle, which is at the very basis of the I.L.O.'s activities. It has not failed to draw the attention of governments, where necessary, to the obligation laid down in the Conventions in this respect, whenever measures have been suggested or are contemplated on matters which call for such consultation, or to ensure that such consultation has in fact taken place when new provisions were introduced.

¹ For example, France.

CHAPTER VIII

DIFFICULTIES AND PROGRESS IN APPLICATION

292. The assessment of the effect given, at the national level, to the various provisions of the Conventions and of the Recommendation under consideration show that there have been both difficulties and progress in the implementation of those instruments. An account is given below of the main points communicated by governments in this connection, and of the information supplied regarding prospects of ratification.

DIFFICULTIES IN THE APPLICATION OF INTERNATIONAL STANDARDS AND OBSTACLES TO THE RATIFICATION OF THE CONVENTIONS

293. Of the 87 governments having sent reports under article 19 of the Constitution on the instruments concerning hours of work, 43 refer to difficulties of various kinds and of varying degrees of importance in regard to one or several of these texts. In the main, these difficulties may be grouped as those which generally prevent or slow down the progressive reduction of hours of work to the 40-hour level advocated in Convention No. 47 and Recommendation No. 116, those which oppose the implementation of various provisions of the four instruments in question, and, finally, those which are due to the federal structure of States.

(a) Reduction of Hours of Work

294. Before considering the more numerous cases where information is supplied on difficulties in introducing the 40-hour week, reference must be made to countries where the 48-hour week, as prescribed in Conventions Nos. 1 and 30, is not yet fully applied. Thus, the Government of Malaysia indicates that it would be impossible in the present state of the country's development to give effect to all the provisions of these two Conventions, although the principle of a progressive reduction is accepted. The Government of Pakistan states that ratification of Convention No. 30 is not possible at present, since the limits of 48 hours per week and ten per day are not enforceable. Finally, the Government of Thailand indicates that the economic situation of the country precludes the enactment of legislation giving effect to the various measures set out in Conventions Nos. 1 and 30.

295. As regards the progressive reduction of hours of work to the 40-hour level, a large number of governments have referred to economic difficulties which must be solved before shorter hours can be introduced. Thus, certain government reports stress the fact that a reduction of hours must be preceded by increased productivity and a reduction in manufacturing costs (Morocco, Norway). In many cases, governments point out that shorter hours would at present be incompatible with economic and development plans (Chad, Kenya, Nigeria, Spain, Syrian Arab Republic, Tunisia) or would be detrimental to the workers' standard of living (Austria, Cuba). One country specifies that manpower must be fully utilised since it has to replace technical and financial resources (Tanzania). The special problem of repercussions of

shorter hours on the international market is sometimes mentioned (Italy, Morocco), as well as the situation which exists when there is a manpower shortage (Austria, Canada (Ontario)). Often, however, governments merely indicate in general terms that measures to reduce working hours would be incompatible with the country's present economic situation (Brazil, Ceylon, Chile, China, Congo (Kinshasa), Cyprus, India, Iraq, Malta, Sierra Leone).

296. Reference should also be made to other aspects of the reduction of working hours, which are dealt with in greater detail below; these are the view that shorter hours should be introduced by means of collective bargaining, and the difficulty noted by some countries where the relevant measures on the 40-hour week are not of universal scope.

(b) *Difficulties concerning the Implementation of Various Provisions of the Instruments under Consideration*

297. Certain difficulties in the implementation of the instruments under consideration are connected with concepts and methods in various countries in relation to the regulation of hours of work. As regards methods of application, as has been observed in the course of the survey, the development of trade union organisations, sometimes with a long tradition, has in some cases led to a situation where collective agreements take precedence over legislative measures, not only as regards the reduction of working hours, but also in connection with the general regulation of hours of work. This is the case in particular of the United Kingdom and its territories, and in several countries with the British legal tradition. Thus, the Government of the United Kingdom states in its report that it does not contemplate ratifying the instruments under consideration because it is thought advisable to leave the question of hours of work to collective bargaining. The preference for that method of application is also emphasised by the Governments of Cyprus, Jamaica and Tanzania. The Governments of Malaysia, Uganda and Zambia consider that the question of the reduction of working hours should be reserved for collective bargaining. The Swiss Government holds the view that national provisions aimed at reducing hours of work is only justified to the extent to which it is a matter of protecting the workers' health; in all other cases, the question should be decided between the employers and the workers. The Government of Ireland considers that the workers should be free to decide the way in which they wish to benefit from the advantages of economic development, whether by higher wages, shorter working hours or any other method. The Danish Government, for its part, states that there are no legal provisions on hours of work in Denmark.

298. As regards scope in general, the Governments of Austria, the Central African Republic, Finland and the Malagasy Republic indicate, in connection with Convention No. 47, that normal hours of work in agriculture or forestry are more than 40 per week, or that those sectors are not covered by national provisions on hours of work.¹ It should be noted in this connection that the question of agriculture was not considered at the time of the discussions which led to the adoption of Convention No. 47.² With regard to Recommendation No. 116, the Australian Government

¹ The term agriculture may cover certain aspects of forestry; Cf. *International Labour Code*, Vol. I, article 236, note 188.

² See Governing Body, Special Session of 22 September 1932, *Minutes of the Session*, I.L.O., Geneva, p. 89. In addition, the Tripartite Preparatory Conference adopted a resolution specifying that the question of hours of work in agriculture was not within its terms of reference (see *Record of Proceedings of the International Labour Conference*, 17th Session, 1933, *Report of the Tripartite Preparatory Conference*).

indicates that national regulations do not cover domestic staff. Further, as regards the 48-hour week, the exclusion by the national legislation of small undertakings and non-urban areas, as well as certain categories of persons, also represented difficulties as regards the application of the international standards in question.¹ In this connection, the Government of China indicates the limited scope of its legislation on factories, and the restricted scope of the regulations in commerce and offices. In the case of India, the laws on shops and establishments in the states only cover the urban areas. The Government of Turkey mentions the exclusion of persons doing purely intellectual work, and of small undertakings, from the application of its Labour Code. The Government of Cyprus also mentions difficulties connected with the scope of national regulations in relation to Convention No. 30. The absence of regulations in the public transport sector in Malta is pointed out. In the same way, the 48-hour week is not yet in effect in Morocco in certain industries. As regards Switzerland, the Government considers that the scope of the new labour Act of 1964 is not as wide as that of Convention No. 1.

299. On the subject of the distribution of working hours, several Governments (Austria, Brazil, Denmark, Finland, Federal Republic of Germany, Italy, Morocco, Sweden) have indicated divergences in national legislation and practice both as regards the distribution of hours of work during the week and over a long period, as the relevant conditions are generally less strict than those of the instruments under consideration. As has been seen, the averaging of hours of work is frequently used for the purpose of reducing hours of work by permitting leave periods throughout the year.

300. However, it is in the matter of exceptions that the greatest number of difficulties arise, as has already been seen.² For example, the Government of the Federal Republic of Germany indicates that one of the difficulties of application is that certain exceptions for which provision is made in domestic legislation are not provided for in Conventions Nos. 1 and 30. Then again, according to the Governments of the Federal Republic of Germany, Brazil and Gabon, the lapses of time for and the limits on making up hours of work which have been lost, as provided for in Convention No. 30, are too restrictive in scope. The Governments of Austria and Singapore (as regards Conventions Nos. 1 and 30), and of Finland (as regards Convention No. 1), also consider that the exceptions for which provision is made in the Conventions are more limited than in national legislation and practice. The French Government states that the obstacle to the ratification of Convention No. 47 is that it does not provide for exceptions.³ The Governments of Brazil and Mexico (as regards Convention No. 1) also find that national provisions concerning exceptions are not in conformity with those of the Conventions in question.

301. As regards the limitation of additional hours of work, several divergences were to be found.⁴ In this connection, the Governments of Australia and New Zealand emphasise that national legislation either fixes no limits, or does so only as regards women and young persons, and that the penalty rates for overtime pay should restrict excessive recourse to additional hours of work.

¹ See para. 45, Chapter II.

² See Chapter VI.

³ It may be noted, in this connection, that Convention No. 47 merely lays down the principle of the 40-hour week, which is to be applied in accordance with detailed provisions to be prescribed in such separate Conventions as would be ratified by the Member concerned.

⁴ See paras. 229-235.

302. As regards pay for overtime, it has been seen that in national legislation and practice the increased rate is not applied in all cases where the normal hours of work are exceeded, as stipulated in Recommendation No. 116.¹ The Governments of the Central African Republic, Gabon, Mauritania and Senegal point out that the increased rate laid down by law for additional hours of work between 40 and 48 hours is lower than the minimum of 25 per cent. In this respect, it should be recalled that Conventions No. 1 and No. 30 only require the increased rate for hours in excess of 48. In the case of the Malagasy Republic, where the hours of work in the public services are fixed at 44, the rate of 25 per cent. is only applied after the eighth additional hour. Finally, the Swedish Government indicates that the rates of pay for overtime are not fixed by law, but, like wages, are determined by agreement between employers and workers.

303. Some governments drew attention to certain difficulties relating to the supervision of the application of the instruments relating to hours of work. The Government of Jamaica, for example, states with regard to Convention No. 30 that an adequate inspection service would be necessary to ensure its application and that it would be difficult to finance such a service. The Government of Mauritania indicates that owing to the vast expanses of territory and the small density of population, together with the inadequacy of means of communication, it is not possible to apply the provisions of the Recommendation to the whole territory systematically. Finally, the Government of Singapore points out that the obligation to post notices showing the work timetable is not observed and is not regarded as necessary.

(c) Difficulties Resulting from a Federal Structure

304. In a number of countries, difficulties resulting from the federal structure of the state clearly exist. They are mentioned by the Government of Cameroon, which indicates that owing to the different systems applied in the eastern and western regions, it is difficult to give effect to all the provisions of the instruments under consideration; that difficulty will, however, disappear with the adoption of a new labour code which is to apply to the whole country. The Government of Malaysia also refers to differences of regulations in the various states which should, however, be removed by measures of legislative standardisation which were being prepared. Problems of the same kind also exist in Canada; the Government has stated that consultations were taking place between the federal and provincial authorities, particularly in connection with the extent to which the national standards conform with those of the I.L.O. instruments. A certain plurality of standards is also to be found in state legislation in Australia, and in the United States, but, at least as far as the limit on normal hours of work is concerned, such variations do not appear to give rise to problems of practical application since the standards fixed by collective agreements or arbitration awards generally observe the same limit of 40 hours.

INFLUENCE OF INTERNATIONAL STANDARDS AND PROGRESS IN IMPLEMENTATION

305. In spite of the difficulties mentioned above, there has already been appreciable progress, and reference has been made to further progress to be achieved in the future.

306. From the point of view of the reduction of hours of work, the general situation and developments in the past few years are encouraging, and further

¹ See paras. 243-253.

progress may be expected.¹ There is no doubt of the influence on the subject of the instruments under consideration, particularly of the Recommendation, and several Governments (Finland, Italy, Luxembourg, Yugoslavia) have mentioned this in their reports. Several countries have also stated that, under recent legislative measures, effect can now be given to the instruments in question; this is the case with Belgium as regards Recommendation No. 116. The Swiss Government indicates that the Federal Act of 1964 concerning labour would permit the application of all, or at least a majority, of the provisions of Convention No. 30. The Italian Government states that a draft law is being prepared which will take into account the principles laid down in the Recommendation. As regards scope, the Government of India plans a progressive extension of the scope of the Shops and Establishments Acts of the states and the Government of Turkey announces a new Labour Code which will also apply to intellectual workers and will cover even undertakings employing only one worker. The Government of Cameroon also proposes to prepare a new Code applicable to the whole country and in conformity with the provisions of Conventions Nos. 1 and 30. In Uganda the Government plans to extend the application of the 48-hour week to all branches of activity. The Government of the Central African Republic plans to revise the overtime rate of pay for hours worked between 40 and 48 hours.

RATIFICATION PROSPECTS

307. Several governments have announced their intention of ratifying one or other of the instruments under consideration. The Belgian Government considers that there should be no obstacle to the ratification of Convention No. 47 and Convention No. 30. The Government of Bolivia states that Conventions No. 1 and No. 30 will be ratified as soon as it is possible to re-establish normal constitutional conditions. The Government of Morocco is considering the early ratification of Convention No. 30. The Government of the Congo (Kinshasa) considers that Conventions No. 1 and No. 30 can in principle be ratified, and that measures which are at present being studied will make it possible to remove any divergence between national legislation and these instruments. In Colombia Convention No. 30 has been approved by the Senate and is being discussed by the House of Representatives. The Government of Niger states that there are no difficulties as regards the ratification of Conventions No. 1 and No. 30. The Government of Cyprus indicates that the ratification of Convention No. 30 within the next two or three years is not out of the question, but that certain changes will first have to be made in national regulations. The Government of Peru states that Convention No. 47 has been submitted to the legislative authorities, with a view to ratification, and the Government of Guatemala states that Conventions Nos. 1 and 47 are to be submitted to the legislative body so that the latter may decide whether they should be ratified.

¹ See paras. dealing with measures to reduce hours of work, Chapter IV.

GENERAL CONCLUSIONS

308. As the present survey reveals, the problem of hours of work is essentially dynamic in character and its evolution is closely linked to the factors which govern economic and social evolution and which are stressed in Paragraph 7 of Recommendation No. 116. Between the adoption by the I.L.O. in 1919 of Convention No. 1 and the adoption in 1962 of Recommendation No. 116, the relevant international labour standards spread over nearly half a century. During this period, the world economic and social situation and the general concepts regarding hours of work have greatly changed. Compared with the general situation at the time of the adoption of Convention No. 1, considerable progress has been achieved both as regards national and international standards, and as regards the actual practices, and a review of the level of hours of work in the various countries reveals a steady trend towards reduction, which has become even more marked in recent years.

309. This gradual evolution is coupled with a certain trend towards flexibility in methods of regulation and in limits, which can be observed in various countries, with regard both to normal hours of work and to exceptions. Several countries seem to prefer gradual adjustment of normal hours of work in accordance with the socio-economic conditions and by allowing collective bargaining to operate freely. In certain countries, particularly the industrially developed ones, a greater or lesser degree of latitude is allowed with regard to the possibilities of temporary variation in hours of work, such variation sometimes being restrained by the application of a progressive rate of overtime pay.

310. This approach calls for two reservations relating to interconnected aspects. If the situation is to be effectively regulated by collective agreement there must be a vigorous trade union movement, as well as other social and institutional conditions which can facilitate bargaining and the proper application of agreements. At the same time, the risks entailed in allowing the free interplay of supply and demand to fix the amount of overtime worked may vary in degree according to whether the normal hours of work are around the 40-hour or the 48-hour standard, and according to the economic and labour market situation in the country concerned: even in some of the most developed countries and in sectors enjoying the most favourable standards, the number of hours actually worked may be relatively long.

311. In any case a certain degree of flexibility is desirable. It would seem that the desired flexibility should, at least in certain sectors and situations, be accompanied by essential safeguards constituted by legislative provisions or other adequate methods establishing basic standards of protection. As is clear from the analysis of the existing situation, this need is widely recognised.

312. It seems from examination of the various aspects of national regulations, that this basic protection should aim at limiting both normal hours of work and those actually worked, that is to say, it should fix the normal hours of work as well as the maximum number of additional hours which may be authorised. Depending on national conditions, normal hours of work, evolving from the maximum duration of 48 hours and passing through intermediate levels, should aim at the "social standard" of the 40-hour week. Until this social standard is reached and in line with economic and social development, the legal hours of work should be progressively

reduced while leaving a sufficiently wide margin to enable collective bargaining to safeguard flexibility of adaptation to the various economic and social factors emphasised in Paragraph 7 of the Recommendation. From the practical point of view, such a solution would not seem likely to encounter major difficulties, and in fact, this approach is used in several countries either by virtue of the fact that the legal maximum remains at the level of 48 hours while normal hours are considerably shorter or because the legal maximum itself is being progressively reduced.

313. This approach would have the further advantage of enabling governments to consider ratification of the Conventions in question. In this connection, it is obvious that the number of ratifications of the Conventions dealing with hours of work is not proportionate to the attention given to this aspect of conditions of work at both the international and the national levels. Apart from the difficulties mentioned in the previous chapter, relating in particular to exceptions, the explanation may lie in the big step from the 48 hour maximum prescribed in Conventions Nos. 1 and 30, to the social standard of the 40-hour week laid down in Convention No. 47, whereas many countries have already adopted the 40-hour standard and most of the national standards laid down in the countries covered by this survey are below the 48-hour level. This means that the governments of several countries consider the requirements of Conventions Nos. 1 and 30 to be less favourable than the corresponding national provisions. It should be noted in this regard that the Conventions in question fix maximum hours of work and ratification would not in any case affect the validity of more favourable national standards.

314. Once the minimum standard is guaranteed throughout the branches of activity covered by the instruments in question, consideration may be given to the possibility of extending the scope of these standards to other sectors at present excluded from international and national regulations, that is, in particular, to undertakings and categories of work and workers affected by exemptions or exceptions.

315. The main conclusion which thus emerges from the present survey is the dynamic character of the problem of hours of work. The International Labour Conference recognised, in framing the Preamble and the General Principles of the 1962 Recommendation, that measures to reduce hours should be applied on a progressive basis. The Conference also agreed that they must take account, realistically, of the changing economic and social conditions in the different countries. The various factors to be considered in this connection are set out succinctly but clearly in Paragraph 7 of the Recommendation which stresses the close relationship between hours of work, on the one hand, and productivity, economic growth and standards of living, on the other. As indicated in the preceding chapter of this survey, a very considerable number of countries have explained in their reports that at the present stage of development their most vital concern is the creation and expansion of resources and that this overriding objective might be jeopardised by any large-scale reduction in hours of work. Even certain highly industrialised countries, where manpower shortages exist, allude to problems of this kind.

316. It is not the purpose of the present survey to assess the validity and interplay of these economic considerations, basic though they may be. In requesting reports on the major instruments concerning hours of work, the Governing Body intended to give an opportunity to governments, as well as to the I.L.O. in general, to review the progress made and the obstacles encountered in implementing these instruments. The relevant chapters above have referred to the noticeable trend towards shorter working hours during the past decade, especially where the more developed state of

a country's economy permitted efforts of this kind to be planned and implemented successfully. Some governments have also referred to the preference of workers for increased income instead of increased leisure, or for obtaining such leisure in the form of longer holidays rather than in the form of a shorter work week. Subject to the necessary safeguards to ensure decent working conditions, the optimum level of hours should preferably be left to be settled by those directly concerned, as also provided for in Paragraph 7 of the Recommendation.

317. This joint approach towards fixing and reducing hours of work is not only in the tradition of the I.L.O., it also implies the surest guarantee that a reasonable and realistic balance can be struck between the social and economic factors involved. It is significant that a number of developing countries in different parts of the world specifically refer in their reports to their determination to reduce hours gradually, as economic growth permits. In thus sharing the benefits of rising productivity, the intention of the Recommendation to safeguard real incomes in the face of shorter hours is fully carried out. Far from hindering economic progress, such a balanced approach can give the social aim of the Forty-Hour Week the character of a dynamic objective for those countries which, in the words of the Recommendation, are faced by "the need . . . for improving the standards of living of their peoples".

318. Seen in this light, the present survey may, it is hoped, not only have provided an occasion to examine once again the various methods available for reducing normal hours of work, and to review the progress made in this direction, but may at the same time enable those responsible for the formulation of national policy to reassess the role which the determination of hours of work can play within the over-all context of social and economic development.

LEGISLATION AND OTHER TEXTS CONSULTED

Hours of Work

AFGHANISTAN

Regulations of 16 January 1946 to govern employment of persons in industrial establishments (*L.S.*¹ 1946—Afghan. 1).

ALGERIA

Act of 21 June 1936 to establish a 40-hour week in industrial and commercial establishments and fix hours of work in mines (Algerian Labour Code, Book II, Part I).

Various Decrees of 1936-38 laying down the methods of applying the 40-hour week in all branches of industrial and commercial activity.

Decree of 21 December 1937 concerning overtime work in establishments unable to recruit sufficient qualified personnel.

Decree of 21 December 1937 governing the recuperation of hours of work lost on account of slack periods in industries and trades covered by the Act respecting the 40-hour week.

Decree of 24 May 1938 governing the recuperation of hours of work lost.

Decree of 31 December 1938 concerning the organisation of shift and rotation work and the redistribution of hours of work over a period other than a week.

Act No. 46-283 of 25 February 1946 concerning overtime pay work.

Decree of 4 April 1948 to bring into operation the two Decree-Laws of 21 December 1937 cited above.

ARGENTINA

Federal Legislation.

Act No. 4661 of 31 August 1905 respecting weekly rest (*Bulletin of the International Labour Office*, Basle, Vol. IV, 1905, p. 343).

Decree of 1 March 1926 to issue regulations under Act No. 4661 of 31 August 1905 (*L.S.* 1925—Arg. 2).

Act No. 11.317 of 30 September 1924 to regulate the employment of women and young persons (*Crónica mensual del departamento nacional del trabajo*, 1924, No. 81; *L.S.* 1924—Arg. 1 A).

Act No. 11.544 of 12 September 1929 respecting the eight-hour day (*Boletín Oficial (B.O.)*, 17 Sep. 1929, No. 10.614, p. 501; *L.S.* 1929—Arg. 1), as amended by Legislative Decree No. 10.375/56 of 12 June 1956.

Decrees of the Minister of the Interior No. 47 of 11 March 1930 (*B.O.*, 2 Apr. 1930, No. 10.774, p. 33; *L.S.* 1930—Arg. 1) and No. 16.115 of 16 Jan. 1933 (*B.O.*, 28 Jan. 1933, No. 11.600, p. 961; *L.S.* 1933—Arg. 1) to issue regulations under Act No. 11.544.

Decree No. 560 of 31 December 1930 respecting the employment of persons engaged in the railway service; Decree No. 561 of 31 December 1930 respecting the employment of persons engaged in tram and omnibus undertakings; Decree No. 562 of 31 December 1930 respecting the employment of persons engaged in maritime and inland navigation and dock and harbour services; Decree No. 563 of 31 December 1930 respecting the employment of persons engaged in the telephone, telegraph and wireless telegraphy services; Decree No. 564 of 31 December 1930 respecting employment in gas and electricity undertakings (*B.O.*, 9 Jan. 1931, No. 10.998, p. 209; 3 Jan. 1931, No. 10.994, pp. 49, 50 and 51; *L.S.* 1930—Arg. 3 A, B, C, D); Decree No. 822 of 11 February 1931 to amend Decree No. 562 quoted above (*L.S.* 1931—Arg. 1).

Act No. 11.640 of 7 October 1932 respecting the five-day week (*B.O.*, 17 Oct. 1932, No. 11.515, p. 754; *L.S.* 1932—Arg. 2).

Decree No. 16.117 of 16 January 1933 to issue general regulations under Acts Nos. 4661, 9105 and 11640 respecting weekly rest.

Decree No. 66.078 of 28 June 1940 to regulate hours of work and rest periods in road transport (*B.O.*, 31 July 1940, No. 13790, p. 10/409; *L.S.* 1940—Arg. 1), as amended by Decree 86/260 of 11 March 1941.

¹ *L.S.* = *Legislative Series* published by the I.L.O.

- Decree No. 85.148 of 21 February 1941 to amend the specific regulations of the services of the Buenos Aires urban transport corporation.
- Decree No. 6.289 of 28 August 1943 respecting the employment of young persons (*B.O.*, 31 Aug. 1943, No. 14691, p. 1) as amended by Decrees Nos. 7646 and 7662 of 13 September 1943 (*B.O.*, 21 Sep. 1943, No. 14709, pp. 1 and 2; *L.S.* 1943—Arg. 2 A, B, C).
- Decree No. 14.538 of 3 June 1944 to organise apprenticeship in industry and regulate the employment of young persons (*B.O.*, 13 July 1944, No. 14944, p. 4; *L.S.* 1944—Arg. 1), as amended by Decree No. 6648 of 24 March 1945 (*B.O.*, 5 Apr. 1945, No. 15158, p. 15; *L.S.* 1945—Arg. 2).
- Decree No. 18.708/44 of 15 July 1944 respecting the work of women before 7 a.m. in winter (*Anales de Legislación Argentina (A.L.A.)*, 1944, p. 413).
- Decree No. 1652/45 of 24 January 1945 respecting hours of work for women in industrial undertakings.
- Legislative Decrees Nos. 23.407/44 and 24.458/45 respecting hours of work in insurance and savings institutions.
- Decree No. 11.519 of 7 June 1950 fixing hours of work in national public administration offices (*A.L.A.*, 1950, p. 475).
- Decree No. 12.116 of 14 June 1950 respecting hours of work in banking institutions.

AUSTRALIA

Commonwealth.

- Conciliation and Arbitration Act, 1904-1965 (consolidated text: Acts Nos. 44 of 30 June 1956 and 103 of 15 November 1956; *L.S.* 1956—Aust. 1).
- Public Service Act, 1922-1964, and regulations thereunder.
- Coal Industry Act, 1946-1958.

States.

New South Wales.

- Industrial Arbitration Act, 1946-1966.
- Coal Industry Act, 1946-1965.
- Factories, Shops and Industries Act No. 43 of 19 December 1962 (11 Eliz. II, No. 43; *L.S.* 1962—Aust. 1), as amended by Act No. 58 of 16 December 1964.

Queensland.

- Industrial Conciliation and Arbitration Act, 1961-1964.
- Factories and Shops Act No. 41 of 16 December 1960 (9 Eliz. II, No. 41; Extracts *L.S.* 1960—Aust. 1), as amended up to 1964.

South Australia.

- Industrial Code, 1920, as amended up to 1966 (1920 Act No. 1453 [11 Geo. V] of 9 December 1920; *L.S.* 1926—Aust. 1, App. A).

Tasmania.

- Wages Board Act, 1920, as amended up to 1966 (1920 Act No. 27 [14 Geo. V] of 13 March 1920; *L.S.* 1924—Aust. 1, App.).
- Factories, Shops and Offices Act, 1965.

Western Australia.

- Industrial Arbitration Act, 1912, as amended up to 1963: Act No. 76 of 19 December 1963.
- Mining Act, 1904-1965.
- Factories and Shops Act, 1963-1965.

Victoria.

- Labour and Industry Act, 1958-1965.

Australian Territories.

Papua and New Guinea.

- Native Apprenticeship Ordinance No. 77 of 13 June 1952 (*L.S.* 1952—Pap. and N.G. 1), as amended up to 1961 (amendments: No. 66 of 29 December 1955; No. 31 of 14 July 1960; No. 36 of 7 September 1961).
- Administration Servants Ordinance, 1958-1960.
- Native Employment Ordinance No. 56 of 24 December 1958 (amendments: No. 56 of 12 December 1960; No. 39 of 23 August 1963; No. 68 of 23 October 1963).
- Public Service (Papua and New Guinea) Ordinance, 1963.

AUSTRIA

- Austrian Sunday Rest Act (*Bundesgesetzblatt (BGBl)*, No. 21/1895, as amended).
 The Public Employees Act of 22 March 1920 (*Staatsgesetzblatt (StGBI)*, No. 134).
 The Private Motor Vehicle Drivers Act of 20 December 1928; (*BGBl*, 1928, No. 98) (*L.S.* 1928—Aus. 10).
 Hours of Work Order of 30 April 1938, as introduced in Austria by Ordinance of 7 February 1939 (*GBI, Österreich*, No. 231/1939; *L.S.* 1938—Ger. 6).
 Regulations of 12 December 1938 under Hours of Work Order (*Deutsches Reichsgesetzblatt (DRGBI)* I, p. 1799), introduced in Austria under Ordinance of 17 May 1939 (*ibid.*,—I, p. 928, Österreich, No. 667/1939).
 Agricultural Labour Act, 1948; (*BGBl*, 12 Aug. 1948, No. 140; *L.S.* 1948—Aus. 2).
 Federal Act of 1 July 1948 respecting the employment of children and young persons (*BGBl*, 19 Aug. 1948, No. 146; *L.S.* 1948—Aus. 3).
 Ordinance respecting the Authorisation of Overtime on Proof of Urgent Requirements, 1956 (*BGBl*, No. 195/1956).
 Maternity Protection Act of 13 March 1957 (*ibid.*, 28 Mar. 1957, No. 22, Text No. 76; *L.S.* 1957—Aus. 1A).
 Home Work Act of 10 March 1954 (*BGBl*, 10 Apr. 1954, No. 13; *L.S.* 1954—Aus. 1), as amended by the Home Work (Amendment) Act of 17 December 1959 (*BGBl*, 30 Dec. 1959, No. 73, Text No. 299; *L.S.* 1959—Aus. 1).
 Domestic Servants and Salaried Household Staff Act, 1962 (*BGBl*, 7 Aug. 1962, No. 60; *L.S.* 1962—Aus. 2); procedure under this Act laid down in Domestic Service Committee (Procedure) Rules, 1963 (*BGBl*, 13 Sep. 1963, No. 69, Text No. 227).

BELGIUM

- Act of 9 July 1936 to establish the 40-hour week in industries or sectors of industry where work is performed under unhealthy, dangerous or strenuous conditions (*Moniteur belge (M.B.)*, 11 July 1936, No. 193; *L.S.* 1936—Bel. 11).
 Act of 22 December 1936 to set up a 4-shift system in automatic glass factories (*M.B.*, 31 Dec. 1936, No. 366; *L.S.* 1936—Bel. 14).
 Act of 16 May 1938 to regulate hours of work in the diamond industry (*M.B.*, 29 May 1938, No. 149; *L.S.* 1938—Bel. 3).
 Act of 9 June 1945 to establish conditions of service for joint committees (*M.B.*, 5 July 1945, No. 186; *L.S.* 1945—Bel. 5).
 Act of 15 July 1964 respecting hours of work in the private and public sectors of the national economy (*M.B.*, 29 July 1964, No. 146; *L.S.* 1964—Bel. 2) and various Royal Orders under that Act.

BOLIVIA

- Supreme Decree of 26 May 1939 to issue the Labour Code (*Protección Social*, No. 14, p. 28, Mar. 1939; *L.S.* 1939—Bol. 1).
 Supreme Decree No. 0244 of 23 August 1943 to issue regulations under the General Labour Act (*Boletín Oficial*, 23 Aug. 1943).
 Supreme Decree No. 2354 of 10 May 1951 to institute Saturday rest in commerce and banking.
 Supreme Decree No. 2613 of 12 July 1951 to authorise commercial establishments and offices to open on Saturday afternoon.
 Supreme Decree No. 5220 of 15 May 1959 to introduce new working hours in banks.
 Ministerial Resolution No. 229/61 of 19 May 1961 to introduce Saturday rest for drivers, garage mechanics and their assistants.
 Supreme Decree No. 7229 of 29 June 1965 to introduce the 40-hour week in public administrations.

BRAZIL

- Political Constitution of 18 September 1946 (*Diário Oficial (D.O.)*, 15 Oct. 1946, No. 236; *L.S.* 1946—Braz. 3).
 Legislative Decree No. 5452 of 1 May 1943 to approve the consolidation of labour laws (*D.O.*, 9 Aug. 1943; *L.S.* 1943—Braz. 1), as amended by Decree No. 26299 of 31 January 1949.
 Legislative Decree No. 8079 of 11 October 1945 (*D.O.*, 13 Oct. 1946, No. 232, p. 16170; *L.S.* 1945—Braz. 2 C).
 Legislative Decree No. 9666 of 28 August 1946 (*D.O.*, 30 Aug. 1946, No. 199, p. 12260; *L.S.* 1946—Braz. 1 D).
 Act No. 1540 of 3 January 1952 (*D.O.*, Section I, 9 Jan. 1952, No. 7, p. 306; *L.S.* 1952—Braz. 1).
 Act No. 3165 of 1 June 1957 (*D.O.*, 4 June 1957, No. 127, p. 13803; *L.S.* 1957—Braz. 1 A).
 Decree No. 51320 of 2 September 1961 respecting the working timetable of public officials.

BULGARIA

- Ukase No. 544 to issue the Labour Code (*Izvestiya* (I), 13 Nov. 1951, No. 91; *L.S.* 1951—Bul. 2).
 Ukase No. 466 of 6 November 1957 to amend the Labour Code (*I.*, 15 Nov. 1957, No. 92; *L.S.* 1957—Bul. 2).
 Order No. 79 of 20 February 1954 of the Council of Ministers (*I.*, No. 19, 1954).
 Ukase No. 515 of 27 December 1957 (*I.*, 31 Dec. 1957).
 Order No. 249 of 21 March 1952 of the Council of Ministers to establish a list of work without interruption.
 Orders Nos. 14 of 1951 (*I.*, No. 6 of 1951), 18 of 1953 (*ibid.*, No. 8 of 1953), 79 of 1954 (*ibid.*, No. 19 of 1954) and 1545 of 1958 (*ibid.*, No. 36 of 1958) with respect to the shortening of the working day for certain categories of workers.
 Ordinance of 29 January 1953 of the Ministry of Transport and the Central Council of Trade Unions respecting hours of work in the transport industry (*L.S.* 1953—Bul. 2).
 Decree No. 114 of 25 April 1956 concerning the shortening of the working day.
 Decision No. 35 of 5 March 1958 of the Council of Ministers, to issue the ordinance respecting hours of work (*I.*, 14 Mar. 1958, No. 21; *L.S.* 1958—Bul. 3). Amended by: Order No. 859 of 23 May 1962 of the Council of Ministers (*I.*, 1 June 1962, No. 44) and Order No. 136 of 3 July 1965 (*D'rjaven vestnik*, No. 56 of 16 July 1965).

BURMA

- The Indian Railways Act, 1890, as amended, 1930.
 The Railway Servants Hours of Employment Rules, 1931.
 Subsidiary Instructions (January 1931) to Sections 71-A to 71-H of the Indian Railway (Amendment) Act, 1930 and the Hours of Employment Rules, 1931.
 Exemptions from the operation of the Indian Mines Act made by Notification No. 14-1054 of 1 October 1935, as amended up to 1 May 1941.
 The Indian Mines Act, 1923, as amended up to 1957.
 The Factory Rules, 1935.
 The Factories Act, 1951 (*L.S.* 1951—Bur. 6).
 The Oilfields (Labour and Welfare) Act, 1951.
 Law defining the Fundamental Rights and Responsibilities of Peoples' Workers, 1 May 1964.

BYELORUSSIA

- Constitution of the S.S.R. of Byelorussia.
 Labour Code of 1929 of the S.S.R. of Byelorussia, as amended.
 Penal Code of the S.S.R. of Byelorussia.
 Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 8 March 1956 concerning shortening of the working day for wage and salary earners on days preceding rest days and holidays (*Vyedomosti*, 16 Mar. 1956, Text No. 135; *L.S.* 1956—U.S.S.R. 1 A).
 Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 26 May 1956 to establish a six-hour working day for young persons between the ages of 16 and 18 years (*Vyedomosti*, 13 June 1956, No. 12, text No. 242; *L.S.* 1956—U.S.S.R. 1 C).
 Order of the Council of Ministers of the U.S.S.R. of 26 May 1956 respecting the mode of payment of the work of persons between the ages of 16 and 18 years (*L.S.* 1956—U.S.S.R. 1 D).
 Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 15 July 1958 to approve the issuance of regulations respecting the rights of factory, works trade union committees, (*Vyedomosti*, 24 July 1958, No. 15, text No. 282; *L.S.* 1958—U.S.S.R. 3).
 Act of 7 May 1960 respecting the completion of the transfer of all wage and salary earners to a seven-hour or six-hour working day (*Vyedomosti*, 12 May 1960, No. 18).
 Decree of the Central Committee of the Communist Party and the Council of Ministers of the U.S.S.R. of 29 June 1960 concerning the establishment of a six-hour working day for all wage earners engaged in underground operations in mines, tunnels and underground railways.

CAMEROON

- Act No. 52-1322 of 15 December 1952 to establish a Labour Code in Overseas Territories (*Journal officiel de la République française (J.O.R.F.)*, 15-16 Dec. 1952, No. 298, p. 11541; *L.S.* 1952—Fr. 5 and 1955—Fr. 3).
 Order No. 139 of 31 July 1953 to lay down the methods of applying Section 112 of the Labour Code (*Journal officiel de Cameroun (J.O.C.)*, 31 July 1953, p. 1269).
 Order No. 140 of 31 July 1953 to regulate and prescribe rates for overtime work (*ibid.*, 31 July 1953, p. 1272).

Orders governing hours of work in particular activities: No. 6549 of 31 December 1953 as amended in 1954 and 1955 (railways); No. 4223 of 21 August 1953 (building and public works); No. 252 of 21 January 1954 and 4186 of 4 August 1954 (office and administrative establishments), (*ibid.*, 27 Jan. and 14 Aug. 1954); No. 129 of 5 Jan. 1956 as amended in 1957 (rural industries), (*ibid.*, 29 Feb. 1956 and 23 Oct. 1957); No. 4080 of 10 July 1956 (air transport), (*ibid.*, 25 July 1956); and No. 8 of 4 October 1957 (road transport), (*ibid.*, 6 Nov. 1957).

CANADA

Federal Legislation.

Canada Labour (Standards) Code, 1965 (13-14 Eliz. II, Ch. 58; *L.S.* 1965—Can. 1).
General Regulations under the Labour Code, 1965 (*S.O.R.*/65.256).

Provincial Legislation.

Alberta

Labour Act, 1947 (*Revised Statutes (R.S.) of Alberta*, 1955, Ch. 167), amended in 1957.
Industrial Standards Act.
General Order No. 1 (1965) on Hours of Work (Alberta Regulations 180/65) and various orders under the Labour Act.

British Columbia.

Hours of Work Act (*R.S., British Columbia*, 1960, Ch. 182).
Minimum Wage Act (*ibid.*, 1960, Chs. 143 and 230).

Manitoba.

Employment Standards Act of 5 April 1957 (*R.S., Manitoba*, Ch. 20), as amended by the Act of 1966 (*R.S., Manitoba*, 1966, Ch. 23).
Construction Industry Wages Act (*ibid.*, 1964, Ch. 9).

New Brunswick.

Industrial Standards Act, 1952 (*R.S., New Brunswick*, 1952, Ch. 109).
Mining Act, 1927 (*ibid.*, Ch. 35).
Minimum Employment Standards Act of 26 March 1964 (13 Eliz. II, Ch. 8).
Fair Wages and Hours of Labour Act (*R.S.*, 1953, Ch. 8), as amended in 1961 (*ibid.*, 9-10 Eliz. II, Ch. 41).
Minimum Wage Orders Nos. 1 and 3 of 1965.

Nova Scotia.

Coal Mining Regulations Act, 1923 (*R.S., Nova Scotia*, Ch. 23).
Limitation of Hours of Labour Act of 30 April 1935 (25-26 Geo. V, c. 12; *L.S.* 1935—Can. 7).
Industrial Standards Act, 1936 (*R.S.*, Ch. 3).
Minimum Wages Act, 1964 (*ibid.*, Ch. 7).

Ontario.

Hours of Work and Vacation with Pay Act (*R.S., Ontario*, 1960, Ch. 240).
Industrial Standards Act (*ibid.*, Ch. 186).

Quebec.

Limitation of Hours of Work Act (*R.S., Quebec*, 1941, Ch. 165).
Industrial and Commercial Establishments Act (*ibid.*, 1941, Ch. 175).
Minimum Wage Act (*ibid.*, 1941, Ch. 164) and General Order No. 4 on Minimum Wages, as amended in 1966.
Collective Agreements Act (*ibid.*, 1941, Ch. 163) and amendments.

Saskatchewan.

Coal Mines Safety and Welfare Act of 13 April 1932 (22 Geo. V, c. 65; *L.S.* 1932—Can. 5), as amended in 1940 (*R.S., Saskatchewan*, 1940, Ch. 270) and in 1944 (Ch. 50).
Hours of Work Act (*ibid.*, 1953, Ch. 260).
Industrial Relations Act (*ibid.*, 1940, Ch. 305), and amendments.

Newfoundland.

Minimum Wages Act (*R.S., Newfoundland*, 1952, Ch. 260).
Hours of Work Act, 1963.

North Western Territory.

Coal Mines Safety Ordinance (*Revised Ordinances*, 1956, Ch. 70).

Yukon Territory.

Hours of Work Ordinance, 4 May 1937 (*L.S.*, 1937—Can. 4).
Coal Mines Safety Ordinance (*Revised Ordinances*, 1956, Ch. 75).

CENTRAL AFRICAN REPUBLIC

- Act No. 61-221 of 2 June 1961 to establish the Labour Code of the Central African Republic (*Journal officiel de la République centrafricaine* of 15 June 1961).
- General Order No. 3436 of 27 October 1953 to determine the exceptions to the hours of work provisions of the Labour Code (*Journal officiel de l'Afrique équatoriale française*, 1 Nov. 1953).
- Order No. 85 of 30 January 1954 fixing rates for overtime work.
- Order No. 86 of 30 January 1954 to lay down the methods of applying hours of work and the exceptions provided for in the General Order of 27 October 1953, for establishments covered by the 40-hour week system. (*ibid.*, 1 Mar. 1954).
- Collective Agreements of 1 December 1956, as amended 26 January 1959, concerning industry, of 18 March 1959 concerning the public sector, and of 10 October 1963 concerning commerce.

CEYLON

- Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 13 March 1954 (*Legislative Enactments of Ceylon, 1956 Revised Edition (L.E.)*, Vol. V, Ch. 129; *L.S.* 1954—Cey. 1).
- Shop and Office Employees (Regulation of Employment and Remuneration) Regulations (*Ceylon Government Gazette (C.G.G.)*, Supplement, No. 10724, 15 Oct. 1954).
- Factories Ordinance (*L.E.*, Vol. V, Ch. 128).
- Employment of Women, Young Persons and Children Act, No. 47 of 7 November 1956 (*L.S.* 1956—Cey. 2).
- Wages Boards Ordinance (*L.E.*, Ch. 136).
- Employment of Young Persons Regulations, 1957 (*C.G.G.*), No. 11302, 25 Apr. 1958, Part I, section 1, p. 966).
- Shop and Office Employees (Regulation of Employment and Remuneration (Amendment)) Act, No. 60 of 21 December 1957. (*L.E.*, Supplement, 1958, Vol. 1; *L.S.* 1957—Cey. 2).
- Factories Ordinance (Amendment) Act, No. 54 of 19 June 1961 (Parliament of Ceylon, Session of 1960-61).

CHAD

- Labour Code of 15 December 1952 (*Journal officiel de la République française*. 15-16 Dec. 1952, No. 298; *L.S.* 1952—Fr. 5).
- Various orders (Nos. 34-36 and 41-47) of 19 January 1954 fixing the manner in which the 40-hour week is to be applied in commercial and industrial undertakings (*Journal officiel de l'Afrique équatoriale française*, 1 Mar. 1954).
- Order No. 551 of 15 September 1954 to fix the manner in which hours of work and the exceptions authorised under the General Order of 27 October 1953 are to be applied in all undertakings in Chad where the 40-hour week is applicable (*ibid.*, 15 Dec. 1954), as amended by Order No. 519 of 16 August 1955 (*ibid.*, 15 Oct. 1955).

CHILE

- Legislative Decree No. 178 of 13 May 1931 to introduce the Labour Code (*Diario Oficial (D.O.)*, 6 July 1931, No. 16014; *L.S.* 1931—Chile 1).
- Decree No. 18 of 24 June 1932 to provide that industrial and commercial establishments close at 1 p.m. on Saturday (*D.O.*, 8 July 1932, Vol. LV, No. 16318; *L.S.* 1932—Chile 6).
- Decree No. 702 of 1935 respecting hours of work for the personnel of private railway companies.
- Decree No. 5509 of 30 November 1956 to fix the hours of work of railway personnel.
- Decree No. 338 of 6 April 1960 to fix hours of work for employees of the civil service.

CHINA

- Factory Inspection Act, 1931, as amended (*L.S.* 1935—Chin. 2).
- Factory Act, 1932 (*L.S.*, 1932—Chin. 2 A).
- Regulations of 30 December 1932 governing the enforcement of the Factory Act, 1932, as amended on 10 December 1963 (*L.S.* 1932—Chin. 2 B).
- Mines Act, 1936 (*Asian Labour Laws*, 1951).
- Order of 29 January 1953 issued by the Executive Yuan, relating to the adjustment of employment conditions of employees in public-owned undertakings.
- Administrative Regulations in respect of workers employed in undertakings operated by the Ministry of Economic Affairs (enforced since 17 February 1956).

HOURS OF WORK

- Administrative measures in respect of workers in the salt industry in Taiwan (enforced by the Ministry of Finance since 30 May 1956).
Administrative Regulation respecting office boys and messengers in government offices (enforced by the Executive Yuan since 2 August 1957).
Safety and administrative measures respecting mines in Taiwan province (as amended by the Ministry of Economic Affairs on 3 June 1958).
Instructions issued by the Ministry of the Interior, 1953 (No. 26974); instructions issued by the Ministry of the Interior, 1953 (No. 39518); communication of the Ministry of the Interior, 1953 (No. 40337); instructions issued by the Ministry of the Interior, 1954 (No. 55128).

COLOMBIA

- Decree No. 2663 of 5 August 1950 to issue the Labour Code (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407; *L.S.* 1950—Col. 3 A).
Decree No. 3743 of 20 December 1950 to amend the Labour Code, Decree No. 2663 of 1950 (*D.O.*, 11 Jan. 1951, p. 113; *L.S.* 1950—Col. 3 B).
Resolution No. 1 of 26 April 1934 respecting maximum hours of work and Decision No. 895 of 26 April 1934 to approve the said resolution (*Laws and Statutes of Colombia (L.S.C.)*, p. 157).
Decree No. 540 of 1963 to issue regulations respecting work timetables in the various sectors of the national public administration.

CONGO (KINSHASA)

- Decree of 27 July 1955 respecting employment rules (*Bulletin administratif du Congo belge (B.A.)*, Part I, 8 Oct. 1955, No. 41, p. 1273; *L.S.* 1955—Bel. C. 1).
Decree of 14 March 1957 to prescribe the maximum hours of work and to provide for rest on Sundays and public holidays (*B.A.*, Part I, 15 Apr. 1957, No. 8, p. 910; *L.S.* 1957—Bel. C. 3).
Ordinance No. 22/395 of 4 December 1957 to make exceptions to hours of work in travel and transport agencies (*B.A.*, Part I, 1957, p. 2381).
Ordinance No. 22/199 of 13 May 1958 to make exceptions to the hours of work of certain categories of personnel employed in essentially intermittent work (*ibid.*, Part I, 1958, p. 999).
Ordinance No. 22/340 of 21 August 1958 to make exceptions in respect of hours of work in transport undertakings and in transport work (*ibid.*, Part I, 1958, pp. 1623-1624).

COSTA RICA

- Constitution of the Republic of Costa Rica, 1949.
Act No. 2 of 27 August 1943 to promulgate the Labour Code (*La Gaceta*, LXVth year, 29 Aug. 1943, No. 192, p. 1169; *L.S.* 1943—C.R.I.).
Executive Decision No. 105 of 2 July 1928 respecting hours of work in administrative offices.
Decree No. 8 of 8 May 1954 to regulate hours of work in rail transport undertakings.

CUBA

- Constitution of the Republic.
Presidential Decree No. 1693 of 19 September 1933, respecting the maximum working day of eight hours (*Gaceta Oficial*, 20 Sep. 1933; *L.S.* 1933—Cuba 4 A).
Presidential Decree No. 2513 of 19 October 1933 (*Gaceta Oficial*, 4 Nov. 1933; *L.S.* 1933—Cuba 4 B).
Decree No. 1568 of 6 May 1948.
Resolution No. 5974 of 14 September 1962.
Resolution No. 1038 of 15 February 1964.

CYPRUS

- Hours of Employment Law, 1927 (*Laws of Cyprus (L.C.)*, Ch. 182).
Shop Assistant Law, 1942 (*ibid.*, Ch. 185).
Children and Young Persons (Employment) Law No. 33 of 1953 (*ibid.*, Ch. 178); (*L.S.* 1953—Cyp. 2).
Motor Vehicle (Drivers' Hours of Work) Regulations, 1955 (*L.C.*, Ch. 332).
Hours of Employment (Commerce and Offices) Order, 1961.
Hours of Employment (Mines and Quarries) Order, 1961.
Hotels Law 1964 (*L.C.*, Ch. 138).

CZECHOSLOVAKIA

Constitution of the Socialist Republic of Czechoslovakia (section 21, paragraph 3).
Labour Code of 16 June 1965 (*Sbírka Zákonů, S.Z.*), text No. 65/1965; (*L.S.* 1965—Cz. 1).
Government Ordinance No. 66 of 23 June 1965 to implement the Labour Code (*S.Z.* text No. 66/1965).
Notification No. 62 of 25 July 1966 of the State Planning Commission regarding reduction in hours of work.

DAHOMÉY

Act of 15 December 1952 to establish a Labour Code in Overseas Territories (*Journal officiel de la République française (J.O.R.F.)*, 15-16 Dec. 1952, No. 298, p. 11541; and corrections: *ibid.*, 29 Jan. 1953, No. 25, p. 853; *L.S.* 1952—Fr. 5; and *J.O.R.F.*, 21 May 1955, No. 121, p. 5060; *L.S.* 1955—Fr. 3).
Orders No. 1921/ITLS of 6 August 1953 and No. 1973/ITLS of 10 August 1953 concerning overtime work.
General Order No. 3946/IGT.LS of 2 June 1953 to authorise exceptions to the legal provisions governing hours of work (*Journal officiel de l'Afrique occidentale française*, 6 June 1953, p. 878).
Various Orders of 1953 regulating exceptions to legal hours of work: No. 1675 of 15 July 1953 and Nos. 1892-1916 of August 1963 (*Journal officiel du Dahoméy (J.O.D.)* 10 Aug. 1963).

DENMARK

Acts Nos. 226 and 227 of 11 June 1954 respecting workers' protection in employment generally and in commercial establishments and offices (*Lovtidende A (Lov A)*, No. XXIII, 30 June 1954; *L.S.* 1954—Den. 1 and 2).
Apprenticeship Act, No. 261 of 2 October 1956 (*Lov A*, No. XXVIII, 9 Oct. 1956; *L.S.* 1956—Den. 2).

DOMINICAN REPUBLIC

Constitution, 29 April 1963 (*L.S.* 1963—Dom. 1).
Labour Code, 1951 (*L.S.* 1951—Dom. 1) as amended by Act No. 5360 of 20 May 1960 (*L.S.* 1960—Dom. 1).
Resolution No. 4/58 of the Secretary of State for Labour concerning intermittent work.

ETHIOPIA

Civil Code of 5 May 1960 (*Negarit Gazeta (N.G.)* 5 May 1960, No. 2, spec.); Title XVI (contracts for the performance of services) (*L.S.* 1960—Eth. 1 B).
Labour Relations Decree No. 49 of 5 September 1962 (*N.G.*, 5 Sep. 1962, No. 18; *L.S.* 1962—Eth. 1 A and minor changes included in Labour Relations Proclamation No. 210 of 1963, *N.G.*, 1 Nov. 1963).
Minimum Labour Conditions Regulations, 1964 (*N.G.*, 30 Dec. 1964, No. 5; *L.S.* 1964—Eth. 1).

FINLAND

Rules of Employment Act, 1 June 1922 (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.—F.F.)* 1922, No. 142; *L.S.* 1922—Fin. 2).
Hours of Work Act of 2 August 1946, No. 604 (*S.A.—F.F.* 6 August 1946; *L.S.* 1946—Fin. 4).
Conditions of Employment in Commercial Establishments and Offices Act No. 605 of 2 August 1946 (*L.S.* 1946—Fin. 4 B).
Domestic Servants Act, No. 1, 7 January 1949 (*S.A.—F.F.*, 11 Jan. 1949; *L.S.* 1949—Fin. 1).
Hours of Work (Amendments) Act of 11 February 1955 (*S.A.—F.F.*, 1955, No. 89; *L.S.* 1955—Fin. 1).
Acts of 30 December 1965 amending Acts Nos. 604 and 605 of 1946 (*S.A.—F.F.*, 1965, No. 713 and No. 746; *L.S.* 1964—Fin. 1 A and B).
Various collective agreements on the national level and in different branches of industry.

FRANCE

Act of 21 June 1936 to lay down the 40-hour week in industrial and commercial establishments (Labour Code, Book II, sections 6-10 and 14; *L.S.* 1936—Fr. 8).

Numerous decrees issued under the Act of 21 June 1936 to prescribe the method of applying the 40-hour week in various industrial and commercial activities (Labour Code, Dalloz edition 1965, pp. 269-273; *L.S.* 1936—Fr. 14 A-C (Mines); *L. S.* 1936—Fr. 16 A-H (various other industries and mines); *L.S.* 1937—Fr. 3 A-T (various industries); *L.S.* 1938—Fr. 13 A, D and E (various general provisions concerning application of the 40-hour week) *L.S.* 1938—Fr. 20 A-M (various industries) *L.S.* 1939—Fr. 2 A-F (Mines)).

Act of 25 February 1946 concerning pay for overtime work (Labour Code, Appendix, Second Part, D, Dalloz edition 1965, p. 252; *L.S.* 1946—Fr. 2).

Act No. 66-401 of 18 June 1966 restricting overtime work (*Journal officiel (J.O.)* 20 June 1966, No. 142, p. 5036).

GABON

Act No. 88/61 of 4 January 1962 to establish the Labour Code of the Gabon Republic (*Journal officiel de la République du Gabon (J.O.R.G.)*, 1 Mar. 1962, Extra, p. 189; *L.S.* 1962—Gab. 1).

General Order No. 3436/IGT/LS of 27 October 1953 to provide for exceptions to the hours of work provisions (*Journal officiel de l'Afrique équatoriale française (J.O.A.E.F.)*, 1 Nov. 1953).

Order No. 254 of 8 February 1954 to lay down methods of applying the 40-hour week in all branches of non-agricultural and non-forestry activity (*ibid.*, 1 Mar. 1954).

Order No. 262 of 8 February 1954 to lay down rules concerning hours of work, overtime work and methods of payment for such work (*ibid.*, 1 Mar. 1954).

FEDERAL REPUBLIC OF GERMANY

Act of 29 June 1936 respecting hours of work in bakers' and pastrycooks' establishments. (*Reichsgesetzblatt (RGBl)*, 30 June 1936, Part I, No. 62, p. 521; *L.S.* 1936—Ger. 5).

Order of 30 April 1936 to issue the consolidated text of the Hours of Work Code and other provisions for the regulation of hours of work (*RGBl*), 2 May 1938, Part I, No. 70, p. 446; *L.S.* 1938—Ger. 6).

Act of 9 August 1960 to protect young persons in employment (*Bundesgesetzblatt*, Part I, 13 August 1960, No. 45, p. 665; *L.S.* 1960—Ger. (F.R.) 2).

Various collective agreements.

GHANA

Administration Instructions contained in the General Orders for the Civil Service.

Industrial Relations Act, No. 299 of 23 June 1965.

Various collective agreements.

GREECE

Act No. 2269 of 24 June 1920 to ratify Convention No. 1.

Decree of 27 June 1932 to consolidate and supplement the provisions relating to the eight-hour working day (*L.S.* 1932—Gr. 2 A), as amended by decree of 1 June 1935 (*L.S.* 1935—Gr. 3 A), and Legislative Decree No. 4020 of 11 November 1959 (*L.S.* 1959—Gr. 1).

Decree of 10 September 1937 to extend the eight-hour day to industries in general (*L.S.* 1937—Gr. 3 D).

Decree No. 582 of 4 August 1960 on working hours in urban transport (Official Gazette No. 127/60).

Decrees No. 315 of 30 May 1963, No. 612 of 17 October 1963, No. 286 of 28 May 1964, to extend the eight-hour day to all railway employees (Official Gazette No. 77/63, No. 176/63, No. 85/64).

Various regulations governing hours of work in particular activities.

GUATEMALA

Decree No. 1441 of 5 May 1961 to promulgate the consolidated text of the Labour Code in its amended form (*El Guatemalteco (E.G.)*, 16 June 1961, No. 14, p. 145; *L.S.* 1961—Guat. 1).

Legislative Decree No. 1 of 2 April 1963 laying down fundamental principles with regard to labour (*Carta Guatemalteca del Trabajo (E.G.)*, 5 Apr. 1963, No. 34, p. 417).

Decree No. 584 respecting the conditions of work of persons employed by the State.

Government Order No. 346 to establish a list of processes excepted from the ordinary limitations of working hours.

GUINEA

Act No. 1 A.N./60 of 30 June 1960 to establish the Labour Code of the Republic of Guinea (*L.S.* 1960—Gui. 1).

General Order No. 3946/IGTLS of 2 June 1953, to authorise exceptions from the legal provisions governing hours of work (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 6 June 1953, p. 873).

Various decrees of 1953 regulating exceptions to the hours of work provisions: Nos. 3127 and 3129-3132 of 15 July, 3291 and 3293 of 25 July, 3326-3332 of 28 July, 3487-3491 of 3 August, 3542-3548 of 7 August, 4504 of 13 October and 4849 of 10 November (*Journal officiel de la Guinée (J.O.G.)*, 28 July, 10 and 13 Aug. and 1 and 15 Nov. 1953).

Order No. 1 of 3 October 1958 to provide for the continued application of the legislation in force as of 30 September 1958 (*J.O.G.*, 15 Oct. 1958, page 13).

HAITI

Labour Code, 6 October 1961 (*L.S.* 1961—Haiti 1).

HUNGARY

Labour Code (*Magyar Közlöny (M.K.)*, 31 Jan. 1951; *L.S.* 1951—Hun. 1).

Ordinance No. 30/1951 to issue regulations under the Labour Code (*M.K.*, 31 Jan. 1951).

Ordinance No. 18032/1951 to regulate hours of work in agriculture (*ibid.*, 22 Mar. 1951, *L.S.* 1951—Hun. 2).

Labour Code (amendments) (*M.K.*, 28 Nov. 1953; *L.S.* 1953—Hun. 1).

Act No. II of 1961.

Government Decree No. 33/1963 (*M.K.*, 3 Dec. 1963).

Legislative Decree No. 29/1964 to make provision for questions of employment relationships (*ibid.*, 18 Dec. 1964; *L.S.* 1964—Hun. 1).

INDIA

Indian Railways Act, 1890, as amended by the Acts of 1930 and 1956.

Minimum Wages Act, No. 11 of 15 March 1948 (*Gazette of India (G.I.)*, Extraordinary, 15 Mar. 1948, Part IV, pp. 37-47; *L.S.* 1948—Ind. 2); as amended in 1957 (*L.S.* 1957—Ind. 1 A and 1 B).

Factories Act, No. 63 of 23 September 1948 [*G.I.*, Extraordinary, 23 Sept. 1948, Part IV, p. 292; *L.S.* 1948—(Ind. 4)] as amended by Act No. 25 of 1954—(*G.I.*, 8 May 1954, Part II, section I, p. 159; *L.S.* 1954—Ind. 1).

Plantations Labour Act, No. 69 of 2 November 1951 (*G.I.*, Extraordinary, 3 Nov. 1951, No. 50, Part II, section I, p. 457; *L.S.* 1951—Ind. 5) as amended by Act No. 34 of 1960 (*G.I.*, 14 Sep. 1960, No. 29, Part II, section I, p. 483; *L.S.* 1960—Ind. 2).

Mines Act, No. 13 of 15 March 1952 (*G.I.*, 17 Mar. 1952, No. 18, Part II, section I, p. 155; *L.S.* 1952—Ind. 3) as amended by Act No. 62 of 27 December 1959 (*G.I.*, 28 Dec. 1959, Part II, section I, p. 499; *L.S.* 1959—Ind. 2).

Motor Transport Workers' Act, No. 27 of 21 May 1961 (*G.I.*, 22 May 1961).

State Shops and Commercial Catering Establishments Acts, *inter alia*: *West Bengal*, Act No. 13 of 1963; *Assam*, Act No. 11 of 1964.

IRAN

Labour Law of 17 March 1959 (26 *esfand* 1337) (*L.S.* 1959—Iran 1) as amended by decree of 28 September 1963 of the Ministry of Labour.

IRAQ

Labour Code, Law No. 1 of 1958 (*Al-Waqa'iyi'u al'Iraqiyya (A.W.I.)*, 16 Mar. 1958, No. 4115; *L.S.* 1961—Iraq 1), as amended by Laws Nos. 82 of 1958, 71 of 1959, 184 of 1959 and 175 of 1965.

Regulation No. 4 of 19 February 1961 respecting the work of women, young persons and children (*A.W.I.*, 26 Feb. 1961, No. 490; *L.S.* 1961—Iraq 2).

Law No. 24 of 1960 respecting civil servants.

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.
Acts of 1936-1945 concerning wages in agriculture.

ISRAEL

Act of 15 May 1951 respecting hours of work and rest (*Sefer Ha-Chukkim* (S.F.), 22 May 1951, No. 76; *L.S.* 1951—Isr. 2).
Youth Labour Law, 15 July 1953 (*L.S.* 1953—Isr. 2).
Employment of Women Law No. 51 of 1954 (S.F., 12 Aug. 1954, No. 160, p. 154).
Hours of Work and Rest (Amendment) Regulation, 1958.

ITALY

Legislative Decree No. 692 of 15 March 1923 concerning the limitation of hours of work of wage earners and salaried employees in industrial and commercial undertakings of all kinds (*Gazzetta Ufficiale* (G.U.), No. 84, 10 Apr. 1923, R. 2893; *L.S.* 1923—It. 1).
Decree No. 1955 of 10 September 1923 to approve the regulations respecting the limitation of hours of work of wage earners and salaried employees in industrial and commercial undertakings of all kinds (G.U., No. 228, 28 Sep. 1923, R. 6151; *L.S.* 1923—It. 7).
Decree No. 1956 of 10 September 1923 to approve the regulations respecting the limitation of hours of work of wage earners and salaried employees in agricultural undertakings (G.U., No. 228, 28 Sep. 1923, R. 6153; *L.S.* 1923—It. 7).
Decree No. 1957 of 10 September 1923 to approve the schedule specifying the industries and processes in which the eight-hour day or 40-hour week may be exceeded (G.U., No. 228, 28 Sep. 1923, R. 6154; *L.S.* 1923—It. 7).
Decree of 6 December 1923 to approve the schedule specifying the occupations which require only intermittent work or mere being in attendance or watching, to which the limitation of hours of work laid down by section 1 of the Legislative Decree of 15 March 1923 (section 3 of the Legislative Decree of 15 March 1923 and section 6 of the Regulations of 10 September 1923) is not applicable (G.U., No. 299, 21 Dec. 1923, R. 1265; *L.S.* 1923—It. 7).
Act of 19 January 1955 to lay down rules respecting apprenticeship (G.U., 14 Feb. 1955, No. 36, R. 522; *L.S.* 1955—It. 1).
Act of 30 October 1955 to provide for the limitation of hours of overtime work in industrial undertakings (G.U., 22 Nov. 1955, No. 269, R. 4039; *L.S.* 1955—It. 4).
Act of 29 November 1961 to amend the Act of 26 April 1934 to safeguard the employment of women and children (G.U., 28 Dec. 1961, No. 320, R. 5094; *L.S.* 1961—It. 3).
Act of 23 October 1962 to reduce the hours of work of young persons (G.U., 30 Nov. 1962, No. 288, R. 4590).

IVORY COAST

Act No. 64-290 of 1 August 1964 to establish a Labour Code (*Journal officiel de la République de Côte d'Ivoire* (J.O.C.I.), 17 Aug. 1964, No. 44, Extra., p. 1059; *L.S.*, 1964—I.C.1).
General Order No. 3946, IGTLs/AOF of 2 June 1953 to authorise exceptions to legal hours of work (*Journal officiel de l'Afrique occidentale française*, 1953, p. 878).
Orders Nos. 4766-4768 and 4771-4801, ITLS/C.I. of 20 July 1953, as amended, Nos. 5988 and 6033, ITLS/C.I. of 1 September 1953, No. 6736, ITLS/C.I. of 7 October 1953, as amended, and No. 358, ITLS/C.I. of 16 January 1957, to lay down the methods of application in particular industries, trades and services, public and private, of the 40-hour week prescribed in the Labour Code (J.O.C.I., 1953 and 23 Jan. 1957).
Order No. 4803, ITLS/C.I. of 20 July 1953 to prescribe methods for authorising overtime performed with a view to maintaining and increasing production (*ibid.*, 1953, p. 701).
Orders No. 6741, ITLS/C.I. of 8 October 1953 and No. 3150, ITLS/C.I. of 28 April 1954 to prescribe general employment rules for certain domestic employees (*ibid.*, 1953 and 1954 respectively).
Order No. 6742, ITLS/C.I. of 8 October 1953 concerning wage records (*ibid.*, 1953).
Decree No. 64-453 of 20 November 1964 concerning penalties for exceeding legal hours of work.

JAMAICA

Minimum Wage Law (as amended up to 1953) (*Revised Laws of Jamaica* (R.L.), 1953, Vol. VI, Ch. 252).
Shops and Offices Law No. 27 of 17 September 1957 (*L.S.* 1957—Jam. 1).
Shops Regulations No. 76 of 25 April 1961 (*Jamaica Gazette*, 1 May 1961).

The Employment of Women in Factories Regulations, 1961 (*ibid.*, 1 Sep. 1961).
Various proclamations and orders made under the Minimum Wage Law.

JAPAN

Labour Standards Law, No. 49 of 5 April 1947 (*L.S.* 1947—Jap. 3) as amended up to May 1958 (*Japan Labour Legislation*, 1959; Ministry of Labour).
Enforcement Ordinance of Labour Standards Law (Ministry of Labour), (*Id.*).
National Public Service Law, No. 120 of 1947 (Japan Labour Code, 1952), as amended by Act No. 69 of 18 May 1965.
Law concerning the Salaries of Employees in the Regular Service, (No. 95 of 3 April 1950).
Local Public Service Law (*ibid.*).
Rule No. 15-1 of the National Personnel Authority (Standards of Working Hours of Employees, etc., 1963).
Local Employees By-laws made under the Local Public Service Law.

KENYA

Shop Hours Act (*Laws of Kenya (L.K.)*, Ch. 231).
Mombasa Shop Hours Act (*ibid.*, Ch. 232).
Trades Disputes (Establishment of Industrial Court) Order, 1965 (*Kenya Gazette (K.G.)* Supplement No. 245, 8 June 1965, p. 261).
Regulation of Wages and Conditions of Employment Ordinance, 1951 (*L.S.* 1951—Ken. 1).
Various orders concerning the regulation of wages, 1963-66.

KUWAIT

Labour Act (Public Sector) No. 18 of 1960 (*Al-Koweit Al-Yaum*, Suppl. 280, 20 June 1960).
Labour Act (Private Sector) of 1959, amended by Act No. 38 of 1964 (*ibid.*, No. 489) of 9 June 1964.

LUXEMBOURG

Act of 5 March 1928 to approve certain Conventions adopted by the International Labour Conference during its first ten sessions (*Mémorial du Grand-Duché de Luxembourg (Mémorial)*, 1928, No. 13, p. 301).
Grand-Ducal Order of 30 March 1932 respecting the application of certain Conventions adopted by the International Labour Conference during its first ten sessions (*ibid.*, 31 Mar. 1932, No. 17, p. 177; *L.S.* 1932—Lux. 1).
Grand-Ducal Order of 17 October 1938 respecting the reduction of hours of work (*Mémorial*, 19 Oct. 1938, No. 73, p. 1193; *L.S.* 1938—Lux. 2).
Grand-Ducal Order of 16 October 1939 respecting the limitation of hours of work (*Mémorial*, 21 Oct. 1939, No. 79, p. 999; *L.S.* 1939—Lux. 3).
Grand-Ducal Order of 25 July 1959 to regulate the hours of work of personnel employed in road transport (*Mémorial*, No. 33, 3 Aug. 1959).
Consolidated text of 20 April 1962 of the Acts respecting the legal regulation of the contracts of service of salaried employees in private employment (*ibid.*, 21 June 1962, No. 32-A, p. 499; *L.S.* 1962—Lux. 1).
Grand-Ducal Regulations of 28 October 1964 to regulate hours of work for private employees.

MALAGASY REPUBLIC

Ordinance No. 60-119 of 1 October 1960 to establish a Labour Code (*Journal officiel de la République malgache (J.O.R.M.)*, 8 Oct. 1960, No. 125, p. 2012; *L.S.* 1960—Mad. 1).
Orders to fix the manner of applying the 40-hour week in industrial and commercial establishments: Nos. 1848-1868, IGT of 23 September 1953 (*Journal officiel de Madagascar (J.O.M.)*, 6 Oct. 1953); No. 125, IGT of 18 January 1954 (*ibid.*, 23 Jan. 1954); Nos. 391-393, IGT of 16 February 1954 (*ibid.*, 20 Feb. 1954) and Nos. 1127-1129 of 1 June 1954 (*ibid.*, 5 June 1954).
Order No. 2417, IGT of 10 December 1953 respecting pay for overtime work (*ibid.*, 12 Dec. 1953).
Order No. 124, IGT of 18 January 1954 respecting hours of work in agriculture (*ibid.*, 23 Jan. 1954).
Order No. 127 of 8 August 1957 respecting banks.
Decree No. 61-717 of 28 December 1961 to fix hours of work in public services at 44 hours per week.
Decree No. 64-214 of 27 May 1964 respecting pay for overtime work in public services.

MALAYSIA

States of Malaya.

Employment Ordinance, No. 38 of 27 June 1955 (*L.S.* 1955—Mal. 2).
Legal Notification No. 366 of 1957 (States of Malaya).

Sabah.

Labour Ordinance of 1953 (*Laws of Sabah*, Ch. 67).

Sarawak.

Labour Ordinance of 1956 (*Laws of Sarawak*, Ch. 76).

MALI

Act No. 62-67 AN-RM of 19 August 1962 to promulgate a Labour Code for the Republic of Mali (*Journal officiel de la République du Mali*, 15 Oct. 1962, No. 128, p. 708; *L.S.* 1962—Mali 1).

Order No. 3946 of 2 June 1953 to authorise exceptions to legal hours of work (*Journal officiel de l'Afrique occidentale française*, 6 June 1953, p. 878).

Various orders (Nos. 2468-2470) of 16 July 1953 fixing the manner of applying a 40-hour week in industrial and commercial undertakings (*Journal officiel du Soudan français (J.O.S.F.)*, 25 July 1953).

Various orders (Nos. 2478 and 3442) of 16 July and 30 September 1953 fixing the manner of applying the 40-hour week in public services and establishments (*ibid.*, 25 July and 15 Oct. 1953).

Collective Agreement of 16 November 1956 concerning commerce.

MALTA

Hours of Employment and Shops (Hours of Closing) Ordinance, No. 5 of 1938 (*Government Gazette*, 11 Feb. 1938; *L.S.* 1938—Malta 1).

Conditions of Employment (Regulation) Act, No. II of 22 March 1952 (*L.S.* 1952—Malta 1).

Wages Councils Regulation Orders issued under the 1952 Act.

MAURITANIA

Act No. 63-023 of 23 January 1963 to establish a Labour Code (*Journal officiel (J.O.)*, 20 Feb. 1963, No. 106, p. 53; correction: *ibid.*, 14 May 1963, No. 112, p. 143; *L.S.* 1963—Mau. 1).

Order No. 10284 to amend the orders establishing the manner in which the 40-hour week is to be applied in the various occupational sectors (*J.O.*, 7 July 1965, No. 163, p. 226).

MEXICO

Political Constitution of the United States of Mexico.

Federal Labour Act of 18 August 1931 (*Diario oficial (D.O.)*, 28 Aug. 1931, Vol. LXVII, No. 51; *L.S.* 1931—Mex. 1).

Statute of workers employed in the institutional bodies of the Union (*D.O.*, 17 Apr. 1941).

Regulations respecting the work of employees of credit institutions and auxiliary bodies (*ibid.*, 30 Dec. 1953).

Decree of 29 December 1962 containing amendments and additions to the Federal Labour Act (*ibid.*, 1962).

MOROCCO

Dahir of 28 rebia I 1355 (18 June 1936) to regulate hours of work (*Bulletin officiel du Maroc (B.O.M.)*, 19 June 1936, No. 1234, R. 136; *L.S.* 1936—Mor. 1), as amended and supplemented by the dahirs of 28 rebia I 1356 (8 June 1937) (*B.O.M.*, 18 June 1937, No. 1286, R. 835; *L.S.* 1937—Mor. 2), 13 rebia II 1358 (2 June 1939), 25 ramadan 1364 (3 September 1945) and 1 hija 1356 (16 October 1947) (*B.O.M.*, 28 Nov. 1947, No. 1831, R. 1214; *L.S.* 1947—Mor. 3).

Order of 2 moharrem 1356 (15 March 1937) to lay down the general conditions for the application of the dahir of 28 rebia I 1355 (18 June 1936) to regulate hours of work, as amended and supplemented by the orders of 4 chaabane 1357 (29 September 1938), 10 chaoual 1358 (22 November 1939), 9 hija 1358 (19 January 1940), 20 chaoual 1362 (20 October 1943), 22 jomada I 1365 (24 April 1946) and 12 safar 1371 (13 November 1951).

Order of 13 July 1958 to extend to the Northern Zone and the province of Tangiers certain provisions of the labour legislation applicable in the Southern Zone, in particular the dahir of 28 rebia I 1355 (18 June 1936) to regulate hours of work.

Various orders under the dahir of 28 rebia I 1355 (18 June 1936) to regulate hours of work, in particular: in electric power, production, and distribution undertakings, and in water distribution services and concessions (order of 17 jourmada I 1355 (6 August 1936)); in road passenger transport (road personnel) (order of 19 jourmada II 1355 (7 September 1936)); in the chemical industries (order of 18 rebia I 1357 (18 May 1938) supplemented by the orders of 9 jourmada II 1365 (11 May 1946) and 30 choul 1370 (4 August 1951)); in the textile industries (order of 5 kaada 1357 (28 December 1938)); in the vegetable fibre and alfa industry (order of 6 kaada 1357 (28 December 1938)); in the quarries (order of 19 rejeb 1364 (30 June 1945)); in the mining industry (order of 25 ramadan 1364 (3 September 1945)); in the building and public works industry (order of 28 jourmada I 1373 (3 February 1954)); in the metallurgical and metal-working industry (order of 28 jourmada I 1373 (3 February 1954)); in the wholesale sector (large or small quantities) (orders of 26 safar 1356 (8 May 1937) and 16 ramadan 1365 (14 August 1946)); and in retail trade (order of 9 ramadan 1365 (7 August 1946)).

Decree of 19 chaabane 1366 (2 July 1947) to issue labour regulations, Title VI (*B.O.M.*, 17 October 1947, No. 1825, p. 1028; *L.S.* 1947—Mor. 1).

NETHERLANDS

Labour Act of 1919, as amended up to 1964 (*Staatsblad (Sb.)*, 1930, No. 388 A; *L.S.* 1930—Neth. 2 B; *Sb.*, 1933, Nos. 160 and 647; *ibid.*, 1935, No. 243; *ibid.*, 1950, No. 322; *ibid.*, 1951, No. 390; *ibid.*, 1953, No. 421; *ibid.*, 1954, No. 388; *ibid.*, 1955, No. 44; *ibid.*, 1960, No. 37; *ibid.*, 1962, No. 311; *ibid.*, 1964, No. 30; *L.S.* 1964—Neth. 1), and various Royal Decrees under this Act. Collective agreements and regulations concerning wages and other conditions of work.

NEW ZEALAND

Coal Mines Act, No. 39 of 1 October 1925 (16 Geo. V, No. 39; *L.S.*, 1925—N.Z. 2) as amended in 1937 (1 Geo. VI, No. 16, 30 November 1937; *L.S.* 1937—N.Z. 2).
Mining Act, No. 15 of 11 September 1926 (17 Geo. V, No. 15; *L.S.* 1926—N.Z. 1), as amended by Act No. 26 of 1948 (*L.S.* 1948—N.Z. 1).
Factories Act, No. 43 of 12 October 1946 (*L.S.* 1946—N.Z. 4), as amended by Act No. 66 of 1956 and Act No. 65 of 1961.
Apprenticeship Act, No. 22 of 29 October 1948 (*L.S.* 1948—N.Z. 2) and orders made thereunder.
Post and Telegraph (Staff) Regulations, 1951.
Industrial Conciliation and Arbitration Act, No. 72 of 1 October 1954 (*L.S.* 1954—N.Z. 1), as amended by Act No. 125 of 1 December 1961 (*L.S.* 1961—N.Z. 1); and Agreements and Awards made thereunder.
Shop and Office Act, No. 32 of 20 October 1955 (*L.S.* 1955—N.Z. 1).
Act No. 137 of 14 December 1962 respecting the employment and accommodation of agricultural workers (*L.S.* 1962—N.Z. 1).
State Services Act, No. 132 of 14 December 1962 and Public Service Regulations, 1964.
Order No. 161 of the Government Railways Tribunal.

NICARAGUA

Constitution, 1 November 1950 (*L.S.* 1950—Nic. 1).
Labour Code, 1945 (*L.S.* 1945—Nic. 1) as amended by Decree No. 765 of 12 October 1962 (*L.S.* 1962—Nic. 1).

NIGER

Act No. 62-12 of 13 July 1962 to promulgate a Labour Code for the Republic of Niger (*Journal officiel de la République du Niger*, No. 4, p. 60).
General Order No. 3946/IGTLS/AOF of 2 June 1953 to authorise exceptions to the legal hours of work (*Journal officiel de l'Afrique occidentale française*, 6 June 1953, p. 878).
Decrees Nos. 1617 and 1628/ITLS/N of 17 July 1953 and No. 2704/ITLS/N of 10 December 1953 concerning overtime work.
Various decrees of 1953 regulating application of the 40-hour week in various branches of industry and commerce: Nos. 1620-1627 and 1630-1638 of 17 July 1953, 1706-1712 of 23 July 1953 and 1759, 1761 and 1762 of 31 July 1953.
Decree No. 2448/ITLS/N of 3 November 1953 concerning the recuperation of lost hours in certain commercial undertakings subject to slack seasons.

NIGERIA

Labour Code Ordinance (*Laws of the Federation of Nigeria and Lagos*, 1958, Vol. III, pp. 1832-1928).
Rules, Regulations and Conditions of Employment for daily rated employees as agreed by the Minesfield Joint Industry Council, 15 August 1957, as amended up to 31 December 1961.

Wages Boards Ordinance (ibid., Vol. VI, Cap. 211, pp. 3763-3780).
 Wages Boards (Publication of Notices) Rules (ibid., Vol. X, Cap. 211 (Subsidiary Legislation), pp. 2578-2579).
 Wage-fixing (Minesfield) and Conditions of Employment (Minesfield) Orders in Council (ibid., pp. 2584-2589 and 2623-2629).
 Various Orders in Council concerning wage fixing and conditions of employment.

NORWAY

Legislative Decree of 21 November 1947 concerning personnel exposed to harmful radiations.
 Agricultural Workers Act (temporary), No. 4 of 3 December 1948 (*Norsk Lovtidend (N.L.)*, 13 Dec. 1948, No. 47, p. 1044; *L.S.* 1948—Nor. 6).
 Workers' Protection Act, No. 2 of 7 December 1956 (*N.L.*, 31 Dec. 1956, No. 45, p. 1235; *L.S.* 1956—Nor. 2), as amended by Act No. 1 of 28 November 1958 (*N.L.*, 20 Dec. 1958, No. 42, p. 945; *L.S.* 1958—Nor. 2) and by the Act of 13 April 1962.

PAKISTAN

The Railways Act, 1890, as amended in 1930.
 Mines Act, 1923, *Gazette of India*, 3 Mar. 1923 (*L.S.* 1923—Ind. 3), as amended up to 1946.
 Factories Act No. 25 of 1934 (*L.S.* 1946—Ind. 1), as amended up to 1947.
 Punjab Trade Employees Act, 1940.
 Sind Shops and Establishments Act, 1940.
 Weekly Holiday Act, 1942.
 North-West Frontier Provinces Trade Employees (Amendment) Act, 1950.
 East Bengal Shops and Establishments Act, 1951.
 Industrial and Commercial Employment (Standing Orders) Ordinance No. 3 of 30 January 1960; (*Gazette of Pakistan (G.P.)*, 3 Feb. 1960, Extraordinary; *L.S.* 1960—Pak. 1).
 Road Transport Workers Ordinance No. 28 of 30 June 1961 (*G.P.*, 4 July 1961, Extraordinary; *L.S.* 1961—Pak. 1).
 Tea Plantations Labour Ordinance No. 39 of 1 June 1962 (*G.P.*, 4 June 1962, Extraordinary; *L.S.* 1962—Pak. 1).
 East Pakistan Factories (Exemption) Rules, 1962.
 West Pakistan Factories (Adult Exemption) Rules, 1965 (*Gazette of West Pakistan*, Extraordinary, 22 June 1966).

PANAMA

National Constitution of the Republic of Panama.
 Act. No. 67 of 11 November 1947 to promulgate the Labour Code (*Gaceta oficial (G.O.)*, 26 Nov. 1947, No. 10459, Vol. XLIV; *L.S.* 1947—Pan. 1), as amended by Act No. 7 of 1950 (*G.O.*, 8 Feb. 1950; *L.S.* 1950—Pan. 1).

PERU

Act No. 2851 of 23 November 1918 to fix the hours of work of women and children at eight hours daily and 45 weekly (*L.S.* 1918—Per. 1).
 Presidential Decree of 15 January 1919 to fix hours of work at eight daily.
 Presidential Resolution of 22 June 1928 to issue regulations under Act No. 4916 and restrict its application to the private sector.
 Presidential Resolution of 27 October 1936 to provide for the hours of work of salaried employees and wage earners employed by an employer to be posted.
 Resolution of the Director of Labour of 2 November 1936 concerning overtime.
 Civil Code of 1936 (section 1672) (*L.S.* 1936—Per. 3).
 Act No. 13968 to establish a Minors' Code (Title IV).
 Act No. 11377 concerning the civil service. Presidential Decree No. 522 of 26 July 1950 to issue regulations under Act No. 11377.
 Presidential Decree No. 008 of 22 May 1964 concerning the working day of banks.
 Various collective agreements.

PHILIPPINES

Eight Hour Labor Law, Commonwealth Act No. 444 of 3 June 1939, as amended by Republic Acts No. 1993 of 22 June 1957 and No. 2337 of 20 June 1959 (*Philippine Labor Laws (P.L.L.)*, Department of Labor, Manila, Philippines, 1961).
 Revised Administrative Code.

Minimum Wage Law, No. 602 of 6 April 1951 (*Official Gazette (O.G.)*, Apr. 1951, Vol. 47, No. 4; *L.S.* 1951—Phi. 1).
 Rules and Regulations to Implement the Minimum Wage Law.
 Employment of Women and Children Law, Act No. 679 of 8 April 1952 (*L.S.* 1952—Phi. 1), as amended by Act No. 1131 of 16 June 1954; *O.G.*, Aug. 1954, Vol. 50, No. 8; *L.S.* 1954—Phi. 2).
 Rules and Regulations of November 1952 implementing Act No. 679.
 Act No. 875 of 17 June 1953 to promote industrial peace and for other purposes. (*O.G.*, 17 June 1953; *L.S.* 1953—Phi. 1).
 Forty-Hour (Five-Day) Work Week Law, Republic Act No. 1880 of 22 June 1957 (*P.L.L.*).

POLAND

Act of 18 December 1919 respecting hours of work in industry and commerce (consolidation 1933) (*Dziennik Ustaw (D.U.)*, 1933, No. 94, Text 734; *L.S.* 1933—Pol. 1 C), as amended by decree of 19 September 1946 (*D.U.*, 17 Oct. 1946, No. 51; *L.S.* 1946—Pol. 6); Act of 20 March 1950 (*D.U.*, 8 Apr. 1950, No. 13; *L.S.* 1950—Pol. 2 A); Act of 19 April 1950 (*D.U.*, 5 May 1950, No. 20; *L.S.* 1950—Pol. 2 B); and decree of 29 March 1951 (*D.U.*, 30 Mar. 1951, No. 17; *L.S.* 1951—Pol. 3).
 Act of 26 February 1951 to amend the Act of 2 July 1924 respecting the work of women and young persons (*D.U.*, 1 Mar. 1951, No. 12; *L.S.* 1951—Pol. 2 A).
 Decree of 2 August 1951 respecting the employment of young persons in undertakings (*D.U.*, 8 Aug. 1951, No. 41; *L.S.* 1951—Pol. 2 C).
 Various orders of the Council of Ministers on reduction of hours of work.
 Collective Labour Agreement for wage earners on state farms under the authority and supervision of the Minister of Agriculture (Warsaw, 8 August 1960).

PORTUGAL

Legislative Decree No. 24402 of 24 August 1934 to regulate hours of work in industrial and commercial establishments (*Diário do Governo (D.G.)*, 24 Aug. 1934, No. 199; *L.S.* 1934—Por. 5).
 Legislative Decree No. 26917 of 24 August 1936 to make amendments to Legislative Decree No. 24402 (*D.G.*, 24 Aug. 1936, No. 198; *L.S.* 1936—Por. 3).
 Legislative Decree No. 37245 of 27 December 1948 to make regulations for the labour inspectorate (*D.G.*, Series 1, 27 Dec. 1948, No. 299; *L.S.* 1948—Por. 1).
 Legislative Decree No. 43182 of 23 September 1960. Hours of work; protection of workers (amendments) (*D.G.*, 23 Sep. 1960, No. 222; *L.S.* 1960—Por. 2).

Overseas Provinces :

Angola.

Legislative Decree No. 2827 to promulgate the Angola Labour Code (*Boletim oficial de Angola (B.O.)*, 5 June 1957, No. 23, Series 1; corrections: *ibid.*, 13 Nov. 1957, No. 46, Series 1; *L.S.* 1957—Angola 1).
 Order No. 9934 (*B.O.*, 23 Oct. 1957).

Cape Verde.

Legislative Decree No. 1164 of 22 May 1954.
 Legislative Decree No. 1130 of 9 February 1957 (*B.O. de Cabo Verde*, 9 Feb. 1957).
 Order No. 5178 of 23 February 1957.

Guinea.

Legislative Decree No. 486 of 7 December 1929.
 Legislative Decree No. 1509 of 26 May 1951.
 Legislative Decree No. 1616 of 29 December 1955.

Mozambique.

Legislative Decree No. 1595 to define the legal framework for the employer-worker relationship (*B.O. de Moçambique*, 28 Apr. 1956, Series 1; corrections: 7 May 1956, Supplement).
 Legislative Decree No. 2020 (*ibid.*, 5 Nov. 1960).

São Tomé and Príncipe.

Legislative Decree No. 507 to regulate the right to work (*B.O. de São Tomé e Príncipe*, 10 Mar. 1958).
 Order No. 2552 to fix opening and closing hours for commercial and industrial establishments (*ibid.*, 10 Apr. 1958).
 Order No. 3949 of 20 January 1966 to withdraw Order No. 2904 of 19 May 1960.

RUMANIA

Constitution of the Socialist Republic of Rumania.

Act of 30 May 1950 to promulgate the Labour Code (*L.S.* 1950—Rum. 1), as amended by Decrees No. 102 of 28 February 1956, No. 369 of 13 July 1956 (*Buletinul oficial (B.O.)*, 24 July 1956; *L.S.* 1956—Rum. 1), No. 90 of 18 February 1958 (*B.O.*, 22 Feb. 1958; *L.S.* 1958—Rum. 1), No. 266 of 19 July 1960 (*B.O.*, 21 July 1960; *L.S.* 1960—Rum. 1) and No. 5 of 15 January 1964 (*B.O.*, 22 Jan. 1964, No. 1).

Various orders of the Council of Ministers to reduce hours of work in certain occupational categories.

SENEGAL

Act No. 61-34 of 15 June 1961 to establish a Labour Code. (*Journal officiel de la République du Sénégal (J.O.S.)*, 3 July 1961, p. 1015; *L.S.* 1962—Sen. 2 B).

General Order No. 3946 IGT/LS/AOF of 2 June 1953 to prescribe exceptions to legal hours of work (*J.O. A.O.F.*, 3 June 1953, p. 878).

Order No. 4215 IT of 26 June 1953 to lay down rules governing the authorisation of overtime work (*J.O.S.*, 11 July 1953, p. 747).

Order of 8 July 1953 to fix rates of pay for overtime work (*ibid.*, 10 July 1953, p. 629).

Various orders of 1953 to lay down the manner of applying the 40-hour week in industrial and commercial establishments: Nos. 4178-4211 and 4310-4313 (*ibid.*, 11 July 1953, pp. 632 *et seq.*).

Order No. 3724 IT of 22 June 1954 respecting the work of young persons (*ibid.*, 8 July 1954).

Order No. 7441/ITLS/SM of 15 November 1956 to provide for the application of the 40-hour week in public services, public establishments and public collectivities (*ibid.*, 22 November 1956).

SIERRA LEONE

Employers and Employed Act (*Laws of Sierra Leone*, 1960, Vol. IV, Ch. 212).

Employers and Employed Rules (*ibid.*, Vol. VIII, Ch. 212).

Wages Boards Act (*ibid.*, Vol. IV, Ch. 220).

Wages Boards Application Order, Establishment Orders, Rules, Directions (*ibid.*, Vol. VIII, Ch. 220).

Mining Workers Wages Boards Directions for Sierra Leone Selection Trust Ltd., and Sierra Leone Chrome Mines Co., Ltd., Nos. M.38 and M.39 of 16 January 1962.

Joint Industrial Council Agreements: Transport Industry, No. T.10 of 5 January 1962; Artisans and General Workers, No. A.10 of 17 November 1961; Commercial Workers, No. C.2 of 12 February 1962.

SINGAPORE

Labour Ordinance No. 40 of 1955 (*Singapore Legislation*, 1956, Vol. 1).

Labour Regulations, 1959.

Shop Assistants Employment Ordinance, No. 13 of 1957 (*Singapore Laws*, 1957).

Clerks Employment Ordinance, No. 14 of 1957 (*ibid.*).

Shop Assistants Employment Regulations, 1959.

Clerks Employment Regulations, 1959.

Industrial Relations Ordinance, No. 20 of 1960 (*Government Gazette (G.G.)*, Reprints Supplement (Acts) No. 10, 2 Mar. 1966).

Various collective agreements.

SOMALIA

Legislative Decree No. 25 of 15 November 1958 to promulgate a Labour Code (*Bollettino Ufficiale della Somalia (B.U.)*, 24 Nov. 1958, Supplements Nos. 2-11; *L.S.* 1958—It. Som. 1).

Legislative Decree No. 11 of 11 October 1960 respecting employees' remuneration on certain public holidays (*B.U.*, 30 Oct. 1960, No. 4, Supplement No. 3; *L.S.* 1960—It. Som. 2 B).

SPAIN

Decree of 3 April 1919 respecting bakeries.

Legislative Decree of 14 August 1927 respecting the night rest for workers (*Gaceta de Madrid (G.M.)*, 19 Aug. 1927, CCLXVth year, Vol. III, No. 231; *L.S.* 1927—Sp. 1).

Decree of 1 July 1931 to fix the maximum statutory daily hours of work at eight (*G.M.*, 2 July 1931, No. 183, *erratum* No. 185; *L.S.* 1931—Sp. 9).

Order of 5 March 1936 to provide that the normal maximum hours of work in all workshops and undertakings in the iron, steel, metal-working and allied industries shall be 44 in the week (*G.M.*, 7 Mar. 1936, No. 67; *L.S.* 1936—Sp. 1 A).
 Decree of 18 June 1936 to fix the hours of work in coal-mining undertakings at 40 in the week (*G.M.*, 21 June 1936, No. 173; *L.S.* 1936—Sp. 1 B).
 Decree of 13 July 1940 respecting Sunday rest (*Boletín oficial del Estado (B.O.E.)*, 18 July 1940, Vth year, No. 200; *L.S.* 1940—Sp. 7 C).
 Decree of 26 January 1944 to approve the consolidated text of the first book of the Act respecting contracts of employment (*B.O.E.*, 24 Feb. 1944, IXth year, No. 55; *L.S.* 1944—Sp. 1 A).
 Order of 13 September 1956 to establish a timetable for public officials.
 Various collective agreements and work regulations cited in the report of the Government.

SWEDEN

Royal Notifications on Hours of Work (State Railways); Nos. 286 of 4 June 1920, 755 of 22 December 1921, 467 of 28 August 1922 (*Svensk Författningssamling (S.F.)*, 1920, 1921, 1922; *L.S.* 1922—Swe. 4).
 Hours of Work Act of 16 May 1930 (*S.F.*, 1930, No. 138, p. 267; *L.S.* 1930—Swe. 1).
 Hours of Work (Retail Trade) Act No. 652 of 18 July 1942 (*S.F.*, 20 July 1942, p. 1473; *L.S.* 1942—Swe. 2).
 Workers' Protection Act No. 1 of 3 January 1949 (*S.F.*, 12 Jan. 1949, p. 1; *L.S.* 1949—Swe. 1).
 Act of 16 May 1957 to amend the Hours of Work Act.

SWITZERLAND

Federal Act of 6 March 1920 regulating the hours of work of personnel employed on railways and in other services connected with transport and communications (*L.S.* 1920—Switz. 1).
 Federal Act of 30 June 1927 respecting the conditions of service of federal employees (*Recueil des lois fédérales (R.L.F.)*, 1927, No. 20; *L.S.* 1927—Switz. 2).
 Federal Act of 12 December 1940 respecting home work (*Feuille fédérale*, 18 Dec. 1940, No. 51; *L.S.* 1940—Switz. 2-3).
 Federal Act of 13 March 1964 respecting work in industry, handicrafts and commerce (*R.L.F.*, 24 Jan. 1966, No. 4, p. 57; *L.S.* 1964—Switz. 1).
 Ordinance I of 14 January 1966 respecting the execution of the federal Act of 13 March 1964 (*L.S.* 1964—Switz. 1) respecting work in industry, handicrafts, and commerce (general ordinance) (*R.L.F.*, p. 85).
 Ordinance II of 14 January 1966 respecting the execution of the federal Act of 13 March 1964 (*L.S.* 1964—Switz. 1) respecting work in industry, handicrafts, and commerce (special provisions for certain categories of undertakings or workers) (*R.L.F.*, p. 119).

SYRIAN ARAB REPUBLIC

Act No. 91 of 5 April 1959 to promulgate the Labour Code (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis; *L.S.* 1959—U.A.R. 1).
 Order No. 408 of 25 August 1959 concerning occupations in which continuous employment is allowed.
 Order No. 445 of 8 September 1959 respecting the limitation of maximum hours of work in certain occupations.

TANZANIA

Shop Hours Ordinance, No. 25 of 21 December 1945 (*Laws of Tanganyika (L.T.)*, Ch. 85).
 Employment Ordinance, No. 47 of 10 November 1955 (*L.T.*, Ch. 366) (*L.S.* 1955—Tan. 1), as amended in 1960 (*L.S.* 1960—Tan. 1) and 1962 (*L.S.* 1962—Tan. 2).
 Traffic Ordinance No. 41 of 1932 (*L.T.*, Ch. 168), as amended by Ordinances Nos. 8 and 43 of 1939, 16 of 1945, 14 of 1946 and 48 of 1947-1949.
 Employment (Restriction of Employment of Children) Regulations of 28 December 1957.

THAILAND

Notification of the Ministry of the Interior of 20 December 1958 concerning Working Hours, Holidays of Employees, Conditions of Women and Child Labour, Payment of Wages, and Welfare Services (*Royal Thai Government Gazette (R.T.A.A.)*, 21 Jan. 1959), as amended by the Third Notification.

Notification of the Ministry of the Interior of 5 January 1959 fixing work as detrimental to the health or body of employees and work considered to be light work (*ibid.*, 28 Jan. 1959).
Notification B.E. 2507 of the Ministry of Interior of 23 March 1964 concerning weekly rest (*ibid.*, 21 Mar. 1964).

TUNISIA

Acts No. 66-27 of 30 April 1966 to establish a Labour Code (*Journal officiel tunisien (J.O.)*, 7 Aug. 1936, No. 63; *L.S.* 1936—Tun. 2 A).
Various orders under the decree of 4 August 1936 respecting the 40-hour week, *inter alia*: order of 17 June 1937 (*J.O.*, No. 50, 22 June 1937): (banks and credit, exchange and insurance institutions); order of 18 June 1937 (*ibid.*, No. 50, 22 June 1937): (retail trade in goods other than foodstuffs); order of 14 August 1937 (*ibid.*, No. 67, 20 Aug. 1937): (metallurgy and metal-working); order of 16 August 1937 (*ibid.*, No. 67, 20 Aug. 1937): (book industry); order of 15 November 1937 (*ibid.*, No. 92, 16 Nov. 1937): (flour mills and noodle manufacture); order of 14 December 1937 (*ibid.*, No. 100, 14 Dec. 1937): (production, transport and distribution of electric power); order of 18 January 1938 (*ibid.*, No. 9, 1 Feb. 1938): (leather and skins trade); order of 27 February 1938 (*ibid.*, No. 18, 4 Mar. 1938): (retail chemists); order of 27 February 1938 (*ibid.*, No. 18, 4 Mar. 1938): (wholesale activities); order of 27 February 1938 (*ibid.*, No. 18, 4 Mar. 1938): (brewing, distilling and ice making); order of 9 May 1938 (*ibid.*, No. 39, 17 May 1938): (public motor transport undertakings); order of 20 July 1938 (*ibid.*, No. 59, 26 July 1938): (wood industry); order of 21 July 1938 (*ibid.*, No. 59, 26 July 1938): (chemical industries).

TURKEY

Labour Code, Act No. 3008 of 8 June 1936 (*Resmî Gazete (R.G.)*, 15 harizan 1936, No. 330, p. 6621 (*L.S.* 1936—Tur. 2).
Regulations No. 2/12245 of 27 October 1939 respecting overtime.
Regulations No. 2/14637 of 6 November 1940 respecting industries and processes for which maximum hours of work are fixed at eight or less.
Regulations No. 2/20738 of 11 October 1943 respecting hours of work.
Regulations No. 2/20739 of 11 October 1943, amended by Regulations No. 4/12516 of 22 January 1960, respecting preparatory, complementary, cleaning and intermittent work.
Act No. 5518 of 25 January 1950 to amend certain sections of the Labour Code (*R.G.*, 31 Jan. 1950, No. 7420, p. 17685; *L.S.* 1952—Tur. 1 B).
Act No. 6301 of 4 March 1954 respecting midday rest (*T.C. R.G.*, 8 Mar. 1954, No. 8652, p. 8515; *L.S.* 1954—Tur. 2).
Act No. 7284 of 29 May 1959 amending section 47 of the Labour Code and adding three further sections (*T.C. R.G.*, 1 June 1959, No. 10219, p. 21775; *L.S.* 1959—Tur. 1).
Extension Decree No. 5/180 of 21 July 1960.
Act No. 657 of 14 July 1965, status of state officials (*T.C. R.G.* 23 July 1965, No. 12056).

UGANDA

Employment Act (*Laws of Uganda (L.U.)*, revised edition, 1964, Ch. 192; *L.S.* 1955—Ug. 1 B and 1956—Ug. 1 A) and Regulations thereunder.
Shop Hours Act, No. 71 of 1963 (*Uganda Gazette (U.G.)*, Supplement No. 14, Special Vol. LVI, 7 Oct. 1963).
Factories Act (*L.U.*, Ch. 198).
Minimum Wages Advisory Boards and Wages Councils Act (*ibid.*, Ch. 196; *L.S.* 1957—Ug. 1).
Road Passenger Transport Industry Minimum Wages and Conditions of Employment Order, 1959 (Legal Notice No. 313 of 1959) (*U.G.*, Vol. LII, Subsidiary Legislation Supplement, 24 Dec. 1959, pp. 660-662).

UKRAINE

Constitution of the Ukrainian S.S.R.
Labour Code of the Ukrainian S.S.R.
Penal Code of the Ukrainian S.S.R.
Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. and Order of the Council of Ministers of 8 March 1956 to reduce the hours of work of wage earners and salaried employees on days preceding rest days and holidays.
Order of the Committee of State for Labour Matters of the Council of Ministers of the U.S.S.R. of 12 January 1957 respecting the employment rules of undertakings, public institutions and co-operatives (conditions and hours of work).

- Act of the U.S.S.R. of 7 May 1960 respecting the introduction of the seven-hour day (six hours for underground work) for all wage earners.
- Order of the Central Committee of the Ukrainian Communist Party and the Council of Ministers of the Ukrainian S.S.R. of 30 August 1960 to establish a six-hour working day in mines and for persons employed on underground work.
- Order of the Committee of State for Labour Matters of the Council of Ministers of the U.S.S.R. of 24 December 1960 to reduce the hours of work of wage earners employed on strenuous or unhealthy work.

U.S.S.R.

- Constitution of the U.S.S.R.
- Labour Code of the R.S.F.S.R. as amended up to 31 January 1958 (*L.S.* 1936—Russ. 1, 1958—Russ. 1).
- Penal Code of the R.S.F.S.R.
- Order No. 106 of 13 February 1928 of the People's Labour Commissariat of the U.S.S.R. respecting the non-standardised working day (*Izvestiya N.K.T.*, No. 9-10, 1928; *L.S.* 1928—Russ. 3 B).
- Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 8 March 1956 and Order of the Council of Ministers thereunder concerning the reduction of the working day of wage and salary earners on days preceding rest days and holidays (*Vedomosti (Ved.)*, No. 135, 16 Mar. 1956; *L.S.* 1956—U.S.S.R. 1 A and B).
- Ukase of the Presidium of the Supreme Soviet of the U.S.S.R. of 26 May 1956 to establish a six-hour working day for young persons between 16 and 18 years of age (*Ved.*, 13 June 1956, No. 12, Text No. 242; *L.S.* 1956—U.S.S.R. 1) and Order of the Council of Ministers of the U.S.S.R. of 26 May 1956 concerning the mode of payment of the wages of these workers (*Ved.* p. 292; *L.S.* 1956—U.S.S.R. 1 B).
- Order of 19 June 1956 of the Council of Ministers respecting the protection of workers against the possibility of reduction of their wages resulting from the shortening of hours of work.
- Order of 27 April 1957 of the Central Committee of the Communist Party and the Council of Ministers concerning the introduction of shorter working hours and the raising and standardisation of the wages and salaries of workers and engineering and technical staff in mining and metallurgical undertakings and in the Ministry of Iron and Steel coking plants.
- Ukase of 15 July 1958 of the Presidium of the Supreme Soviet of the U.S.S.R. to approve regulations respecting the rights of factory, works, and local trade union committees (*Ved.* No. 15, 24 July 1948; *L.S.* 1958—U.S.S.R. 3).
- Act of the U.S.S.R. of 7 May 1960 to introduce a seven-hour working day for all the wage earners (six hours in underground work) (*Ved.*, No. 18, 12 May 1960).
- Order of 17 June 1960 of the Council of Ministers establishing the list of occupations and occupational categories for which hours of work shall be reduced to 36 in the week (*Sotsialisticheskoye pravo (S.P.)*, U.S.S.R. 12).
- Decision No. 724 of 29 June 1960 of the Central Committee of the Communist Party and the Council of Ministers to introduce a six-hour working day for underground work in mines and tunnels (*S.P.*, U.S.S.R. 13 29 June 1960).
- Decision of October 1961 of the XXII Congress of the Communist Party of the U.S.S.R. respecting the programme of the shortening of hours of work in the next ten years.
- Order No. 458 of 27 April 1963 of the Council of Ministers authorising the National Economic Councils to introduce the 40-hour work week (with two weekly rest days) in the textile industry.

UNITED ARAB REPUBLIC

- Law No. 91 of 5 April 1959—the Labour Code (*Al-jarida al rasmiya*, 7 Apr. 1959, No. 71bis “B”, p. 1; *L.S.* 1959—U.A.R. 1) (*Journal officiel (J.O.)*).
- Order No. 141 of 25 August 1959 respecting payment of wages (*ibid.*, No. 72, 1959).
- Order No. 144 of 25 August 1959 to establish times at which and seasonal activities in which exceptions may be made to the provisions of sections 114 and 117 to 119 of the Labour Code (*ibid.*).
- Order No. 60 of 11 February 1960 to establish a list of activities where hours of work may not exceed seven hours per day (*ibid.*, No. 16, 1960).
- Order No. 61 of 11 February 1960 indicating cases where work may be carried on continuously (*ibid.*), amended by Order 134/1961 and 70/1962.
- Order No. 133 of 27 July 1961 respecting workers in industrial undertakings (*ibid.*, No. 169, 1961), as amended by Law 175 of 7 November 1961 (*ibid.*, No. 260, 1961) and Law No. 90 of 6 May 1962 (*ibid.*, No. 111, 1962).
- Orders under Law No. 133/1961, Nos. 388 of 28-30 July and 403 of 1 August 1961 (*ibid.*, Nos. 592, 592b and 60, 1961); No. 1014 of 1962, No. 1140 of 1963 (*ibid.*, No. 80bis, 15 Oct. 1963); No. 164 of 1964 (*ibid.*, No. 100, 17 Dec. 1964).

Order No. 5 of 30 October 1961 respecting section 123 of the Labour Code concerning hours of work in preparatory, complementary and cleaning operations (*ibid.*, No. 93, 1961).
 Order No. 56 of 1964 amending the above (*ibid.*, No. 45 of 8 June 1964).
 Law No. 46 of 1964 concerning civil servants.

UNITED KINGDOM

Coal Mines Regulation Act, 1908, as amended (8 Edw. VII, Ch. 57).
 Wages Councils Act (Northern Ireland), 1945.
 Shops Act (Northern Ireland), 1946.
 Shops Act (Consolidation 1912-1938) of 28 July 1950 (14 Geo. VI, Ch. 28; *L.S.* 1950—U.K. 1).
 Mines and Quarries Act, 1954 (2 and 3 Eliz. II, Ch. 70).
 Wages Councils Act (Consolidation) of 29 July 1959, (7-8 Eliz. II, Ch. 69; *L.S.* 1959—U.K. 2).
 Terms and Conditions of Employment Act 1959 (7-8 Eliz. II, Ch. 26).
 Factories Act (Consolidation 1934-1959) of 22 June 1961 (9-10 Eliz. II, Ch. 34; *L.S.* 1961—U.K. 1).
 Terms and Conditions of Employment Act (Northern Ireland), 1963.
 Contracts of Employment Act of 31 July 1963 (Ch. 49; *L.S.* 1963—U.K. 1).
 Factories Act (Northern Ireland), 1965.
 Contracts of Employment and Redundancy Payments Act (Northern Ireland), 1965.

*United Kingdom Territories:**Aden.*

Factories Ordinance of 21 November 1938 (*Laws of Aden (L.A.)*, Ch. 63).
 Minimum Wage and Wages Regulation of 20 November 1945 (*ibid.*, Ch. 97).
 Employment in Shops Ordinance, No. 6 of 4 June 1958; Employment in Shops (Forms and Notices) Rules, 1959.

*Barbados*¹.

Shops Act No. 27 of 8 November 1945.
 Shops Order, 1946.

Brunei.

Labour Enactment No. 11 of 1954 (*Government Gazette*, Supplement, No. 2, 28 Feb. 1955), as amended by the Ordinance of 1961 (*The Enactments of Brunei 1952-1955, Kuala Belait*, 1959, pp. 162-215).

Dominica.

Shop Hours Ordinance, 1937 (*Laws of Dominica (L.D.)*, Ch. 118).
 Shop Hours Order, 1937 (*ibid.*).
 Factories Ordinance, 1941 (*ibid.*, Revised Edition, 1961, Ch. 112).
 Wages Councils Ordinance, 1953 (*ibid.*, Ch. 121).
 Wages Regulation (Shop Assistants) Order, 1960 (*ibid.*, Ch. 121).

Fiji.

Shops (Regulation of Hours and Employment) Ordinance, No. 11 of 21 May 1964.
 Employment Ordinance, No. 15 of 2 July 1964.
 Employment Regulations, Legal Notice No. 59 of 30 April 1965 (*Fiji Royal Gazette*, Supplement, 21 May 1965, No. 19, p. 101).
 Wages Regulation Orders (for the wholesale and retail trade and the building and civil engineering trades).

Gibraltar.

Traffic Ordinance (*Laws of Gibraltar (L.G.)*, Ch. 177); Omnibus Drivers and Conductors (Hours of Employment) Regulation of 18 March 1960; Conditions of Employment (Omnibus Drivers and Conductors) Order of 1 August 1963.
 Regulation of Wages and Conditions of Employment Ordinance, No. 15 of 24 December 1957 (*ibid.*, Ch. 159).
 Shop Hours Ordinance (*ibid.*, Ch. 118); Shops (Time of Closing and Sunday Opening) Order of 1 May 1956; Conditions of Employment (Retail Distributive Trade) Order of 16 September 1963.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 1965.

Grenada.

Shops (Hours) Ordinance (*Revised Laws of Grenada*, Ch. 276).
 Wages Regulations (Minor Industrial Undertakings) Order, 1961 (*Grenada Statutory Rules and Orders*, No. 16 of 1961).

¹ This territory became independent on 30 November 1966.

British Honduras.

- Shops Ordinance, No. 10 of 8 October 1959 (*Ordinances of British Honduras (O.B.H.)*, 1959, pp. 67-82).
- Labour Ordinance, No. 15 of 31 December 1959 (*ibid.*, pp. 119-179).
- Labour (Amendment) Ordinance, No. 20 of 31 December 1964.

Hong Kong.

- Factories and Industrial Undertakings Regulations No. 35/55 of 28 September 1955, as amended in 1958 (*Government Gazette*, Supplement No. 2, 5 Dec. 1958).
- Government Establishment Regulations.

Mauritius.

- Employment and Labour Ordinance No. 47 of 1938 (*Revised Ordinances*, 1945, Ch. 214).
- Shops Ordinance (*ibid.*, Ch. 409).
- Shops Regulations, 1946 (*Government Notice*, No. 136 of 1946).
- Regulation of Wages and Conditions of Employment Ordinance, No. 71 of 28 December 1961 (*Government Gazette*, 30 Dec. 1961, Extraordinary, Legal Supplement).
- Wages Regulation Orders for the sugar industry, 1963 (*Government Notices*, Nos. 59 and 60 of 1963).
- Distributive Trades (Wages Regulation) Order, 1963 (*ibid.*, No. 92 of 1963).
- Distributive Trades (Records and Notices) Regulations, 1964.
- Road Passenger Transport Industry (Buses) Wages Regulation Order, 1965 (*ibid.*, No. 112 of 1965).

Montserrat.

- Shops Regulation Ordinance, No. 12 of 1941.

St. Helena.

- Lord's Day (Observance) Ordinance No. 3 of 1849, as amended by Ordinance No. 17 of 12 December 1955.
- Factories Ordinance, No. 7 of 1937, empowering the Governor in Council to regulate hours of work in factories.
- Ordinance No. 1 of 8 May 1953 to provide for the hours of business of shops in Jamestown.

St. Lucia.

- Shops (Hours) Ordinance (*Revised Laws of St. Lucia (R.L.)*, 1957, Vol. V, Ch. 245).
- Shops (Hours) Order (*ibid.*, Vol. VII, Ch. 245).
- Wages Regulations (Clerks) Order (*Statutory Rules and Orders of St. Lucia*, Ch. 101).

Solomon Islands.

- Labour Ordinance, No. 3 of 1960 (*Laws of the British Solomon Islands Protectorate*, 1961, Ch. 28), as amended by Ordinance No. 20 of 30 December 1964.

Swaziland.

- Wages Proclamation No. 16 of 15 June 1964 (*Government Gazette*, No. 45, 19 June 1964; *L.S.* 1964—Swa. 1).
- Regulation of Wages (Retail and Wholesale Distributive Trades) Order, 1965 (*Legal Notice*, No. 8 of 1965).

UNITED STATES

- Act of 4 February 1887, Part II, Section 204, as supplemented on 9 August 1935 and amended (49 Stat. 546, as amended, 49 *United States Code (U.S.C.)* 304).
- Federal Regulations Code, Title 49, part 145: hours of service of drivers.
- Act of 4 March 1907, Sections 1-4 (34 Stat. 1415, 45 *U.S.C.* 61-64).
- Act of 3-5 September 1916 (39 Stat. 721, 45 *U.S.C.* 65-66).
- Act of 28 March 1934, Section 23 (48 Stat. 522, 5 *U.S.C.* 673c).
- Act of 30 June 1936 (Walsh-Healey Public Contracts Act), as amended (49 Stat. 2036, as amended, 41 *U.S.C.* 35-45).
- Fair Labor Standards Act of 25 June 1938 (52 Stat. 1060, as amended, 29 *U.S.C.* 201, et. seq.; *L.S.* 1938—U.S.A. 1).
- Regulations under the Fair Labor Standards Act of 1938, as amended (Federal Regulations Code, Title 29, Part 516, subpart A).
- Act of 1 September 1954, Title II, Sections 203 and 208 (68 Stat. 1109, 5 *U.S.C.* 911-926).
- Act of 23 August 1958, Section 601 (72 Stat. 775, 49 *U.S.C.* 1421).
- Federal Regulations Code, Title 14, part 121; subparts P-S, various air transport regulations.
- Work Hours Act of 1962 (76 Stat. 357, 14 *U.S.C.* 327-332).

UPPER VOLTA

- Act No. 2262 AN of 7 July 1962 to promulgate a Labour Code (*Journal officiel de la République de Haute-Volta (J.O.H.V.)*, 18 Aug. 1962, No. 33bis, Extra, p. 823).

HOURS OF WORK

General Order No. 2321/IGTLS/AOF of 11 March 1953 to authorise exceptions to the legal hours of work (*Journal officiel de l'Afrique occidentale française (J.O.A.O.F.)*, 6 June 1953).
Orders Nos. 458-471 of 15 July 1953 prescribing the manner of applying the 40-hour week in industrial undertakings (*J.O.H.V.*, Extra., 1 Aug. 1953).

URUGUAY

Act No. 5350 of 17 November 1915 to introduce the eight-hour day and 48-hour week in the whole territory of the Republic (*Legislación social del Uruguay (L.S.U.)*, Montevideo, 1952), and Decree of 15 May 1935 thereunder (*Diario oficial (D.O.)* 25 May 1935, Vol. 119, No. 8625; *L.S.* 1935—Ur. 1).
Act No. 8797 of 22 October 1931 to amend the Act respecting weekly rest (*Registro nacional de leyes de la República Oriental del Uruguay (R.N.L.)*, 1931, Montevideo, 1931; *D.O.*, 29 Oct. 1931, Vol. 105, No. 7575; *L.S.* 1931—Ur. 1).
Act No. 10489 of 6 June 1944 to restore the statutory eight-hour day in commercial establishments with certain additional provisions respecting compensation for dismissal and other matters (*L.S.U.*, Montevideo, 1952; *D.O.*, 10 June 1944, Vol. 155, No. 11305; *L.S.* 1944—Ur. 1).
Act No. 11577 of 13 October 1954 to limit hours of work, prescribe rules as regards employment and compensation and establish a commission for the purpose of classifying the employments to be covered (*R.N.L.*, 1950, Montevideo, 1951; *D.O.*, 4 Nov. 1954, No. 13194; *L.S.* 1954—Ur. 1 B).
Act No. 11887 of 2 December 1952 concerning weekly rest for office personnel in industrial undertakings (*D.O.*, 12 Dec. 1952, No. 13814).
Act No. 12373 of 15 January 1957 respecting hours of work in banks and similar institutions.
Act No. 12548 of 16 October 1958.

VENEZUELA

Constitution, 23 January 1961 (*L.S.* 1961—Ven. 1).
Labour Code, as amended (*Gaceta Oficial*, 10 May 1945, Extraordinary, p. 8 and 3 Nov. 1947; No. 200 Extraordinary; *L.S.* 1945—Ven. 1 and *L.S.* 1947—Ven. 2).
Regulations of 30 November 1938 under the Labour Code.

YUGOSLAVIA

Constitution of the Federated Socialist Republic of Yugoslavia.
Decree of 4 April 1965 to promulgate a Basic Act respecting employment relationships (*Službeni List (S. List)*, 7 Apr. 1965, No. 17; errata: *ibid.*, 5 May 1965, No. 21, p. 482; *L.S.* 1965—Yug. 4).
Decree of 4 April 1965 to promulgate a Basic Act respecting the introduction of a 42-hour working week. (*S. List*, 7 Apr. 1965, No. 17, Text 353; *L.S.* 1965—Yug. 5).

ZAMBIA

Apprenticeship Regulations (*Laws of Northern Rhodesia (L.N.R.)* 1964 Edition, Ch. 187 (Subsidiary)).
Shop Assistants Ordinance (*ibid.*, Ch. 192).
Minimum Wages, Wages Councils and Conditions of Employment Ordinance (*ibid.*, Ch. 190).
Minimum Wages and Conditions of Employment Rules (*ibid.*, Ch. 190 (Subsidiary)).
Posting of Notices Rules (*ibid.*, Ch. 190, (Subsidiary)).
Various orders and determinations concerning wages regulations.

APPENDIX

REPORTS REQUESTED AND REPORTS RECEIVED BY 22 MARCH 1967

(Hours of Work)

(Article 19 of the Constitution)

States	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Afghanistan	1, 30, 47	116	4	1, 30, 47	116	4
Albania	1, 30, 47	116	4	—	—	—
Algeria	1, 30, 47	116	4	1, 30, 47	116	4
Argentina	— — 47	116	2	— — 47	116	2
Australia	1, 30, 47	116	4	1, 30, 47	116	4
Austria	1, 30, 47	116	4	1, 30, 47	116	4
Belgium	— 30, 47	116	3	— 30, 47	116	3
Bolivia	1, 30, 47	116	4	1, 30, 47	116	4
Brazil	1, 30, 47	116	4	1, 30, 47	116	4
Bulgaria	— — 47	116	2	— — 47	116	2
Burma	— 30, 47	116	3	—	—	—
Burundi	1, 30, 47	116	4	—	—	—
Byelorussia	1, 30, —	116	3	1, 30, —	116	3
Cameroon						
Eastern Cameroon	1, 30, 47	116	4	1, 30, 47	116	4
Western Cameroon	1, 30, 47	116	4	—	—	—
Canada	— 30, 47	116	3	— 30, 47	116	3
Central African Republic	1, 30, 47	116	4	1, 30, 47	—	3
Ceylon	1, 30, 47	116	4	1, 30, 47	116	4
Chad	1, 30, 47	116	4	1, 30, 47	116	4
Chile	— — 47	116	2	— — 47	116	2
China	1, 30, 47	116	4	1, 30, 47	116	4
Colombia	— 30, 47	116	3	— 30, 47	116	3
Congo (Brazzaville)	1, 30, 47	116	4	—	—	—
Congo (Kinshasa)	1, 30, 47	116	4	1, 30, 47	116	4
Costa Rica	1, 30, 47	116	4	1, — 47	116	3
Cuba	— — 47	116	2	— — 47	116	2
Cyprus	1, 30, 47	116	4	1, 30, 47	116	4
Czechoslovakia *	— 30, 47	116	3	— 30, 47	116	3
Dahomey	1, 30, 47	116	4	1, 30, 47	116	4
Denmark	1, 30, 47	116	4	1, 30, 47	116	4
Dominican Republic	— 30, 47	116	3	—	—	—
Ecuador	1, 30, 47	116	4	—	—	—
Ethiopia	1, 30, 47	116	4	1, 30, 47	116	4
Finland	1, — 47	116	3	1, — 47	116	3
France	1, 30, 47	116	4	1, 30, 47	116	4
Gabon	1, 30, 47	116	4	1, 30, 47	116	4
Fed. Rep. of Germany	1, 30, 47	116	4	1, 30, 47	116	4
Ghana	1, 30, 47	116	4	1, 30, 47	116	4
Greece	— 30, 47	116	3	—	—	—
Guatemala	1, — 47	116	3	1, — 47	116	3
Republic of Guinea	1, 30, 47	116	4	1, 30, 47	116	4
Guyana	1, 30, 47	116	4	—	—	—

† For footnotes see end of table, p. 294.

HOURS OF WORK

States	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Haiti	— — 47	116	2	—	—	—
Honduras	1, 30, 47	116	4	—	—	—
Hungary	1, 30, 47	116	4	1, 30, 47	116	4
Iceland	1, 30, 47	116	4	—	—	—
India	— 30, 47	116	3	— 30, 47	116	3
Indonesia	1, 30, 47	116	4	—	—	—
Iran *	1, 30, 47	116	4	1, 30, 47	116	4
Iraq	— — 47	116	2	— — 47	116	2
Ireland *	1, 30, 47	116	4	1, 30, 47	116	4
Israel	— — 47	116	2	— — 47	116	2
Italy	1 30, 47	116	4	1, 30, 47	116	4
Ivory Coast	1, 30, 47	116	4	1, 30, 47	116	4
Jamaica	1, 30, 47	116	4	1, 30, 47	116	4
Japan	1, 30, 47	116	4	1, 30, 47	116	4
Jordan	1, 30, 47	116	4	—	—	—
Kenya	1, 30, 47	116	4	1, 30, 47	116	4
Kuwait	— — 47	116	2	— — 47	116	2
Laos	1, 30, 47	116	4	—	—	—
Lebanon	1, 30, 47	116	4	—	—	—
Lesotho ¹	1, 30, 47	116	4	1, 30, 47	116	4
Liberia	1, 30, 47	116	4	—	—	—
Libya	1, 30, 47	116	4	—	—	—
Luxembourg	— — 47	116	2	— — 47	116	2
Malagasy Republic	1, 30, 47	116	4	1, 30, 47	116	4
Malawi	1, 30, 47	116	4	—	—	—
Malaysia						
States of Malaya	1, 30, 47	116	4	1, 30, 47	116	4
State of Sabah	1, 30, 47	116	4	1, 30, 47	116	4
State of Sarawak	1, 30, 47	116	4	1, 30, 47	116	4
Republic of Mali *	1, 30, 47	116	4	1, 30, 47	116	4
Malta	1, 30, 47	116	4	1, 30, 47	116	4
Islamic Rep. of Mauritania	1, 30, 47	116	4	1, 30, 47	116	4
Mexico	1, — 47	116	3	1, — 47	116	3
Morocco	1, 30, 47	116	4	1, 30, 47	116	4
Netherlands *	1, 30, 47	116	4	1, 30, 47	116	4
New Zealand	—	116	1	—	116	1
Nicaragua	— — 47	116	2	—	—	—
Niger	1, 30, 47	116	4	1, 30, 47	116	4
Nigeria	1, 30, 47	116	4	1, 30, 47	116	4
Norway	1, — 47	116	3	1, — 47	116	3
Pakistan	— 30, 47	116	3	— 30, 47	116	3
Panama	1, — 47	116	3	—	—	—
Paraguay	1, 30, 47	116	4	—	—	—
Peru	— 30, 47	116	3	— 30, 47	—	2
Philippines	1, 30, 47	116	4	1, 30, 47	116	4
Poland	1, 30, 47	116	4	—	116	1
Portugal	— 30, 47	116	3	— 30, 47	116	3
Rumania	— 30, 47	116	3	— 30, 47	116	3
Rwanda	1, 30, 47	116	4	—	—	—
El Salvador	1, 30, 47	116	4	—	—	—
Senegal	1, 30, 47	116	4	1, 30, 47	116	4
Sierra Leone	1, 30, 47	116	4	1, 30, 47	116	4
Singapore	1, 30, 47	116	4	1, 30, 47	116	4
Somali Republic						
former Trust Territory	1, 30, 47	116	4	1, 30, 47	116	4
former British Somalia	1, 30, 47	116	4	1, 30, 47	116	4
Spain	— — 47	116	2	— — 47	116	2
Sudan	1, 30, 47	116	4	—	—	—
Sweden	1, 30, 47	116	4	1, 30, 47	116	4

REPORT OF THE COMMITTEE OF EXPERTS

States	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Reports requested	Nos. of Conventions	Nos. of Recommendations	Reports received
Switzerland	1, 30, 47	116	4	1, 30, 47	116	4
Syrian Arab Republic	— — 47	116	2	— — 47	116	2
Tanzania						
Tanganyika	1, 30, 47	116	4	1, 30, 47	116	4
Zanzibar	1, 30, 47	116	4	—	—	—
Thailand	1, 30, 47	116	4	1, 30, 47	116	4
Togo	1, 30, 47	116	4	—	—	—
Trinidad and Tobago	1, 30, 47	116	4	—	—	—
Tunisia	1, 30, 47	116	4	1, 30, 47	116	4
Turkey	1, 30, 47	116	4	1, 30, 47	116	4
Uganda	1, 30, 47	116	4	1, 30, 47	116	4
Ukraine	1, 30 —	116	3	1, 30 —	116	3
U.S.S.R.	1, 30 —	116	3	1, 30 —	116	3
United Arab Republic	— — 47	116	2	— — 47	116	2
United Kingdom	1, 30, 47	116	4	1, 30, 47	116	4
United States	1, 30, 47	116	4	1, 30, 47	116	4
Upper Volta	1, 30, 47	116	4	1 — —	—	1
Uruguay	— — 47	116	2	— — 47	116	2
Venezuela *	— 30, 47	116	3	— 30, 47	—	2
Viet-Nam	1, 30, 47	116	4	—	—	—
Yemen	1, 30, 47	116	4	—	—	—
Yugoslavia *	1, 30, 47	116	4	1, 30, 47	116	4
Zambia	1, 30, 47	116	4	1, 30, 47	116	4
Total	94, 102, 118	122	436	67, 71, 85	87	310
<i>Other States</i>						
Barbados	1, 30, 47	116	4	1, 30, 47	116	4

Note : A total of 108 reports has also been received in respect of the following non-metropolitan territories: *Australia* (Nauru, Norfolk Islands, Papua, New Guinea); *United Kingdom* (Aden, Antigua, Bahamas, Bermuda, British Honduras, Brunei, Dominica, Falkland Islands, Fiji Islands, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Mauritius, Montserrat, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland).

* Reports received too late to be summarised in Report III, Part II.

¹ The reports communicated by the Government of Lesotho (formerly Basutoland), which became a member of the I.L.O in 1966, cover a period preceding its admission to the I.L.O.

