

REPORT III
(PART 1)

International Labour Conference

FIFTY-SECOND SESSION
GENEVA, 1968

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
1968

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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 1965 to 30 June 1967, 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 made only 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, 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 reports on Conventions in the first of these groups¹ 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.

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 1968. 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 4).

¹ Conventions Nos. 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 45, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115, 117, 118.

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.

HAITI

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

As advantage has not been taken of the possibility of exemption provided for under section 106 of the Labour Code, it has not been considered necessary to adopt implementation measures.

Supervision of overtime, carried out by the labour inspectorate in accordance with section 100 of the Labour Code, prevents possible abuses and enables the inspection service to act in accordance with the instructions received, which are to enforce strictly the standards recommended in the ratified Conventions. Furthermore, because of the high endemic unemployment, recourse is rarely had to overtime and this is made up for by the adoption of a shift work system.

PARAGUAY (First Report)

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

Article 4 of the National Constitution lays down that treaties with foreign powers are the supreme law of the nation.

Article 1 of the Convention. No measures have been taken to define the line of division which separates industry from commerce and agriculture.

Article 2, clause (a). Under section 206 of the Labour Code the limitation of hours of work does not apply to the following: managing directors, managerial staff and other employees who may be considered to be independent in the manner in which they carry out their duties; watchmen and workers in supervisory posts or positions of trust; workers whose functions are non-continuous or require their mere presence; workers whose activity is of such a nature that they are not subject to the limitation of a normal working day.

Clause (b). The making up of hours lost is governed by section 208 of the Code.

Clause (c). There is no provision for this contingency in national legislation.

Article 3. Section 202 of the Code permits overtime in the case of accident or imminent risk, for the sole purpose of avoiding serious disruption of the smooth running of the undertaking; when urgent repairs to machinery or work premises have to be carried out; temporarily, in order to do urgent work or meet unusual orders.

Article 4. Section 201 of the Code stipulates that overtime may in no case exceed three hours a day, for a maximum of three times a week, and the weekly total may not exceed 56 hours, subject to special exceptions prescribed in the Code.

Article 5. Under section 194 of the Code, normal hours of work by day may not exceed eight a day or 48 a week, except in the special cases provided for in the Code.

Article 6. Section 205 of the Code provides that the competent authority may authorise the continuous extension of the daily hours of work to 12 hours, for periods of three months, which may be prolonged if necessary, in the case of technical or specialised operations if the undertaking is understaffed. Section 212 of the Code lays down that the Labour Administrative Authority shall issue, with or without consulting other authorities, the necessary regulations for all activities of a special nature or which require continuous work. Such regulations shall be adopted after consultation with the occupational associations concerned, taking into account the general interest, the exigencies of the service, and the employers' and workers' interests. The said authority may also authorise overtime work on a permanent basis, for certain categories of intermittent, preparatory, complementary or similar work, on condition that no prejudice is caused to the workers.

Article 8. Section 207 of the Code requires all undertakings, farms and establishments to post up in conspicuous places notices clearly indicating the time of commencement and of termination of each working day for every worker or team of workers, and the time of rest breaks during the day; and to keep registers of overtime worked by each worker and the amount of overtime money paid.

Article 14. Use has not been made of the faculty afforded by this Article.

The enforcement of the regulations is the responsibility of the Ministry of Justice and Labour or of the Labour Administrative Authority attached to that Ministry.

No decisions have been given by the labour courts which have a bearing on the application of this Convention.

No statistics are available as to the number of workers protected by this Convention.

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.

AUSTRIA

In reply to an observation made by the Committee of Experts in 1966, the Government has supplied the following information.

The draft law on employment placement to which reference has previously been made was not promulgated. However, the Federal Ministry of Social Affairs has submitted a draft federal law concerning employment market administration for expert opinion. The purpose is to strengthen the participation of employers' and workers' organisations in active employment policy measures by transferring responsibility for the implementation of these measures at the level of the *Land* and district from the labour offices (answerable to the Ministry) to committees consisting of representatives of these organisations. This draft law takes Article 2 of this Convention fully into account.

COLOMBIA

In reply to an observation made by the Committee of Experts, the Government has stated that it is confident of being able to carry out the necessary reforms within the Ministry of Labour. These would include the definitive establishment of an Employment and Human Resources Directorate, containing a special placement service for seafarers.

The reform of the Ministry of Labour, on which I.L.O. experts have been advising, cannot be completed before Congress approves a Bill conferring emergency powers

on the President of the Republic, which the Government has put forward with a view to reorganising the civil service and which has been approved by the Senate. The Emergency Powers Bill is now before the House of Representatives.

ETHIOPIA (First Report)

Public Employment Administration Order, 1962 (*Negarit Gazeta*, 5 Sep. 1962).

Foreign Nationals Employment Regulations, 1964, Legal Notice No. 295 (*ibid.*, 31 Aug. 1964).

A system of free public employment agencies has been established under the control of a central authority. There are already seven offices in different parts of the country. An Employment Advisory Committee has also been set up composed of organisations interested in employment and representatives in equal numbers from the employers' associations and the Confederation of Ethiopian Labour Unions.

Measures to combat unemployment include the co-operation of the Public Employment Office with academic institutions, public authorities responsible for planning and development and private undertakings, as well as surveys with a view to the setting up of a vocational training centre and a managerial and entrepreneurship training and advisory centre.

FEDERAL REPUBLIC OF GERMANY

Act of 23 June 1967 to ratify the Agreement of 20 April 1966 between the Federal Republic of Germany and Spain respecting unemployment insurance (*Bundesgesetzblatt*, Part II, 1967, p. 1945).

The above-mentioned Act will shortly enter into force.

GREECE

Article 3 of the Convention. Greece has concluded bilateral agreements with Belgium, France and the Federal Republic of Germany. An agreement with the Netherlands is on the point of being ratified. These agreements contain, *inter alia*, provisions regarding equality of treatment in respect of unemployment benefit.

IRELAND

In reply to an observation made by the Committee of Experts in 1966, the Government has stated that a Manpower Advisory Committee has now been established, consisting of representatives from the Federated Union of Employers and the Irish Congress of Trade Unions under the chairmanship of an officer of the Department of Labour.

NICARAGUA

Article 2 of the Convention. In reply to an observation made by the Committee of Experts in 1966, the Government has stated that a draft Organic Act for the Ministry of Labour will soon be enacted which will take into account the provisions of this Article.

SUDAN

In reply to an observation made by the Committee of Experts in 1966, the Government has stated that both the proposed establishment of a Manpower Council and the proposed amendment of the Employment Exchange Ordinance, 1955, so as to permit employment agencies to register all persons, including those at present excluded from the scope of the ordinance, are still under consideration.

URUGUAY

Constitution (revised) of 1 March 1967.

Decree No. 160 of 1 March 1967.

Article 1 of the Convention. The data provided by the Department of Statistics and Censuses can be considered as substantially accurate until such time as the Manpower and Employment Service becomes fully operative, since the data in question are not yet five years old. Various offices having to do with manpower provide figures relating to fresh requirements.

Article 2. Fee-charging employment agencies exist solely for the placing of domestic servants and they are active on a very limited scale only.

Article 3. None of the existing rules governing unemployment insurance is discriminatory. Uruguayan workers and foreign workers resident in Uruguay enjoy the same protection.

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.

GUINEA (First Report)

Labour Code, Act No. 1 of 30 June 1960 (*L.S.* 1960—Gui. 1).

Social Security Code, Act No. 21 of 12 December 1960.

Articles 3 and 4 of the Convention. Under section 148 of the Labour Code an employer is liable for damages if he terminates a woman worker's contract of employment during a period of 14 weeks preceding and following her confinement (17 weeks in the event of sickness). The combined provisions of sections 149 of the Labour Code and 41 of the Social Security Code guarantee a woman worker's right to free medical attendance and the payment of her wages, half by her employer and half by the National Social Security Fund.

Section 149 of the Labour Code provides that a woman worker in an advanced stage of pregnancy may terminate her employment without giving notice or paying compensation, and that for a period of 15 months following the birth of her child she is entitled to nursing breaks up to a limit of one hour per working day.

The Government adds that by virtue of article 33 of the National Constitution ratified Conventions take effect immediately upon ratification.

Responsibility for the enforcement of the legislation in question lies with the labour inspection services.

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).

AUSTRIA

See under Convention No. 89.

COLOMBIA

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial*, 9 Sep. 1950, No. 27407, p. 299) (L.S. 1950—Col. 3 A).

Act No. 73 of 13 December 1966.

Decree No. 13 of 4 January 1967 to incorporate the provisions of Act No. 73 of 13 December 1966 in the Labour Code (L.S. 1967—Col. 1 A).

Article 1 and Article 2, paragraph 2, of the Convention. No measures have been taken to this effect.

Article 3. Section 9 (1) of the above-mentioned Decree No. 13 of 1967 states: "Section 242 of the Labour Code shall read as follows: *Prohibited work.* (1) It is forbidden to employ any woman, irrespective of her age, for night work in any industrial undertaking, except in the case of an undertaking where only members of the same family are employed".

Articles 4, 6 and 7. No provision has to date been made in national legislation for such exceptions.

CONGO (KINSHASA)

See under Convention No. 89.

NIGER

Decree No. 126 of 7 September 1967 to issue regulations for the implementation of the Labour Code (general provisions) (*Journal officiel*, 1 Oct. 1967).

PORTUGAL

In reply to a direct request made by the Committee of Experts concerning the application of the Convention in the overseas provinces, the Government has supplied the following information.

Portuguese Guinea.

No recourse has been had to the exceptions authorised under section 7 (1) of Legislative Decree No. 1509 of 26 May 1951. A new decree, which will contain provisions on the employment of women more suited to present conditions, is now being drafted.

São Tomé and Príncipe.

The Labour Code to be published shortly will amend the single subsection of section 1 of Ministerial Order No. 2541 of 23 March 1958 to be identical in wording with section 141, subsections 1 and 2, of Order No. 44309 of 27 April 1962 to promulgate the Rural Labour Code. Women are not employed during the night in the province, since the economy of these islands is essentially agricultural.

Timor.

A copy of Legislative Decree No. 742 of 3 December 1966 to approve the regulations governing industrial relations in this province was appended to the Government's report.

Macao.

Women are not employed during the night in this province.

Angola.

There is no obstacle to the adoption of a definition of the term "night" in conformity with Article 2 of the Convention, since such a definition is already applied in practice and it will suffice to enact a legislative text embodying regulations for the implementation of the Labour Code and the Rural Labour Code.

Mozambique.

The commission appointed to review the legal position in regard to industrial relations and the complementary legislation has revised Legislative Decree No. 1595 of 28 April 1956 and made such amendments as were necessary to bring the provisions respecting the employment of women at night into conformity with the Convention. As a result women and young persons under 18 years of age may no longer be employed during the night in any of the industries covered by Conventions Nos. 4 and 6.

RWANDA

Labour Code, Act of 28 February 1967 (*Journal officiel*, 1 Mar. 1967, No. 5, p. 107).

Article 1, paragraph 2, of the Convention. The Labour Code lays down in section 123 that the line of division separating industry from agriculture, commerce

and other non-industrial activities shall be defined by ministerial order after consultation of the Labour Advisory Board.

Article 3. Under section 121 no woman of any age may be employed during the night in any industrial undertaking or in any branch thereof, other than a health service attached thereto.

Article 4. Under section 123 the question of exceptions which may be authorised in the light of exceptional circumstances or the special nature of the work is to be decided by ministerial order.

The labour inspectorate is responsible under sections 150 to 156 of the Code for the supervision of the observance and the enforcement of its provisions.

In reply to a direct request made in 1966 by the Committee of Experts, the Government states that henceforth no exceptions will be authorised without taking into account the obligations deriving from the Convention.

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
Barbados	8. 5. 1967	Malagasy Republic	1. 11. 1960
Belgium	12. 7. 1924	Mali	22. 9. 1960
Bolivia	19. 7. 1954	Malta	4. 1. 1965
Brazil	26. 4. 1934	Mauritania	20. 6. 1961
Bulgaria ¹	14. 2. 1922	Netherlands	21. 7. 1928
Cameroon (Eastern Cameroon)	7. 6. 1960	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Ceylon	27. 9. 1951	Norway	7. 7. 1937
Chad	10. 11. 1960	Poland	21. 6. 1924
Chile	15. 9. 1925	Rumania	13. 6. 1921
Colombia	20. 6. 1933	Senegal	4. 11. 1960
Congo (Brazzaville)	10. 11. 1960	Sierra Leone	15. 6. 1961
Cuba	6. 8. 1928	Singapore	25. 10. 1965
Czechoslovakia	24. 8. 1921	Spain	29. 9. 1932
Dahomey	12. 12. 1960	Switzerland	9. 10. 1922
Denmark	4. 1. 1923	Tanzania (Zanzibar)	22. 6. 1964
Dominican Republic	4. 2. 1933	Togo	7. 6. 1960
France	29. 4. 1939	Uganda	4. 6. 1963
Gabon	14. 10. 1960	United Kingdom	14. 7. 1921
Greece	19. 11. 1920	Upper Volta	21. 11. 1960
Guinea	21. 1. 1959	Uruguay ¹	6. 6. 1933
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 by the Committee of Experts, the Government has stated that a revised version of the Minors' Code is now before the National Congress.

CONGO (BRAZZAVILLE)

Act No. 32 of 12 August 1965 to establish general principles governing public education.

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

Article 2 of the Convention. Under section 116 of the Labour Code, the employment of children under 16 years of age is subject to the granting of an exception by the Minister of Labour, after consultation of the labour inspector. In practice permission is never given for the employment of children under 14 years of age, in order to meet the requirements of this Article of the Convention; and there is a possibility that a statutory provision to this effect will be adopted in due course under section 116 of the Code.

Article 3. Under section 8 of the above-mentioned Act, which lays down that education shall be provided by the State, vocational training is given in, and training and vocational guidance courses are organised by, state institutions only. As these institutions are responsible exclusively to the public authorities, there is no need to add to paragraph 5 of section 116 of the Labour Code the following words used in the Convention: "... provided that such work is approved and supervised by public authority".

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.

FRANCE

Ordinance No. 830 of 27 September 1967 to provide for the alteration of working conditions by collective agreement, for the employment of young persons and for meal vouchers (*Journal officiel*, 28 Sep. 1967, No. 226, p. 9557).

Article 7 of the Convention. In reply to an observation made by the Committee of Experts, the Government has stated that the above-mentioned ordinance has repealed in regard to children the provisions of section 22 (a) of Book II of the Labour Code which allow exemptions from the prohibition of night work in the case of undertakings where work is performed affecting national defence.

HUNGARY

In reply to an observation made by the Committee of Experts, the Government has stated that it is considering the possibility of taking advantage of the opportunity offered by the consolidation work currently under way to press further with the application of the Convention, by the introduction of statutory regulations if necessary.

NIGER

See under Convention No. 4.

PORTUGAL
Overseas Provinces

See under Convention No. 4.

RUMANIA

In reply to a request made by the Committee of Experts concerning the exemptions from the prohibition of the employment of young persons at night which may be authorised under section 85 of the Labour Code, the Government has stated that this matter is being examined as part of the review of the labour legislation currently under way.

SWITZERLAND

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

The omission from the Convention of provision for exemptions for purposes of vocational training as provided for in section 64, subsection 1 (a), of General Ordinance No. 1 of 1966 constitutes a shortcoming which has been remedied by Article 3 of the revised Convention of 1948 (No. 90).

The Department for the Public Economy has not made use of the powers conferred upon it by section 64, subsection 2, of the ordinance.

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

IRAQ (First Report)

Labour Code, Law No. 1 of 18 January 1958 (*Al-Waqay'i'u al'Iraqiya (Al-W. al'I.)*, 16 Mar. 1958, No. 4115), as amended by Law No. 82 of 1958 (*Al-W. al'I.*, 24 Dec. 1958, No. 99), Law No. 71 of 1959 (*Al-W. al'I.*, 4 May 1959, No. 164), Law No. 184 of 1959 (*Al-W. al'I.*, 28 Dec. 1959, No. 279) (*L.S. 1961—Iraq 1 B*) and Law No. 23 of 1 Apr. 1961 (*Al-W. al'I.*, 12 Apr. 1961, No. 511) (*L.S. 1961—Iraq 1 A*).

Regulation No. 4 of 19 February 1961 respecting the employment of women, young persons and children (*Al-W. al'I.*, 26 Feb. 1961, No. 490) (*L.S. 1961—Iraq 2*).

Article 2 of the Convention. Section 10, paragraph 4, of the above-mentioned regulation provides that, in the case of loss of a vessel, the owner or person with whom the seaman contracted for service on board shall pay him compensation for the unemployment resulting from such loss. The compensation shall be paid in respect of as many days as the seaman is actually unemployed and shall be at the same rate as the seaman's full statutory wage, provided that the total compensation shall not exceed two months' wages.

Article 3. Seamen in service have recourse to the competent administrative services, while those who are not in service have, in addition, recourse to regular tribunals.

The application and enforcement of the legislation are entrusted to the inspection service of the Directorate-General of Labour, Ministry of Labour and Social Affairs.

SWITZERLAND

Order of 4 November 1966 of the Federal Council to amend the Ordinance for the implementation of the Federal Act respecting navigation by sea-going vessels flying the Swiss flag.

The above-mentioned order amends the third subsection of section 40 of the ordinance of 1956 to provide that entitlement to leave accumulated at the time of the loss of a vessel as the result of shipwreck may not be deducted from the period of actual unemployment during which the crew is entitled to unemployment benefit. Such benefit is equivalent to the basic wage plus a food allowance.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

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

COLOMBIA

See under Convention No. 2.

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		

GUINEA (First Report)

Labour Code, Act No. 1 of 30 June 1960 (*L.S.* 1960—Gui. 1).

Article 1 of the Convention. Section 150 of the Labour Code, which forbids the employment of children under 14 years of age in any undertaking (subject to exceptions made by the Minister of Labour), and which is currently under review, is considered equivalent to this Article.

Articles 2 and 3. A draft order regulating the employment of women and children provides for the exceptions permitted by these Articles.

The Ministry of Social Labour and Legislation is responsible for the application of the laws and regulations; supervision of the enforcement of the legislation is ensured by the labour inspectors.

ITALY

Act No. 977 of 17 October 1967 governing the employment of children and young persons (*Gazzetta Ufficiale*, 6 Nov. 1967, No. 276, p. 6105).

With respect to the observation made by the workers' organisations and mentioned in the report for 1963-65, the Government has stated that the introduction of compulsory schooling in rural areas has led to a sharp drop in the number of children employed in agricultural work.

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

This Convention came into force on 26 February 1923

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	26. 5. 1936	Malaysia:	
Australia	7. 6. 1960	States of Malaya	5. 6. 1961
Austria	14. 6. 1954	Sarawak	3. 3. 1964
Barbados	8. 5. 1967	Malta	4. 1. 1965
Belgium	26. 10. 1932	Mexico	1. 11. 1937
Brazil	25. 4. 1957	Morocco	20. 9. 1956
Bulgaria	6. 3. 1925	Netherlands	20. 8. 1926
Burundi	11. 3. 1963	New Zealand	29. 3. 1938
Chile	15. 9. 1925	Nicaragua	12. 4. 1934
Colombia	20. 6. 1933	Norway	22. 1. 1963
Congo (Kinshasa)	20. 9. 1960	Panama	3. 6. 1958
Cuba	22. 8. 1935	Peru	4. 4. 1962
Czechoslovakia	12. 6. 1950	Poland	21. 6. 1924
Denmark	26. 2. 1923	Portugal	16. 5. 1960
Finland	20. 1. 1950	Rwanda	18. 9. 1962
France	4. 4. 1928	El Salvador	11. 10. 1955
Gabon	13. 6. 1961	Senegal	22. 10. 1962
Federal Republic of Germany	6. 6. 1925	Singapore	25. 10. 1965
Guyana	8. 6. 1966	Spain	1. 10. 1931
Haiti	19. 4. 1955	Sweden	27. 11. 1923
Hungary	8. 6. 1956	Tanzania:	
Ireland	17. 6. 1924	Tanganyika	19. 11. 1962
Italy	1. 9. 1930	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Tunisia	15. 5. 1957
Luxembourg	16. 4. 1928	Uganda	4. 6. 1963
Malagasy Republic	10. 8. 1962	United Kingdom	6. 8. 1923
Malawi	22. 3. 1965	Uruguay	6. 6. 1933
		Yugoslavia	27. 1. 1958
		Zambia	2. 12. 1964

BULGARIA

See under Convention No. 24.

COLOMBIA

In reply to a request made by the Committee of Experts in 1967, the Government has stated that the regulations provided for in section 7 of Decree No. 3170 of 1964, for the extension of the employment injury insurance scheme to agricultural workers, have not yet been issued.

IRELAND

The Workmen's Compensation Acts were repealed on 1 May 1967, on which date the Social Welfare Occupational Injuries Act of 1966, came into operation. The Convention is applied by this Act of 1966, which does not differentiate between agricultural and other classes of workers.

ITALY

Decree No. 1124 of 30 June 1965 of the President of the Republic respecting compulsory insurance against industrial accidents and occupational diseases (*Gazzetta Ufficiale*, 13 Oct. 1965, No. 257, p. 1) (L.S. 1965—It. 1).

Section 213 of the decree fixes the waiting period at three days instead of six.

MALTA

National Insurance (Amendment) Act, 1966, to amend the National Insurance Act, No. VI of 28 April 1956.

NETHERLANDS

Incapacity Insurance Act of 18 February 1966 (*Staatsblad*, 1966, No. 84) (L.S. 1966—Neth. 2).

Act of 2 February 1967 (*Staatsblad*, 1967, No. 99) to wind up the workmen's compensation scheme on 1 July 1967 as a result of the entry into force of the Incapacity Insurance Act of 18 February 1966.

NICARAGUA

There is no statutory provision laying down that ratification of a Convention gives the force of national law to its terms.

In reply to an observation made by the Committee of Experts in March 1966, drawing attention to the discrepancy between section 103 of the Labour Code and the Convention inasmuch as the section in question authorises the labour judge to reduce compensation to one-eighth of the amount due to a worker under the Code "in the case of accidents occurring in work in small-scale commercial undertakings or agricultural or stock-raising undertakings or in domestic service", the Government has referred to its previous replies to the effect that the gradual extension of the social security scheme will restrict the application of section 103 of the Labour Code.

POLAND

Act of 29 March 1965 respecting the social security of handicraftsmen (*Dziennik Ustaw* (D.U.), 6 Apr. 1965, No. 13, Text 90) (L.S. 1965—Pol. 1).

Ordinance of 19 June 1965 attenuating the provisions respecting suspension of the payment of pensions to persons enjoying income from other sources (D.U., 29 June 1965, No. 26, Text 174).

Ordinance of 21 April 1966 respecting the employment injury benefits due to persons deprived of their freedom (D.U., 5 May 1966, No. 15, Text 93).

Ordinance of 14 July 1966 determining the nature of the temporary employment which may be engaged in by pensioners or their widows and the wages which they may be authorised to receive without suspension of their pensions (D.U., 1966, No. 29, Text 176).

Ordinance of 5 May 1967 respecting the planned employment of invalids (D.U., 1967, No. 20, Text 88).

PORTUGAL

Act No. 2127 of 3 August 1965 to promulgate the basic legal provisions respecting industrial accidents and occupational diseases (*Diário do Governo*, 3 Aug. 1965, Series I, No. 172, p. 1071) (L.S. 1965—Por. 1).

The Government has stated that the above-mentioned Act has not yet come into force.

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		

CONGO (BRAZZAVILLE)

In reply to a request made by the Committee of Experts, the Government has stated that it hopes to be able at the earliest opportunity to bring the legislation fully into line with Article 5 of the Convention.

CZECHOSLOVAKIA

Act No. 137 of 1924 respecting the protection of the lives and health of persons employed in painting, painting of buildings and varnishing has been repealed by the Labour Code of 1966.

Effect is given to the provisions of the Convention by means of technical standards approved by the inspection and health authorities and through supervision by the chief health officer of the use of products classified as poisons.

The use of white lead, sulphate of lead and all products containing these pigments has completely ceased in painting work.

GUINEA

In reply to a request made by the Committee of Experts, the Government has supplied a copy of a draft order, section 8 of which prohibits the employment of young persons under 18 years of age and of women on painting work involving the use of white lead, as required by Article 3 of the Convention.

IRAQ (First Report)

Labour Code, Law No. 1 of 18 January 1958 (*Al-Waqayi'u al'Iraqiya (Al-W. al'I.)*, 16 Mar. 1958, No. 4115), as amended by Law No. 82 of 1958 (*Al-W. al'I.*, 24 Dec. 1958, No. 99), Law No. 71 of 1959 (*Al-W. al'I.*, 4 May 1959, No. 164), Law No. 184 of 1959 (*Al-W. al'I.*, 28 Dec. 1959, No. 279) (*L.S.* 1961—Iraq 1 B) and Law No. 23 of 1 Apr. 1961 (*Al-W. al'I.*, 12 Apr. 1961, No. 511) (*L.S.* 1961—Iraq 1 A).

Instructions No. 1 of 1966 from the Minister of Labour and Social Affairs for protection against white lead poisoning in painting work.

Article 1 of the Convention. The use of white lead, sulphate of lead or products containing these pigments is permitted where the proportion of white lead does not exceed 2 per cent.; in artistic painting, for fine decoration or works of art; and in places where the use of these pigments is considered necessary after consultation with the competent services.

It is planned to set up a committee composed of representatives of the Government and of the employers' and workers' organisations in order to permit consultation with these organisations.

Article 2. The line of demarcation between the different forms of painting is defined in paragraph 2 of the instructions of 1966.

Article 3. There are at present no young apprentices attending vocational training courses in industrial painting.

Article 5. Paragraphs 5 and 6 of the instructions of 1966 meet the requirements of this Article.

MALAGASY REPUBLIC

Order No. 898 of 20 May 1960 stipulating the precautions to be taken for the protection of workers performing work involving the application of paint or varnish in the form of spray (*Journal officiel*, 11 June 1960, p. 993).

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the text of the above-mentioned order, which gives effect to Article 5, principle I (b), of the Convention.

RUMANIA

The Government has stated that the labour protection standards of 1964 have been replaced by the Republican Regulations for the Protection of Labour of 12 September 1966, adopted in application of the Labour Protection Act, No. 5 of 1965. The Government supplies information about the provisions giving effect to Article 5, principle III (a) and (b), and principle IV, of the Convention, the procedure for the notification and verification of cases of lead poisoning being laid down in the regulations respecting occupational diseases.

VENEZUELA

In reply to an observation made by the Committee of Experts, the Government has stated that, while there is no statutory provision empowering the competent authorities to insist on a medical examination for workers employed on painting work, as provided for in Article 5, principle III (b), of the Convention, such examinations are carried out in practice whenever the competent authority deems it to be necessary.

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
Brazil	25. 4. 1957	Malaysia (Sarawak)	3. 3. 1964
Bulgaria	6. 3. 1925	Mali	22. 9. 1960
Burma	11. 5. 1923	Mauritania	20. 6. 1961
Burundi	11. 3. 1963	Mexico	7. 1. 1938
Byelorussia	26. 2. 1968	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	U.S.S.R.	22. 9. 1967
India	11. 5. 1923	United Arab Republic	10. 5. 1960
Iraq	12. 5. 1960	Upper Volta	21. 11. 1960
Ireland	22. 7. 1930	Uruguay	6. 6. 1933
Israel	26. 6. 1951	Venezuela	20. 11. 1944
Italy	8. 9. 1924	Viet-Nam	14. 6. 1955
Ivory Coast	21. 11. 1960	Yugoslavia	1. 4. 1927

BELGIUM

The Government has supplied a list of the statutory provisions and regulations adopted in 1966 and 1967 to govern weekly rest arrangements in the various sectors covered by the Convention.

LEBANON (First Report)

Labour Code, Act of 23 September 1946 (*L.S.* 1946—Leb. 1).

No amendments have been made to the Code.

There are no provisions requiring the authorities to take steps for the implementation of the Convention.

The labour inspectors, divided up among the different regions, make regular visits to industrial establishments, a list of which is drawn up beforehand.

There have been no decisions by courts of law.

All workers are protected by the legislation governing weekly rest. In practice its application is supervised by means of a timetable of working hours posted up in each establishment, a copy of which must be sent to the Ministry of Labour and Social Affairs. It is compulsory for the timetable to state the weekly rest day appointed for each category of workers.

The workers' organisations have raised the question of the payment of wages in respect of the seventh day to workers remunerated on a daily basis. *De jure* and *de facto*, the non-payment of wages to day labourers in respect of the seventh day is not inconsistent with the established principle of compulsory weekly rest for the following reasons: the application of weekly rest does not result in a loss of income; the minimum living wage is calculated on a monthly basis and is applicable to workers paid by the day; a day labourer should earn the minimum wage if he works 26 days per month.

NETHERLANDS (First Report)

Labour Act, 1919, as amended by the Act of 22 January 1964 (*Staatsblad (Sb.)*, 1964, No. 30) (*L.S.* 1964—Neth. 1).

Stevedores Act of 16 October 1914 (*Sb.*, 1914, No. 486), as amended by the Act of 27 July 1931 (*Sb.*, 1931, No. 331) (*L.S.* 1931—Neth. 3 A), promulgated by the Decree of 9 October 1931 (*Sb.*, 1931, No. 416) (*L.S.* 1931—Neth. 3 B).

Stonemasons Act, 1921 (*Sb.*, 1921, No. 1366) (*L.S.* 1921 (Part II)—Neth. 3).

Decree of 6 June 1929 to issue public administrative regulations under sections 14 and 19 of the Labour Act, 1919, respecting Sunday work in transport by land (*Sb.*, 1929, No. 306) (*L.S.* 1919—Neth. 5 B).

General Service Regulations for Railways of 15 May 1933 (*Sb.*, 1933, No. 277).

General Service Regulations for Light Railways of 16 March 1935 (*Sb.*, 1935, No. 142).

Hours of Work (Factories and Workshops) Decree, 1936 (*Sb.*, 1936, No. 862) (*L.S.* 1936—Neth. 2).

Hours of Work (Drivers) Decree, 1960 (*Sb.*, 1960, No. 469).

Mines Regulations of 21 December 1964 (*Sb.*, 1964, No. 538).

Collective agreements in respect of inland navigation.

Article 1 of the Convention. It has not been considered necessary to take special measures to define the line of division which separates industry from commerce and agriculture.

Article 2. The weekly period of rest usually coincides with Sunday. It mostly consists of a consecutive period of 36 hours.

Article 3. Recourse has not been had to the possibility mentioned in this Article of making an exception in the case of establishments in which only members of the employer's family are employed.

Article 4. A number of permanent or temporary exceptions have been made to the rule of Sunday rest, whereby either this day is wholly or partly replaced by a period granted on another day of the week or the weekly rest day is partly or entirely done away with. It is very rare, however, for recourse to be had to the latter type of exception, and it is not permitted in the case of women. No exception may be made in the case of young persons under 18 years of age.

The permanent exceptions are laid down in statutory provisions enacted after consultation of the employers' and workers' organisations. Incidental permits are issued by the inspection services, after consultation of the employees where possible.

Article 5. Compensatory time off is granted to workers who perform more than four hours of work on a Sunday. There are also special provisions providing for

compensatory rest in mines and for truck and bus drivers. Where possible the granting by the authorities of a permit for an exception is made conditional upon a day of rest being given by way of compensation.

Article 6. A list of the total or partial exceptions allowed by the legislation was included in the Government's report.

Article 7. The Labour Act of 1919 requires notices to be posted in conformity with this Article of the Convention.

The supervision of the application of the labour legislation is entrusted to the labour inspectorate, the state transport inspectorate, the port inspectorate and the state mines inspectorate.

PARAGUAY (First Report)

See under Convention No. 1.

Ratification of the Convention has entailed no amendment of national legislation.

Under article 4 of the Constitution ratification confers upon international agreements the force of national law.

Article 1 of the Convention. No measure has been taken to define the line of division separating industry from commerce and agriculture.

Articles 2 and 5. Under section 214 of the Labour Code every worker is entitled to one day's rest each week, which should normally fall on a Sunday. However, a rest period of 24 hours' consecutive rest may be given on another day in the week following a Sunday in lieu of the rest period due on that Sunday in the case of work which cannot be interrupted, repair and cleaning work which cannot be done during the week, any work of evident and urgent necessity where there is an imminent risk of damage, in case of accident, *force majeure*, etc.

Article 3. Weekly rest must be taken by all workers, without exception.

Article 4. No exceptions have been authorised as provided for in this Article.

Article 6. In the absence of exceptions to meet the cases provided for in Articles 3 and 4, there has been no list to draw up.

Article 7. Section 215 of the Labour Code requires the posting up in a conspicuous place in the establishment of a list of the workers obliged to work on Sunday in the circumstances provided for in section 214, indicating the compensatory time off granted to each worker.

Responsibility for the application of the labour legislation and regulations lies with the Directorate of Labour, attached to the Ministry of Justice and Labour, which operates through an inspection and supervisory service.

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

IRAQ (First Report)

See under Convention No. 8.

Article 2 of the Convention. Section 2, paragraph 1 (c), of Regulation No. 4 of 1961 prohibits the employment of young persons under the age of 18 years as trimmers or stokers.

Article 4. Section 8, paragraph 2, of the regulation permits the employment of young persons who are at least 16 years of age as stokers in cases where no one else is available.

Article 5 and 6. The enforcement of these measures is the responsibility of the inspection service of the Directorate-General of Labour, Ministry of Labour and Social Affairs.

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

CAMEROON
Western Cameroon

Labour Code, Act No. 67/LF/6 of 12 June 1967.

The above-mentioned Code entered into force on 1 October 1967.

GUINEA (First Report)

The application of the Convention will be ensured by sections 21 to 24 of the proposed Employment (Women and Children) Order once this is adopted.

IRAQ (First Report)

See under Convention No. 8.

Article 4 of the Convention. Section 8, paragraph 3, of Regulation No. 4 of 1961 allows, in urgent cases, a minor or adolescent to be employed on board without first having undergone a medical examination, on condition that such an examination shall be undertaken at the vessel's first port of call.

The application and enforcement of the relevant legislation is entrusted to the inspection service of the Directorate-General of Labour, Ministry of Labour and Social Affairs.

JAMAICA

In reply to a request made by the Committee of Experts, the Government has stated that there are no sea-going vessels within the national jurisdiction which are not registered in Jamaica as British vessels.

MALTA

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that registration of sea-going vessels in Malta is governed by the provisions of the United Kingdom Merchant Shipping Act, 1894, and that such vessels are considered as British vessels.

YUGOSLAVIA

Regulations of 1 April 1967 respecting the fitness for work of members of the crews of vessels of the merchant navy (*Službeni List*, 19 Apr. 1967, Vol. V, No. 17, Text 261).

According to the new regulations, fitness for work as a member of the crew of a vessel of the merchant navy is ascertained by medical examinations performed by general practitioners and specialists in particular health institutions. The medical certificate issued following such examinations should determine the nature of the work on board ship for which the examined person is most suited.

Persons under 21 years of age are required to undergo a yearly medical examination.

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
Barbados	8. 5. 1967	New Zealand	29. 3. 1938
Belgium	3. 10. 1927	Nicaragua	12. 4. 1934
Bulgaria	5. 9. 1929	Panama	3. 6. 1958
Burma	16. 2. 1956	Philippines	17. 11. 1960
Burundi	11. 3. 1963	Poland	3. 11. 1937
Central African Republic	9. 6. 1964	Portugal	27. 3. 1929
Chile	8. 10. 1931	Rwanda	18. 9. 1962
Colombia	20. 6. 1933	Sierra Leone	13. 6. 1961
Congo (Kinshasa)	20. 9. 1960	Somalia (ex-Trust Territory)	18. 11. 1960
Cuba	6. 8. 1928	Spain	22. 2. 1929
Czechoslovakia	12. 6. 1950	Sweden	8. 9. 1926
Finland	20. 1. 1950	Syrian Arab Republic	10. 5. 1960
France	17. 5. 1948	Tanzania:	
Federal Republic of Germany	14. 6. 1955	Tanganyika	30. 1. 1962
Greece	13. 6. 1952	Zanzibar	22. 6. 1964
Guinea	12. 12. 1966	Tunisia	15. 5. 1957
Haiti	19. 4. 1955	Uganda	4. 6. 1963
Hungary	19. 4. 1928	United Arab Republic	10. 5. 1960
Iraq	5. 7. 1960	United Kingdom	28. 6. 1949
Kenya	13. 1. 1964	Uruguay	6. 6. 1933
Luxembourg	16. 4. 1928	Yugoslavia	1. 4. 1927
Malaysia (States of Malaya)	11. 11. 1957	Zambia	2. 12. 1964
Mauritania	8. 11. 1963		

AUSTRIA

General Social Insurance Act of 9 September 1955 (*Bundesgesetzblatt (BGBl.)*, 30 Sep. 1955, No. 50, Text 189) (*L.S.* 1955—Aus. 3), as amended by the Nineteenth General Social Insurance Amendment Act (*BGBl.*, 3 Mar. 1967, No. 18, Text 67).

The Nineteenth General Social Insurance Amendment Act raises the age limit for the granting of children's allowances from 25 to 26 years for students on military service and from 25 to 27 years for orphans.

BULGARIA

Circular No. C. 23 respecting the legal status of home workers (*Izvestiya*, 6 Sep. 1966, No. 70).

Home workers are covered by the state social insurance scheme and are entitled to workmen's compensation for accidents.

CUBA

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

The Convention makes no reference to reasons for ceasing the payment of benefit or compensation in respect of industrial accidents. Therefore there cannot be

incompatibility between the provisions of national law and those of the Convention. The case to which the Committee of Experts has drawn attention (suspension of benefit by way of a penalty for a counter-revolutionary offence) is provided for in national social security legislation as being a case where withdrawal of the right to benefit is justified.

Subsection (f) of section 63 of Act No. 1100 of 27 March 1963 respecting social security, which provides for the suspension of cash benefit if the beneficiary is in prison for more than 30 days, does not affect the financial situation of the beneficiary's dependants. The latter may draw social assistance benefit; they only become entitled to accident benefit in their own right upon the death of the beneficiary.

Under section 1 of Act No. 1100 the State protects workers and their families in the event of maternity, sickness, accidents (whether of occupational origin or not), invalidity, old age and death. Parts III and IX govern benefits in the case of accidents, both industrial and non-industrial. In the case of an industrial accident the amount of cash benefit is higher (section 36 of Act No. 1100, as amended by Act No. 1165 of 1964, and section 42), irrespective of the degree of incapacity resulting from the accident. Thus the national legislation gives effect to Article 7 of the Convention as regards the granting of additional compensation in cases of incapacity of such a nature that the constant help of another person is required.

FRANCE

Act No. 883 of 20 October 1965 respecting the admission to the voluntary insurance scheme of the spouse or member of the family of a severely disabled person who is performing or has performed voluntarily the role of constant companion (*Journal officiel*, 21 Oct. 1965, No. 245, p. 9299).

Act No. 955 of 12 November 1965 introducing as a transitional measure a special scheme for liability in the case of accidents of nuclear origin (*ibid.*, 12-13 Nov. 1965).

Act No. 956 of 12 November 1965 respecting the civil liability of operators of nuclear vessels (*ibid.*, 12-13 Nov. 1965, No. 263, p. 9996).

Act No. 419 of 18 June 1966 respecting compensation for persons injured in accidents occurring or suffering from occupational diseases diagnosed prior to the entry into force of the new provisions respecting such accidents or diseases (*ibid.*, 24 June 1966, No. 145, p. 5204).

Act No. 774 of 18 October 1966 respecting the receipt and administration of benefit by a third party in the case of persons suffering from a legal disability (*ibid.*, 19 Oct. 1966, No. 243, p. 9219).

GUINEA (First Report)

Social Security Code, Act No. 21 of 12 December 1960 (Book III).

Article 2 of the Convention. The relevant legislation is applicable to wage earners, salaried employees, members of co-operatives, managers of limited companies, chairmen and directors of private companies, commercial travellers and agents, canvassers and brokers, home workers, students attending technical educational establishments and vocational training, rehabilitation or retraining centres, prisoners performing work in prison, seamen and workmen registered for employment on sea-going vessels. Excluded are civil servants and permanent senior public officials. Voluntary insurance is available to persons not in one of the above-listed categories.

Article 3. Seamen and fishermen are covered by the same scheme as other workers.

Article 4. The relevant legislation applies to agriculture.

Article 5. The compensation payable to permanently incapacitated persons or to the dependants of deceased persons takes the form of a pension. A lump sum may be awarded where the extent of permanent incapacity is equal to or less than 10 per cent.

Article 6. A daily allowance is payable as from the first day following the cessation of work as the result of an accident.

Article 7. An increment of 40 per cent. is payable in respect of the pensions of permanently incapacitated persons requiring the help of another person.

Article 8. Pensions are reviewed unconditionally during the two years following an injury, and after that time at intervals of not less than one year. The same time limits are applicable if the injured person is receiving medical treatment. They may be shortened by mutual agreement.

Articles 9 and 10. Medical aid to industrial accident victims, the cost of which is defrayed by the National Social Security Fund, except in the case of first aid, the cost of which is borne by the employer, includes: reimbursement of medical, surgical and pharmaceutical expenses; the supply, repair and renewal of artificial limbs and surgical appliances; the payment of travel expenses; and, where applicable, reimbursement of the cost of the rehabilitation, retraining and resettlement of the injured person.

Article 11. With the exception of first aid, for which the employer is liable, the cost of benefits is defrayed by the National Social Security Fund.

The application of the relevant legislation, for which the Ministry of Labour and Social Legislation is responsible, is supervised by the labour inspectors, assisted by supervisory officers.

HAITI

Act of 18 September 1967 to designate the Department of Labour and Social Welfare as the Department of Social Affairs (*Le Moniteur*, 18, 21 and 28 Sep. 1967, Nos. 80, 81, 84 A, 84 B and 84 C).

The above-mentioned Act reorganises the Department of Social Security and the Haitian Social Insurance Institute, which henceforth will have two branches: the Employment Injury, Sickness and Maternity Insurance Office, and the National Old-Age Insurance Office.

The new Act makes no substantial change in the Labour Code of 20 October 1961 as far as employment injury compensation is concerned.

However, section 41 (corresponding to section 584 of the Labour Code) introduces two changes which ought perhaps to be mentioned: the common law wife of a deceased insured person who leaves no legitimate spouse is entitled to a pension equivalent to 30 per cent. (and not 40 per cent., as heretofore) of the pension to which the deceased would have been entitled in the event of permanent incapacity; orphans' benefit is set at 40 per cent. (instead of 30 per cent.) of the pension to which the deceased would have been entitled in the event of permanent incapacity.

IRAQ

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

Article 2 of the Convention. Action will be taken to eliminate the discrepancies which exist between section 2 of the draft Labour Law and this Article. Persons whose work is remunerated exclusively by a share in the profits or on a percentage basis will be covered by the provisions of the new Labour Law when it enters into force. Paragraph 1 (c) of section 8 will be amended to read as follows: "(c) members of an employer's family who are dependent on him and live under his roof."

Law No. 140 of 1964 respecting social security, as amended, covers workers in undertakings employing at least 30 workers in a number of departments. The scope

of the Labour Law has been restricted by the promulgation of the Social Security Law and the discrepancies mentioned will be eliminated by extending the scope of the Social Security Law.

Article 7. Section 57 of Law No. 140 of 1964 lays down that a pension will be increased by 50 per cent. if, because of the nature of the incapacity, the pensioner needs the continual nursing care and assistance of someone else and has not been admitted, free of charge, into some institution, hospital or asylum.

Article 8. Under section 73 of the existing Labour Law an employer is bound to declare any accident causing death or incapacity lasting more than three days. Together with other sections of Chapter VII, concerning compensation, these provisions offer a means whereby supervision can be ensured and allowances reviewed.

Article 11. The Government has stated that it would like to know which provisions of the Convention it is guilty of infringing as regards exemption from the qualifying period required before persons permanently incapacitated by an employment injury (or their dependants) can draw their benefits. As regards the supply of prosthetic and orthopaedic appliances considered necessary, it will keep this point in mind when the Social Security Law is next amended.

The prosthetic appliances factory, run by the Ministry of Health, is at present supplying such appliances free of charge (together with orthopaedic appliances) to anybody who might require them.

MALAYSIA

States of Malaya

The draft legislation referred to in previous report is being drawn up and will be completed early in 1968. The scheme when established will be in accordance with the provisions of the Convention.

MEXICO

Article 7 of the Convention. The final subsection of section 74 of the Social Insurance Act provides for the award of an increment of up to 20 per cent. of the value of an invalidity, old-age, widower's or widow's pension where the pensioner requires the continuous assistance of another person. Since the benefit referred to is in the form of a "pension", whereas Article 7 of the Convention speaks of "compensation" (a term usually taken in Mexico to mean the payment of a single lump sum), the commission now carrying out a revision of the Federal Labour Act has been requested to examine whether the precept contained in the Convention could be included in the revised version. The next report will contain information as to the progress made in this direction.

NETHERLANDS

See under Convention No. 12.

NEW ZEALAND

Employers' Liability Insurance Regulations of 12 March 1962 (Amendments Nos. 5 and 6) (*Statutory Regulations*, No. 21).

Workers' Compensation Order of 25 February 1963 (Amendment No. 2) (*ibid.*, No. 31).

First Aid (Factories) Regulation, 1966.

Article 5 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has indicated that, during the reporting period, the Royal Commission entrusted with undertaking a general review of workers' compensa-

tion returned from visiting a number of overseas countries to examine the system of workers' compensation in operation in those countries. Owing to the complexity of the issues involved, the Commission's term was extended by a further six months and its report to the Government was due to be available about December 1967.

NICARAGUA

Decree No. 2 of 8 April 1967 to amend the Social Security Act (*La Gaceta*, 17 Apr. 1967).

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

Articles 2 and 7 of the Convention. The above-mentioned decree amends sections 61 and 88 of the Social Security Act by making them applicable to workers who have reached 60 years of age and by providing for a supplementary allowance for persons so seriously incapacitated as to require the constant assistance of someone else.

PHILIPPINES

In reply to requests made by the Committee of Experts, the Government has stated that the necessary steps will be taken to bring the national legislation into harmony with Articles 5 and 7 of the Convention as soon as the state of the national economy permits.

POLAND

See under Convention No. 12.

PORTUGAL

Decree No. 47590 of 16 March 1967 to amend the Rural Labour Code.

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

Section 248 of the Rural Labour Code has been amended by the above-mentioned decree so as to provide for the payment of an increment of 50 per cent. of the value of the compensation due to employment injury victims suffering from permanent or temporary total incapacity in cases where they require the constant help of another person, thus giving effect to Article 7 of the Convention.

RWANDA

Article 7 of the Convention. In reply to earlier requests made by the Committee of Experts, the Government has stated that, in the preliminary draft of the Bill to amend certain provisions of the Social Security Act of 15 November 1962, provision is made for the payment of compensation where the constant help of another person is required by a person injured in an industrial accident.

SIERRA LEONE

Workmen's Compensation (Amendment) Decree, 1967.

The above-mentioned decree makes provision for widening the scope of employers' liability, increasing the amount of compensation, abolishing the limits on expenses to be defrayed by employers and enlarging the description of occupational diseases.

SWEDEN

In reply to observations made by the Committee of Experts in respect of the application of Article 9 of the Convention, the Government has stated that the special committee set up to review the employment injury insurance scheme presented its report in August 1966. The report, together with observations and comments thereon submitted by various public authorities, labour market organisations, etc., was considered by the Government at the end of the period under review with a view to the introduction of a Bill at the autumn 1967 Session of Parliament.

UNITED KINGDOM

National Insurance (Industrial Injuries) Act, 1965.

National Insurance Act, 1966.

National Insurance (Industrial Injuries) (Amendment) Act, 1967.

The National Insurance Act, 1966, introduced a new scheme of earnings-related supplements payable with certain flat-rate benefits, including injury benefit where the claimant would otherwise be entitled to sickness benefit, and with widow's benefit under the industrial injuries scheme.

URUGUAY

In reply to an observation made by the Committee of Experts concerning the application of Article 11 of the Convention, the Government has stated that the problem raised may be solved by a co-ordinated interpretation of sections 1, 2 and 22 of Act No. 12949 of 23 November 1961, and by the redrafting of sections 44 and 45 of Act No. 10004 necessitated by such an interpretation. Apart from this, the principle that benefit shall be payable by the public insurance carrier, whether or not the employer is insured, is established by section 8 of Act No. 11577 of 1958.

ZAMBIA

In reply to a direct request made by the Committee of Experts, the Government has stated that persons who are members of the Zambia Teaching Service are entitled to all benefits enjoyed by civil servants. They are covered by the civil service equivalent of the workmen's compensation scheme and would, in the event of an accident arising out of, or in the course of, their employment, receive benefits on a par with, or superior to, the benefits that a workman would receive under the relevant ordinance.

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.

BELGIUM

See under Convention No. 42.

CEYLON

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

It is regretted that it was erroneously stated in the previous report that a Bill to amend the Workmen's Compensation Act with a view to bringing it into conformity with the provisions of the Convention had been presented to Parliament. The Bill that was presented to and passed by Parliament amended the Workmen's Compensation Ordinance in certain other respects.

However, a committee has been appointed to report on a social insurance scheme and is now considering amendments to the Workmen's Compensation Ordinance which will include the amendments suggested by the Committee of Experts. It is hoped that there will not be any further delay in bringing the legislation into line with the requirements of the Convention.

COLOMBIA

Agreement No. 191 of 30 June 1965.

In reply to an observation made by the Committee of Experts, the Government has stated that the above-mentioned agreement, adopted by the Social Insurance Institute, establishes a list of occupational diseases.

CONGO (KINSHASA)

See under Convention No. 42.

CUBA

See under Convention No. 42.

CZECHOSLOVAKIA

See under Convention No. 42.

FINLAND

See under Convention No. 42.

FRANCE

See under Convention No. 42.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 42.

GUINEA

In reply to direct requests made by the Committee of Experts, the Government has supplied the text of a draft order aimed at giving effect to the Convention which mentions, in the list of occupational diseases, poisoning by lead, mercury, their alloys and compounds and, in the list of activities likely to cause occupational diseases, activities corresponding to anthrax infection.

INDIA

See under Convention No. 42.

ITALY

See under Convention No. 12.

MALI

Act No. 4 of 30 January 1967 (*Journal officiel*, 1 Mar. 1967, No. 245, p. 145) to amend the schedule of occupational diseases appended to Act No. 68 of 19 August 1962 to promulgate a Social Welfare Code for the Republic of Mali (*ibid.*, 15 Oct. 1962).

In reply to observations and direct requests made by the Committee of Experts, the Government has stated that the above-mentioned Act No. 4 of 30 January 1967 gives the schedule of occupational diseases a less restrictive character and adds the loading and unloading or transport of merchandise to the list of activities likely to produce anthrax infection.

MOROCCO

See under Convention No. 42.

PORTUGAL

See under Convention No. 12.

Act No. 2127 of 3 August 1965, which is to come into force shortly, provides that the general rules respecting industrial accidents shall apply also to occupational diseases.

In reply to a request made by the Committee of Experts, the Government has stated that Act No. 1946 of 27 July 1936 is no longer in force in Angola since the coming into force of the Angola Labour Code (Provincial Act No. 2827 of 5 June 1957), to which a schedule of occupational diseases has been appended and which repeats the provisions of Act No. 1946.

In Mozambique Provincial Act No. 1706 of 19 October 1957, which established the statutory workmen's compensation scheme now in force, contains in section 8 a list of occupational diseases which is more comprehensive than that given in the Convention, and reproduces in an appendix a list of the industries and occupations corresponding to those diseases.

RWANDA

See under Convention No. 42.

SPAIN

See under Convention No. 42.

SWITZERLAND

Federal Act of 29 September 1966 (*Feuille Fédérale*, 1966, Part II, p. 457) to amend the Sickness and Accident Insurance Act of 13 June 1911.

SYRIAN ARAB REPUBLIC

Order No. 748 of 28 August 1967 (*Journal officiel*, 12 Oct. 1967, No. 46).

In reply to a direct request made by the Committee of Experts, the Government has stated that the above-mentioned order amends paragraph 21 of Schedule No. 1 to the Social Insurance Law so as to include among the processes corresponding to anthrax infection the loading, unloading and transport of merchandise, in accordance with the requirements of the Convention.

YUGOSLAVIA

In reply to a request made by the Committee of Experts concerning the list of processes likely to give rise to anthrax infection, the Government has stated that a new Invalidity Insurance Act, under which a new schedule of occupational diseases will be established, is to be passed shortly.

ZAMBIA

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

In so far as poisoning by lead and mercury is concerned, the wording used in the second schedule to the Workmen's Compensation Ordinance is all-embracing and covers poisoning by lead or mercury, or their compounds, provided that such poisoning arises out of, and in the course of, employment. Sequelae of such poisoning, although not specifically mentioned, would be covered, providing medical certification were produced to the effect that a secondary pathological condition had developed which was a direct or indirect result of the original poisoning by lead or mercury.

As regards anthrax infection, the wording "handling of wool hair ..." is sufficiently general to cover the loading and unloading or transport of merchandise.

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
Barbados	8. 5. 1967	Malaysia:	
Belgium	3. 10. 1927	States of Malaya	11. 11. 1957
Bolivia	19. 7. 1954	Sarawak	3. 3. 1964
Brazil	25. 4. 1957	Mali	17. 8. 1964
Bulgaria	5. 9. 1929	Malta	4. 1. 1965
Burma	30. 9. 1927	Mauritania	8. 11. 1963
Burundi	11. 3. 1963	Mexico	12. 5. 1934
Cameroon:		Morocco	13. 6. 1956
Eastern Cameroon	29. 1. 1963	Netherlands	13. 9. 1927
Western Cameroon	3. 9. 1962	Nicaragua	12. 4. 1934
Central African Republic	9. 6. 1964	Nigeria	17. 10. 1960
Chile	8. 10. 1931	Norway	11. 6. 1929
China	27. 4. 1934	Pakistan	30. 9. 1927
Colombia	20. 6. 1933	Peru	8. 11. 1945
Congo (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		

AUSTRIA

Agreements concluded with Spain (*Bundesgesetzblatt*, 1966, Text 6) and with Yugoslavia (*ibid.*, Text 289).

See also under Convention No. 17.

CAMEROON

In reply to earlier direct requests made by the Committee of Experts, the Government has stated that a Bill for the amendment of Ordinance No. 100 of 31 December 1959 has been drafted but not yet submitted for ratification to the National Federal Assembly; steps are being taken to bring national legislation into line with the Convention.

CHINA

Section 9 of the Labour Insurance Act has been amended so that foreign workers in various branches of activity would be included in the insurance scheme. The draft of this amendment has been submitted to the Legislative Yuan for examination.

COLOMBIA

In reply to a request made by the Committee of Experts, the Government has stated that employment injury pensioners living abroad may draw their benefit in any manner they wish—usually through intermediaries—subject to verification of their state of incapacity.

CZECHOSLOVAKIA

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that two types of bilateral agreements have been concluded. Some, like those concluded with France, Hungary, Poland, Switzerland and Yugoslavia, are based on the principle of sharing of costs. Of the agreements of this first type only that concluded with Poland refers, in article 18, paragraph 1, to the entitlement of nationals of another State. Under the latter provision each of the two parties will under certain conditions deem an international agreement concluded by one of them with a third State to be part of its own national legislation. The benefits for which Czechoslovakia is liable are transferred to the countries with which bilateral agreements have been concluded based on the principle of sharing of costs. Other agreements, such as those concluded with Bulgaria, the Democratic Republic of Germany, Rumania and the U.S.S.R., are based on the principle of territorial jurisdiction: benefits are payable by the social security institution of the State where the beneficiary is permanently resident. The parties to such agreements do not pay benefit to nationals of other countries; in such cases the Czech authorities may authorise exceptions as provided for in section 60 of Act No. 101 of 1964 (payment of benefit in the event of the beneficiary's permanent residence in a country with which no agreement has been concluded). Exceptions of this nature may also be authorised in the case of beneficiaries residing in a State to which Czechoslovakia has an obligation under the Convention, irrespective of the nationality of the beneficiary.

FRANCE

General agreement of 5 March 1965 between France and Senegal, which came into force on 1 July 1966.

General agreement of 11 March 1965 between France and Mali, which came into force on 1 October 1966.

General agreement of 9 July 1965 between France and Morocco, which came into force on 1 January 1967.

General agreement of 22 July 1965 between France and Mauritania, which came into force on 1 February 1967.

General agreement of 17 December 1965 between France and Tunisia, which came into force on 1 September 1966.

General agreement of 17 December 1965 between France and Israel, which came into force on 1 October 1966.

GABON

In reply to a direct request made by the Committee of Experts, the Government has stated that the framing of a Social Security Code, begun in 1966 with the aid of an I.L.O. expert, is continuing, and will result in effect being given to the Convention.

IRELAND

Social Welfare (Occupational Injuries) Act, No. 16 of 16 July 1966, to extend the system of social insurance established by the Social Welfare Act, No. 11 of 14 June 1952 (*L.S.* 1952—Ire. 1), as amended by the Social Security (Amendments) Acts, No. 24 of 11 July 1956 (*Acts of the Oireachtas*, 1956, p. 403) (*L.S.* 1960—Ire. 1 B) and No. 25 of 26 July 1960 (*L.S.* 1960—Ire. 1 A), so as to apply in relation to occupational accidents and diseases; brought into operation on 1 May 1967 by the Social Welfare (Occupational Injuries) Act (Appointed Day) Order, 1967 (*Statutory Instruments*, 1967, No. 35).

Social Welfare (Modifications of Insurance Amendment) Regulations, 1967 (*ibid.*, No. 81) to enable benefit to be paid for an accident which happens to a person who is insured under the Act while temporarily employed abroad in the service of an Irish employer, provided that a successful claim for compensation, damages or payment in the nature of benefit in respect of the accident or disease is not made in another State.

Social Welfare (Absence from the State) Regulations, 1967, to govern the payment of occupational injuries benefit to persons resident abroad (*ibid.*, No. 97).

The regulations referred to above apply in the case of both national and foreign workers.

MALI

Labour Code, Act No. 67 of 19 August 1962 (*Journal officiel (J.O.)*, 15 Oct. 1962, No. 128) (*L.S.* 1962—Mali 1).

Social Welfare Code, Act No. 68 of 19 August 1962 (*J.O.*, 15 Oct. 1962, No. 128).

Act of 14 July 1964 for the ratification of the Equality of Treatment (Accident Compensation) Convention, 1925.

Article 1 of the Convention. Under the national legislation the employment injury compensation scheme covers all employed persons, whatever their sex and nationality, exercising a trade or profession in the national territory (section 69 of the Social Welfare Code). These provisions thus go further than those of the Convention, since all alien workers are entitled to the same treatment as nationals as far as employment injuries are concerned, and not only nationals of member States which have ratified the Convention.

There is no condition as to residence; however, a special lump-sum indemnity is payable to aliens who have suffered an employment injury and who cease to reside in a country within the monetary zone to which Mali belongs. But this exception only applies if there is no treaty of reciprocity or if the country of origin of the worker has not ratified the Convention.

A general agreement was concluded on 11 March 1965 between the Government of Mali and the Government of France concerning social security.

Article 3. The employment injury compensation scheme is governed by sections 121 *et seq.* of the Social Welfare Code. The National Social Welfare Institute is responsible for the furnishing of the benefits and allowances provided for by the Code.

Article 4. The employment injury prevention and compensation scheme introduced under the Social Welfare Code has not been modified since the promulgation of the Act of 9 August 1962.

The application of the laws and administrative regulations relevant to the Convention is entrusted to the labour inspectorate.

MALTA

Act No. V of 1966 to amend the National Insurance Act, No. VI of 28 April 1956.

Act No. V of 1966 increases the rates of certain benefits, including disablement gratuities, disablement pensions and death benefits granted to widows and orphans.

NETHERLANDS

See under Convention No. 12.

NIGERIA

Workmen's Compensation (Amendment) Act, 1965, to supplement and amend section 34 of the Workmen's Compensation Act.

POLAND

See under Convention No. 12.

RWANDA

Article 1 of the Convention. There is no discrimination between nationals and aliens as regards the benefits granted to them by way of compensation for employment injuries.

SIERRA LEONE

See under Convention No. 17.

SPAIN

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

The employment of foreigners in the African provinces is governed by the conventions or agreements ratified or concluded in this connection, or by such provisions as may be applicable by virtue of reciprocity, either specifically or tacitly admitted.

As regards the statistics sought by the Committee of Experts, the Government has indicated that insignificantly few foreigners are employed in the Spanish West African provinces. In Equatorial Guinea most immigrant workers are Nigerians.

SWEDEN

Notification No. 4 of 21 January 1966 (*Svensk Författningssamling (S.F.)*, 1966, No. 4, p. 11) and Notification No. 32 of 10 November 1967 (*S.F.*, 1967, No. 32, p. 95) respecting the exemption of nationals of Malawi, Singapore, Botswana, Guyana and Lesotho from certain provisions of the Employment Injury Insurance Act, No. 243 of 14 May 1954 (*S.F.*, 1954, p. 447) (*L.S.* 1954—Swe. 1), as amended by Act No. 75 of 23 March 1956 (*S.F.*, 1956, p. 159) (*L.S.* 1956—Swe. 2).

The above-mentioned notifications extend equality of treatment in respect of workmen's compensation to nationals of the countries indicated.

SWITZERLAND

The Federal Act of 29 September 1966 has amended the Act of 13 June 1911 respecting sickness and accident insurance by raising the ceiling on annual earnings which may be taken into account in calculating pensions from 15,000 to 21,000 francs, and the maximum daily earnings which may be used as a basis for calculating the daily allowance from 50 francs to 70 francs.

UNITED KINGDOM

A trilateral agreement with Jersey and Guernsey, relating to industrial injuries insurance, came into force on 4 April 1966. This superseded the bilateral agreements made with Jersey in 1962 and Guernsey in 1965. The agreement was also extended to Northern Ireland by an order signed on 25 April 1966.

URUGUAY

In reply to a direct request made by the Committee of Experts, the Government has stated that a draft agreement between Uruguay and Italy is under consideration.

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
Barbados	8. 5. 1967	Mauritania	8. 11. 1963
Belgium	3. 10. 1927	Mexico	12. 5. 1934
Brazil	18. 6. 1965	Morocco	14. 3. 1958
Bulgaria	29. 11. 1929	Netherlands	15. 12. 1937
Burma	31. 10. 1932	New Zealand	29. 3. 1938
Canada	30. 6. 1938	Nicaragua	12. 4. 1934
Chile	18. 10. 1935	Norway	29. 3. 1940
China	2. 12. 1936	Pakistan	31. 10. 1932
Colombia	20. 6. 1933	Peru	4. 4. 1962
Cuba	7. 7. 1928	Poland	8. 8. 1931
Finland	8. 4. 1947	Sierra Leone	15. 6. 1961
France	4. 4. 1928	Singapore	25. 10. 1965
Federal Republic of Germany . .	20. 9. 1930	Somalia (ex-Trust Territory) . .	18. 11. 1960
Ghana	18. 3. 1965	Spain	23. 2. 1931
India	31. 10. 1932	United Kingdom	14. 6. 1929
Iraq	4. 10. 1966	Uruguay	6. 6. 1933
Ireland	5. 7. 1930	Venezuela	20. 11. 1944
Italy	10. 10. 1929	Yugoslavia	30. 9. 1929
Japan	22. 8. 1955		

COLOMBIA

In reply to an observation made by the Committee of Experts, the Government has supplied the text of a Bill which is being considered by the Seventh Committee of Parliament with a view to adoption. The Government, however, expresses doubts concerning whether certain sections of the Bill are in accordance with Article 9 of the Convention.

GHANA

In reply to observations made by the Committee of Experts in 1967 concerning the application of Articles 11 to 13 of the Convention, the Government has stated that a Master's power to effect the immediate discharge of a seaman is not limited, that a seaman may demand immediate discharge provided he gives 24 hours' notice, and that he is not bound to arrange for a competent man to take his place before he can be discharged.

SINGAPORE

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the text of paragraph 73 of the Notes (formerly referred to as "Board of Trade Instructions") for the Guidance of Officers in Commonwealth Countries, Overseas Territories and the Irish Republic, as amended to give effect to Article 13 of the Convention.

URUGUAY

Decree of 5 October 1967.

Following observations made by the Committee of Experts, the Government has adopted the above-mentioned decree, sections 1 to 3 of which enforce Article 3, paragraph 2, and Articles 8 and 13, respectively, of the Convention.

VENEZUELA

In reply to an observation and a direct request made by the Committee of Experts in 1967, the Government has supplied the text of a memorandum of the Merchant Marine Department stating that new legislation is being studied at present which would apply Article 8 and Article 9, paragraph 1, of the Convention.

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

COLOMBIA

In reply to an observation made by the Committee of Experts, the Government has supplied the text of a Bill which is being considered by the Seventh Committee of Parliament with a view to adoption.

GHANA (First Report)

Merchant Shipping Act, 1963.

Article 1 of the Convention. The above-mentioned Act applies to all sea-going vessels and to owners, masters and seamen of such vessels.

Article 2. The Act defines the terms "ships" ("vessel"), "seaman", "master" and "home trade ship" in a way very similar to that in which they are defined in this Article.

Article 3. Section 126 of the Act provides that when the service of a seaman belonging to a Ghanaian ship is terminated at a port outside Ghana, the master of the ship shall make adequate provision for the seaman's return to a proper return port. The term "proper return port" is defined in section 134 as the port at which the seaman was shipped, a port in the seaman's own country or some other port agreed to by the seaman.

Articles 4 and 5. Sections 128, 132, 133 and 135 of the Act apply these Articles.

Article 6. Section 132 provides for the "proper officer" to be responsible for repatriation of a seaman. Section 319 defines a "proper officer" as: "(a) at a port in Ghana, a shipping master; (b) at a port in a Commonwealth country, a superintendent or, in the absence of any such superintendent, the chief officer of customs at or near the port; (c) at a port elsewhere, a consular officer".

The application of the Merchant Shipping Act is entrusted to the Shipping Commissioner. Application is enforced and supervised by the "proper officer".

PHILIPPINES

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that the points raised by the Committee have been referred to the legal services of the Department of Labour for study and possibly amendatory legislation if this is deemed indispensable.

URUGUAY

See under Convention No. 22.

In reply to previous observations made by the Committee of Experts, the Government has supplied the text of a decree of 5 October 1967 which gives effect to certain provisions of Article 5 of the Convention.

YUGOSLAVIA

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that, when a seaman is repatriated as a member of the crew of another vessel, the employment provided for him should correspond to his capabilities; otherwise he is entitled to refuse it.

According to section 14 of the Act of 17 February 1965 respecting the composition of the crew of vessels of the merchant navy, a seaman who is repatriated as a crew member is entitled to remuneration for the work performed by him on board the vessel.

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

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

AUSTRIA

Eighteenth General Social Insurance Amendment Act of 14 July 1966 (*Bundesgesetzblatt*, 1966, Text 168) and Nineteenth General Social Insurance Amendment Act of 8 February 1967 (*ibid.*, 1967, Text 67) to amend the General Social Insurance Act of 9 September 1955 (*ibid.*, 30 Sep. 1955, No. 50, Text 189) (*L.S.* 1955—Aus. 3).

BULGARIA

Decree No. 927 of 16 December 1965 to amend and supplement the Labour Code (*D'rzhaven Vestnik*, 17 Dec. 1965, No. 99).

Decree No. 463 of 22 June 1967 to settle certain questions connected with the insurance and pension coverage of co-operative farmers (*ibid.*, 27 June 1967, No. 50, p. 1).

Wage earners and salaried employees with between 10 and 15 years of service receive 80 per cent. of their normal earnings during periods of temporary incapacity, and 90 per cent. when they have more than 15 years' service. From the sixteenth day of temporary incapacity, the cash benefit is increased by 10 per cent. Since 1 September 1967, co-operative farmers and their dependants have been entitled to daily sickness benefit subject to the same conditions as apply in the case of wage earners and salaried employees.

FEDERAL REPUBLIC OF GERMANY

Act of 9 June 1965 for the prevention of hardship under the statutory pension insurance schemes and to amend certain provisions of social legislation (*Bundesgesetzblatt*, Part I, 15 June 1965, No. 25, p. 476).

Act of 24 August 1965 (*ibid.*, Part I, 27 Aug. 1965, No. 42, p. 912) to amend the Act of 24 January 1952 for the protection of working mothers and the Federal Insurance Code.

The new legislation amends the rules governing exemption in the case of certain accessory activities and occupations, together with the provision relating to maintenance of insurance during periods of military service. It increases from 660 DM to 900 DM, from 1 September 1965, the upper limit on monthly insurable earnings in respect of salaried employees and the maximum contribution and benefit level in respect of wage earners and salaried employees.

HAITI

See under Convention No. 17.

The Act of 18 September 1967 contains provisions respecting the sickness insurance of workers in industry and commerce.

LUXEMBOURG

Act of 29 August 1951 respecting sickness insurance for public officials and salaried employees (*Mémorial (M.)*, 6 Sep. 1951, No. 51, p. 1153) (*L.S.* 1951—Lux. 1).

Act of 29 August 1951 to reform the pension insurance scheme for salaried employees (*M.*, 6 Sep. 1951).

Act of 26 July 1966 (*M.*, 28 July 1966, No. 38, p. 655) to amend and supplement Books I, III and IV of the Social Insurance Code.

Various regulations and orders issued in 1966 and 1967 and laying down new rates of contribution for sickness insurance, the value of social security payments in kind, etc.

Following the entry into force of the Act of 26 July 1966, the allowance payable to the dependants of a hospitalised insured person may be as much as 75 per cent. of that person's normal wage. Young persons are now insured up to the age of 25 years, if they are pursuing their studies or if, by reason of some infirmity of mind or body, they are unable to earn their living.

NETHERLANDS (First Report)

Act of 5 June 1913 respecting health insurance (*Staatsblad (Sb.)*, 1913, No. 204), as amended by the Act of 18 February 1966 (*Sb.*, 1966, No. 85).

Sickness Funds Act of 15 October 1964 (*Sb.*, 1964, No. 392) (*L.S.* 1964—Neth. 2), as amended by the Acts of 16 December 1965 (*Sb.*, 1965, No. 555) and of 20 July 1967 (*Sb.*, 1967, No. 416).

Royal Decree of 27 June 1967 (statement of cases in which an industrial relationship is considered to be an employment relationship) (*Sb.*, 1967, No. 342).

Royal Decree of 27 June 1967 (scope of insurance) (*Sb.*, 1967, No. 343).

Article 2, paragraph 1, of the Convention. Persons in public or private employment whose remuneration is less than 12,400 florins per year are insured.

Paragraph 2. The insurance scheme does not cover domestic staff in the service of one employer for fewer than three days per week; apprentices and pupils attending vocational schools who receive no remuneration; certain home workers.

Paragraph 3. Persons employed by the public authorities and therefore enjoying invalidity insurance benefit provided by the State are also exempted.

Article 3, paragraph 1. Cash benefit is paid for each day of incapacity for work during a period not exceeding 52 weeks.

Paragraph 2. There is no qualifying period, but there is a waiting period of two days.

Paragraph 3, clauses (a) and (b). Cash benefit is withheld as follows: up to the amount of benefit granted for incapacity for work; up to the amount of any wage that an insured person continues to receive during the period of his incapacity for work;

Clause (c). Such benefit is withheld in full or in part in the following circumstances: if the insured person fails to call for medical assistance within a reasonable period, if he does not continue to follow the medical treatment through all stages of the illness, or if he does not follow the instructions of his doctor; if the insured person is guilty during the period of his incapacity for work of acts likely to hinder his recovery; if the insured person for no good reason fails to follow instructions given by the insurance institution to present himself or provide information, or if a medical examination is prevented through his fault; if the insured person does not announce his illness within the period laid down or does not accept administrative supervision.

Paragraph 4. Cash benefit may be reduced or refused if incapacity for work results from an insured person's wilful misconduct.

Article 4, paragraph 1. Medical benefit includes, in the event of illness, medical care by general practitioners including home visits; consultations and medical care by specialists; the necessary medicaments prescribed by general practitioners, dentists and specialists; hospitalisation, if medically necessary.

In the event of pregnancy and confinement, and their consequences, such benefit includes: pre-natal care, care during confinement, and post-natal care given by a midwife or, where necessary, by a doctor; hospitalisation when necessary.

No qualifying period has been laid down for entitlement to medical benefit. It is granted for unlimited periods, except in the case of hospitalisation, which is granted for a maximum of 365 days (sickness benefit is paid for a maximum period of 52 weeks).

Paragraph 2. The beneficiary does not bear any part of the cost of medical benefit received.

Paragraph 3. If an insured person fails to follow any of the instructions of his doctor, the sickness fund may refuse to finance further treatment.

Article 5. The dependent wife and children of an insured person living with him are protected under the same conditions as he himself is. Young persons are entitled to insurance benefit up to the age of 16 years or, where they are carrying on their studies or are incapacitated, up to the age of 27 years.

Article 6. Sickness insurance benefit is administered by sickness funds, which are recognised by the Minister of Social Affairs and Public Health and placed under the supervision of the Sickness Fund Council, on which employers and insured persons are represented. The Crown also appoints a certain number of members of the Council.

Article 7. The rate of insurance contributions is fixed every year at a certain percentage of wages. A ceiling of 38.40 florins per day is placed on the wages taken into account. The contribution is paid by the employer, but half of it is charged to the insured person.

Article 9. Every insured person has a right of appeal where a benefit is refused in whole or in part.

NORWAY

Act No. 9 of 16 December 1966 respecting appeals to the Social Security Tribunal (*Norsk Lovtidend*, 26 Jan. 1967, No. 1, pp. 141-150).

Article 9 of the Convention. Pursuant to the adoption of the above-mentioned Act, the appeals procedure is as follows: Under section 110 of the Sickness Insurance Act, the National Insurance Institution shall decide in disputes between the local fund and an insured person concerning rights and duties under the Act. The decision of the National Insurance Institution is final and binding on the local insurance fund, but the insured person may lodge an appeal with the Social Security Tribunal. The insured person has the right to bring the decision of the Social Security Tribunal before the courts in so far as trying its legality is concerned.

POLAND

Ordinance of 18 December 1965 of the Minister of Health and Social Welfare respecting health protection for students (*Dziennik Ustaw (D.U.)*, 1965, No. 55, Text 342).

Order of 6 April 1966 of the Minister of Health and Social Welfare to determine the benefits which may be provided by dispensaries to insured persons.

Ordinance of 27 April 1966 to establish a list of diseases which have a long incubation period (*D.U.*, 1966, No. 16, Text 162).

Order of 2 August 1966 of the Council of Ministers to increase sickness benefit where hospital care is required (*Monitor Polski*, 1966, No. 40, Text 204).

Ordinance of 6 September 1966 of the Council of Ministers to extend compulsory sickness and maternity insurance to persons in charge of restaurants, cafés and petrol stations (*D.U.*, 1966, No. 40, Text 237).

RUMANIA

In reply to a direct request made by the Committee of Experts in 1966 in relation to section 25 of Decision No. 880 of 1965 of the Council of Ministers respecting withholding of sickness benefit in the case where a wage earner has been absent from work without justifiable reasons during the 30 days preceding his sick leave, the Government has stated that this question has been submitted for examination to the authorities concerned and that the Office will be advised of any developments.

SPAIN

In reply to a request made by the Committee of Experts in 1966, the Government has supplied the following information. As regards aliens other than nationals of the Spanish-American countries, Portugal, the Philippines, Andorra and Brazil, it is laid down that there shall be reciprocity, either explicit or implicit; this is in accordance with both the obligations stemming from ratification of the Convention and the instructions issued by the competent administrative authority (the General Welfare Directorate in the Ministry of Labour) to the National Welfare Institute to the effect that, in the granting of medical and cash benefit in the event of ordinary sickness or a non-industrial accident, foreign workers, irrespective of their nationality, are to be placed on the same footing as Spanish workers.

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		

AUSTRIA

See under Convention No. 24.

BULGARIA

See under Convention No. 24.

FEDERAL REPUBLIC OF GERMANY

See under Convention No. 24.

HAITI

See under Convention No. 24.

NETHERLANDS (First Report)

Order of 29 December 1952 to issue public administrative regulations under section 2, paragraph 3, of the Sickness Act (Designation of insurable occupations) (*Staatsblad*, 1952, No. 674) (*L.S.* 1952—Neth. 3 B).

See under Convention No. 24.

POLAND

Order of 6 September 1966 of the Council of Ministers respecting health protection for agricultural workers and their families (*Monitor Polski*, 1966, No. 54, Text 249).

SPAIN

General Regulations of 23 February 1967 (*Boletín Oficial del Estado*, 27 Feb. 1967, No. 49, p. 2674) for the implementation of Act No. 38 of 31 May 1966 to institute a special social security scheme for agricultural workers (*ibid.*, 2 June 1966, No. 131, p. 6906) (*L.S.* 1966—Spain 1).

The above-mentioned Regulations entitle agricultural and stock-breeding workers, on the same terms and to the same extent as under the general scheme, to medical and cash benefit in the event of ordinary sickness or a non-industrial accident.

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
Barbados	8. 5. 1967	Luxembourg	3. 3. 1958
Belgium	11. 8. 1937	Malagasy Republic	1. 11. 1960
Bolivia	19. 7. 1954	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

CONGO (BRAZZAVILLE)

Decree No. 434 of 30 December 1964 to establish the wage areas, minimum national wages and minimum wage grades which are not regulated by collective agreements.

CONGO (KINSHASA)

Labour Code, Legislative Ordinance No. 310 of 9 August 1967 (*Moniteur congolais*, 15 Aug. 1967, No. 16).

Ordinance No. 442 *bis* of 1 October 1967 to issue regulations on inter-occupational minimum wages and minimum family allowances.

The Labour Code has established, under the Ministry of Labour and Social Welfare, a National Labour Council which includes an equal number of government, employers' and workers' representatives.

Laws and regulations adopted in respect of inter-occupational minimum wages are communicated to the occupational organisations, published in the Official Gazette and publicised through the radio and the press.

LEBANON (First Report)

Act of 17 May 1961 to modify the minimum remuneration of wage earners and salaried employees (*Al-jarida al-rasmija*, 17 May 1961, No. 22).

Act No. 12 of 17 February 1965 to establish a minimum living rate for salaried employees and wage earners, together with a scale of increases linked to rises in the cost of living (*ibid.*, 10 Feb. 1965, No. 14).

Act No. 36 of 16 May 1967 to establish minimum remuneration for salaried employees and wage earners as well as a cost of living allowance (*ibid.*, 18 May 1967, No. 40).

Decree No. 3933 of 23 February 1966 to establish an Arbitration Committee for the settlement of disputes arising out of the implementation of the minimum remuneration legislation (*ibid.*, 7 Mar. 1966, No. 19).

See also under Convention No. 14.

The above-mentioned Acts respecting minimum remuneration were promulgated only after consultation of employers' and workers' representatives. The minimum rate of remuneration is the same for all categories of workers.

Supervision of the implementation of the legislation relating to minimum remuneration is ensured by the labour inspectors and by the Arbitration Committee, whose powers and procedures were established by Decree No. 3933 of 23 February 1966.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Countries	Ratification registered on
Albania	25. 6. 1957
Algeria	19. 10. 1962
Argentina	14. 3. 1950
Australia	2. 1. 1932
Austria	7. 6. 1960
Barbados	8. 5. 1967
Belgium	20. 1. 1944
Brazil	25. 4. 1957
Bulgaria	22. 9. 1932
Burma	4. 3. 1955
Burundi	11. 3. 1963
Byelorussia	21. 8. 1956
Cameroon:	
Eastern Cameroon	7. 6. 1960
Western Cameroon	3. 9. 1962
Central African Republic	27. 10. 1960
Ceylon	5. 4. 1950
Chad	10. 11. 1960
Chile	31. 5. 1933
Congo (Brazzaville)	10. 11. 1960
Congo (Kinshasa)	20. 9. 1960
Costa Rica	2. 6. 1960
Cuba	20. 7. 1953
Cyprus	23. 9. 1960
Czechoslovakia	30. 10. 1957
Dahomey	12. 12. 1960
Denmark	11. 2. 1932
Dominican Republic	5. 12. 1956
Ecuador	6. 7. 1954
Finland	13. 1. 1936
France	24. 6. 1937
Gabon	14. 10. 1960
Federal Republic of Germany	13. 6. 1956
Ghana	20. 5. 1957
Greece	13. 6. 1952
Guinea	21. 1. 1959
Guyana	8. 6. 1966
Haiti	4. 3. 1958
Honduras	21. 2. 1957
Hungary	8. 6. 1956
Iceland	17. 2. 1958
India	30. 11. 1954
Indonesia	12. 6. 1950
Iran	10. 6. 1957
Iraq	27. 11. 1962
Ireland	2. 3. 1931
Israel	7. 6. 1955
Italy	18. 6. 1934
Ivory Coast	21. 11. 1960
Jamaica	26. 12. 1962
Japan	21. 11. 1932
Jordan	6. 6. 1966
Kenya	13. 1. 1964

Countries	Ratification registered on
Laos	23. 1. 1964
Lesotho	31. 10. 1966
Liberia	1. 5. 1931
Libya	13. 6. 1961
Luxembourg	24. 7. 1964
Malagasy Republic	1. 11. 1960
Malaysia:	
States of Malaya	11. 11. 1957
Sabah, Sarawak	3. 3. 1964
Mali	22. 9. 1960
Malta	4. 1. 1965
Mauritania	20. 6. 1961
Mexico	12. 5. 1934
Morocco	20. 5. 1957
Netherlands	31. 3. 1933
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Niger	27. 2. 1961
Nigeria	17. 10. 1960
Norway	1. 7. 1932
Pakistan	23. 12. 1957
Panama	16. 5. 1966
Paraguay	28. 8. 1967
Peru	1. 2. 1960
Poland	30. 7. 1958
Portugal	26. 6. 1956
Rumania	28. 5. 1957
Senegal	4. 11. 1960
Sierra Leone	13. 6. 1961
Singapore	25. 10. 1965
Somalia	18. 11. 1960
Spain	29. 8. 1932
Sudan	18. 6. 1957
Sweden	22. 12. 1931
Switzerland	23. 5. 1940
Syrian Arab Republic	26. 7. 1960
Tanzania:	
Tanganyika	30. 1. 1962
Zanzibar	22. 6. 1964
Togo	7. 6. 1960
Trinidad and Tobago	24. 5. 1963
Tunisia	17. 12. 1962
Uganda	4. 6. 1963
Ukraine	10. 8. 1956
U.S.S.R.	23. 6. 1956
United Arab Republic	29. 11. 1955
United Kingdom	3. 6. 1931
Upper Volta	21. 11. 1960
Venezuela	20. 11. 1944
Viet-Nam	6. 6. 1953
Yugoslavia	4. 3. 1933
Zambia	2. 12. 1964

AUSTRIA

In reply to a direct request made by the Committee of Experts, the Government has stated that those penalties provided for under the Vagrants Act which do not comply with the Convention will be abolished through the reform of the penal laws, the preparations for which have not yet been completed. The provisions of certain new municipal regulations under which compulsory work is permitted only apply in exceptional circumstances.

BULGARIA

In reply to an observation and a direct request made by the Committee of Experts, the Government has stated that the voluntary nature of work performed under the Act of 6 February 1958 and under the ordinance of 14 February 1961 respecting self-taxation of the population results not only from the free decision of the general meeting held on the question of self-taxation but also from the free choice by the persons concerned as to whether actually to participate in the work or to pay an equivalent sum of money. Such payment cannot be considered a penalty within the meaning of Article 2, paragraph 1, of the Convention.

The Government is still considering the observations made by the Committee of Experts on section 1 (a) of Decree No. 325 of 4 August 1962 for the strengthening of action against persons evading socially useful work; as for section 1 (b) of the decree, the measures prescribed are decided upon by the people's courts through regular judicial proceedings which result in a conviction, and thus come within the scope of the exception provided for in Article 2, paragraph 2 (c), of the Convention.

BURMA

In reply to previous direct requests made by the Committee of Experts, the Government has stated that forced labour has not been used for public purposes; consideration will be given in the adoption of new laws to the inclusion of provisions prohibiting forced or compulsory labour. The authorities no longer exercise the powers of requisition vested in them by section 11 (d) of the Village Act and section 9 of the Towns Act, which will soon be repealed.

BYELORUSSIA

In reply to a direct request made by the Committee of Experts, the Government has stated that collective and state farms and other organisations participate in the construction and maintenance of local highways by means of direct or indirect labour, to the extent needed for them to be able to use such local highways. Where appropriate, they may conclude an agreement with the highway administration.

CAMEROON

See under Convention No. 16.

CONGO (KINSHASA)

Labour Code, Legislative Ordinance No. 310 of 9 August 1967 (*Moniteur congolais*, 15 Aug. 1967, No. 16).

Section 2 of the Labour Code prohibits forced or compulsory labour absolutely, subject to exceptions for compulsory military service, work in emergencies, convict labour, and any work or service which forms part of the civic obligations laid down by law in the public interest, or which the community has imposed upon itself

voluntarily and which may be employed only for public purposes as an exceptional and provisional measure by virtue of a presidential ordinance.

COSTA RICA

In reply to a direct request made by the Committee of Experts, the Government has stated that work exacted by virtue of the Vagrancy Act, No. 3550 of 2 October 1965, falls within the terms of the exception provided for in Article 2, paragraph 2 (c), of the Convention, since it is imposed by judicial sentence and is performed under the strict supervision of the authorities. The Act aims at social readaptation, and all situations deriving from unemployment and underemployment are included within its scope by virtue of section 2 (a).

CZECHOSLOVAKIA

Government Ordinance No. 38 of 29 March 1967 respecting the placement of persons completing their studies at universities, technical and secondary schools (*Sbírka Zákonů*, 26 Apr. 1967, No. 15, Text 38).

Notification No. 55 of 1967 to establish basic production targets for agriculture.

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

In the event of the transfer of workers under sections 37 and 38 of the Labour Code, the workers are free to give notice in all the cases provided for in section 37 (1) of the Code and also where a transfer to other work or to another locality has been consented to by the trade union works committee in accordance with section 41.

The collective agreements provided for in section 34 of the Labour Code may be concluded only in respect of those workers who freely request them.

Under the above-mentioned government ordinance placement on completion of studies or vocational training is carried out by mutual agreement between the persons concerned and the occupational organisations, and the termination of an employment relationship is governed by the general provisions of the Labour Code.

According to the new system of planning of agricultural production no obligatory agricultural production targets are fixed for agricultural undertakings by the central administration or by the higher economic authorities.

DAHOMÉY

In reply to direct requests made by the Committee of Experts with regard to Decree No. 239 of 1 June 1962 concerning collective village fields, the Government has stated that such fields are no longer organised.

FEDERAL REPUBLIC OF GERMANY

In reply to a direct request made by the Committee of Experts, the Government has stated that the preparatory work on a new Act respecting the carrying out of penalties has not yet been completed. An advisory committee was due to be convened in autumn 1967 but its work was expected to take a considerable amount of time.

GHANA

Labour Decree, National Liberation Council Decree No. 157 of 10 April 1967.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Preventive Detention Act, 1964, has been repealed by a decree of 1966.

GUYANA

Constitution of 26 May 1966.

Chapter 11, article 6, of the Constitution prohibits forced labour.

INDIA

Assam Act, No. IV of 1960, to amend the Assam Panchayat Act, 1959.

Madhya Pradesh Panchayats Act, 1962, to amend the Central Provinces Berar Panchayats Act, 1946

Andhra Pradesh Gram Panchayats Act, 1964, to amend the Hyderabad Gram Panchayat Act, 1956.

Mysore Irrigation Act, 1965.

Nagaland (Requisition of Porters) Act, No. 7 of 1965.

Tripura Tribal Inhabitants (House Tax) Act, No. 7 of 1965.

Orissa Gram Panchayat (Second Amendment) Act, 1967, to amend the Orissa Gram Panchayat Act, 1964.

In reply to an observation and a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

The Tripura Ghar Chuktikar Ain 1329 TE has been replaced by the Tripura Tribal Inhabitants (House Tax) Act, 1965. Section 69 of the Orissa Gram Panchayat Act, 1964, has been repealed.

As a result of the general review undertaken in pursuance of observations made by the Committee of Experts in 1960, four out of five state Panchayat Acts which authorised mobilisation of labour by Panchayats have been amended and no longer permit utilisation of such labour. The remaining Punjab Gram Panchayat Act, 1952, provides only for the obligation to pay a special tax in cash, which may be discharged by labour. No use has been made of the enabling provisions of the State Panchayat, Irrigation and Compulsory Labour Acts. The mobilisation of labour permitted under these Acts would not amount to forced or compulsory labour in view of the exceptions provided for in Article 2, paragraph 2 (b), (d) and (e), of the Convention.

LESOTHO

Employment Act, No. 22 of 1967 (*Government Gazette*, 28 July 1967, Supplement No. 20, p. 399).

In reply to a direct request made by the Committee of Experts, the Government has stated that the compulsory messenger service referred to in section 79 of the Employment Act is no longer allowed under current practice.

MOROCCO

In reply to a direct request made by the Committee of Experts, the Government has stated that a Royal Decree of 11 December 1965 modified the dahir of 2 January 1940 and abrogated the dahir of 24 June 1942, eliminating the obligation to work previously applicable to detainees.

NETHERLANDS

In reply to a direct request made by the Committee of Experts, the Government has stated that the abrogation of the Extraordinary Decree of 1945 respecting employment relationships (section 6 of which makes the termination of an employment relationship by an employee subject to certain conditions) is under consideration.

The texts of by-laws issued under sections 226 and 227 of the Communes Act, providing for personal services, must be communicated to the Standing Committee of

the Provincial States, and this guarantees observance of Article 9 of the Convention. Section 276 of the Communes Act, which concerns work exacted as a form of taxation, is no longer in force except in three communes. The Communes Act is undergoing revision, and sections 226, 227 and 276 may be amended.

NIGER

Act No. 5 of 11 February 1967 (*Journal officiel*, 2 Mar. 1967).

The above-mentioned Act has amended Act No. 10 of 16 March 1962 respecting the organisation of the recruitment of the national armed forces by deleting a provision which permitted recruits to be employed on work of national interest or in the operation of undertakings of national interest.

NORWAY

In reply to an observation made by the Committee of Experts in 1966 concerning compulsory service for dentists, the Government has stated that the authorities are still trying to find solutions to the problem of the lack of dentists and to ensure a more satisfactory distribution of dentists in the various regions of the country. Dentist training facilities have been increased by nearly 150 per cent. and the first enlarged groups of students resulting from this expansion have already begun their studies. A further increase in the number of student places is being planned.

RUMANIA

Decree No. 922 of 15 December 1965 respecting a voluntary contribution to the carrying out of public works (*Buletinul Oficial*, 15 Dec. 1965, No. 17).

Decision No. 1793 of 17 December 1965 of the Council of Ministers to establish regulations for a voluntary cash contribution by inhabitants to the carrying out of public works (*ibid.*, 19 Dec. 1965, No. 19).

In reply to a direct request made by the Committee of Experts, the Government has stated that the above-mentioned texts govern the cash or labour contribution to the carrying out of communal services, as provided for in Article 2, paragraph 2 (*e*), of the Convention, which the inhabitants of rural areas may freely decide upon in the people's assemblies.

SINGAPORE

In reply to a direct request made by the Committee of Experts concerning the compulsory national service authorised pursuant to the Constitution, the Government has referred to the provisions of the National Service Ordinance, 1952, respecting service in the armed forces.

SUDAN

In reply to a direct request made by the Committee of Experts, the Government has stated that it is taking intensive measures to abolish forced labour by the expansion of local government services and by encouraging and aiding voluntary community development work.

SWITZERLAND

In reply to a direct request made by the Committee of Experts, the Government has provided the texts of the cantonal legislation permitting administrative internment. The Government considers that the procedures followed guarantee the

individual fully against arbitrary treatment by providing, *inter alia*, for possibilities of appeal to the administrative or judicial authorities; and it maintains that, even if the cantonal laws seem to depart from the letter of the Convention, they are in conformity with its spirit.

U.S.S.R.

In reply to a direct request made by the Committee of Experts, the Government has stated that sections 1 and 3 of the order of 9 March 1955 of the Council of Ministers of the U.S.S.R. respecting agricultural planning have been repealed and that, under the order of 20 March 1964 of the Council of Ministers of the U.S.S.R., collective farms are to plan their production themselves, proceeding from the need to fulfil the state plan for purchases of farm products.

ZAMBIA

Local Government Act, No. 69 of 1965.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Local Government Act has repealed the Native Authority Ordinance and the Barotse Native Authority Ordinance, which provided for compulsory cultivation and the exaction of labour for the conservation or improvement of natural resources.

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.

HAITI

See under Convention No. 1.

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

This Convention came into force on 6 June 1935

Countries	Ratification registered on
Argentina	14. 3. 1950
Austria	26. 2. 1936
Belgium	6. 6. 1934
Cameroon (Eastern Cameroon)	7. 6. 1960
Central African Republic	27. 10. 1960
Chad	10. 11. 1960
Congo (Brazzaville)	10. 11. 1960
Cuba ¹	24. 2. 1936
Dahomey	12. 12. 1960
France	29. 4. 1939
Gabon	14. 10. 1960
Guinea	21. 1. 1959
Ivory Coast	21. 11. 1960

Countries	Ratification registered on
Malagasy Republic	1. 11. 1960
Mali	22. 9. 1960
Mauritania	20. 6. 1961
Netherlands	12. 7. 1935
Niger	27. 2. 1961
Senegal	4. 11. 1960
Spain	22. 6. 1934
Togo	7. 6. 1960
Upper Volta	21. 11. 1960
Uruguay ¹	6. 6. 1933

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

GUINEA

In reply to a direct request made by the Committee of Experts, the Government has stated that, as regards enforcement of minimum age provisions, no distinction is made between industrial and non-industrial work. Hence nothing special has been done to differentiate between the employment of children in industrial undertakings and their employment in undertakings of a non-industrial kind.

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.

MEXICO

Article 4, clause (c), of the Convention. In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that, although employment agencies may place workers abroad with the permission of the competent authorities, in practice no agency has done so. No international agreement, as envisaged in this Article, has been concluded.

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

This Convention came into force on 18 July 1937

Countries	Ratification registered on
Argentina	17. 2. 1955
Bulgaria	29. 12. 1949
Chile	18. 10. 1935
Czechoslovakia	1. 7. 1949
Ecuador	5. 2. 1962
France	23. 8. 1939

Countries	Ratification registered on
Italy	22. 10. 1947
Malta	4. 1. 1965
Peru	8. 11. 1945
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

CZECHOSLOVAKIA

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

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

Government Notification of 1964 respecting the classification of employment in categories I and II for purposes of social security (*S.Z.*, 16 June 1964, No. 46, Text 107).

Notification of 8 June 1964 of the State Social Security Office respecting the powers and duties of the people's committees in the matter of social security (*S.Z.*, 16 June 1964, No. 46, Text 108).

Government Notification of 20 July 1966 respecting the exceptional award of pensions to beneficiaries who remain in employment (*S.Z.*, 28 July 1966, No. 22, Text 60).

Article 2 of the Convention. All manual and non-manual workers, domestic workers and apprentices are covered by the social security scheme, irrespective of whether they are employed in industrial or agricultural undertakings or in the liberal professions or as domestic workers. The scheme does not apply to casual workers whose monthly remuneration does not exceed 120 crowns.

Article 3. Acquired rights to an old-age pension are automatically maintained for five years. Where an interruption of employment has lasted for more than five years, account is not taken of the period of employment prior to the interruption unless the subsequent employment has lasted for at least three years. However, where employment has been interrupted for a valid reason, pension entitlements are treated as if the employee had not relinquished his employment.

Article 4. The age of retirement is 60 years (or 55 years for those whose employment is classified in category I) for men. For women the age of retirement varies from 53 to 57 years, according to the number of children brought up by them.

Article 5. The right to an old-age pension is subject to the completion of at least 25 years of contributions (or of at least 20 years for those whose employment is classified in category I).

Article 7. The basic pension rate is fixed at 60 per cent. of average monthly earnings for those whose employment is classified in category I, at 55 per cent. for those whose employment is classified in category II and at 50 per cent. in all other cases. The full old-age pension is in no case less than 400 crowns a month.

Article 9. The social security scheme does not require contributions from either employers or employees. Social security expenses are paid from the state budget.

Article 10. The scheme is administered by the people's committees and by the State Social Security Office.

In reply to direct requests made by the Committee of Experts in 1965 and 1967, the Government has indicated that Act No. 40 of 1958, providing for the possibility of withholding benefits from persons condemned for any offence directed against the State, the national economy or socialist property, was repealed by Act No. 59 of 1965. Government Notification No. 120 of 1964 respecting the withholding of benefits from certain persons, issued in pursuance of section 141 of Act No. 101 of 1964, was also repealed. The Government has indicated that section 141 of Act No. 101 of 1964 will be repealed in the near future.

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

CZECHOSLOVAKIA

See under Convention No. 35.

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		

CZECHOSLOVAKIA

See under Convention No. 35.

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

CZECHOSLOVAKIA

See under Convention No. 35.

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		

CZECHOSLOVAKIA

See under Convention No. 35.

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Peru	1. 2. 1960
Czechoslovakia	1. 7. 1949	Poland	29. 9. 1948
Italy	22. 10. 1952	United Kingdom	18. 7. 1936

CZECHOSLOVAKIA

See under Convention No. 35.

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.

CEYLON

In reply to a direct request made by the Committee of Experts concerning the denunciation of the Convention, the Government has stated that it has ratified Convention No. 89.

HUNGARY

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

Night workers represent not more than 7 per cent. of the total economically active population and include only 2 per cent. of all women workers.

Thanks to the efforts made by the Government, women working a 48-hour week do night work for 16 weeks in the year only, while those working a continuous 40-hour system work a night shift during 12 weeks a year only.

In law and in practice the position is that, in the limited field where women are employed in night work, this does not in general involve a risk to their health, in view of the preliminary and periodical medical examinations to which they are subjected. If, in exceptional cases, a danger exists, the employer must take steps to eliminate it.

From 1968 onwards, the working week is gradually to be reduced in industry and later in other branches of the economy. This will further improve the situation for women engaged in night work.

IRAQ

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

The Labour Bill will be passed shortly.

In view of the fact that Regulation No. 4 of 1961 respecting the employment of women, young persons and minors strictly prohibits the employment of women at night on work of any kind (section 2, subsection (b)), and since split shift work is carried out partly at night, the employment of women on such work is prohibited.

NIGER

See under Convention No. 4.

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
Barbados	8. 5. 1967	Luxembourg	3. 3. 1958
Belgium	3. 8. 1949	Malta	4. 1. 1965
Bolivia	19. 7. 1954	Mexico	20. 5. 1937
Brazil	8. 6. 1936	Morocco	20. 5. 1957
Bulgaria	29. 12. 1949	Netherlands ¹	1. 9. 1939
Burma	17. 5. 1957	New Zealand	29. 3. 1938
Burundi	11. 3. 1963	Norway	21. 5. 1935
Congo (Kinshasa) ¹	20. 9. 1960	Panama	16. 2. 1959
Cuba	22. 10. 1936	Poland	29. 9. 1948
Czechoslovakia	1. 7. 1949	Rwanda	18. 9. 1962
Denmark	22. 6. 1939	Republic of South Africa	26. 2. 1952
Finland	20. 1. 1950	Spain	24. 6. 1958
France	17. 5. 1948	Sweden	24. 2. 1937
Federal Republic of Germany	17. 6. 1955	Turkey	27. 12. 1946
Greece	13. 6. 1952	United Kingdom	29. 4. 1936
Guyana	8. 6. 1966	Uruguay	18. 3. 1954
Haiti	19. 4. 1955		
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.

BELGIUM

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

A draft Royal Order listing industries, occupations or types of undertakings in which those incapacitated by illness are presumed, unless the contrary is proved, to have been exposed to the risk of the disease in question has been drawn up under section 29 of the Act of 24 December 1963 by the Technical Advisory Board of the Occupational Diseases Fund, and the examination which the draft is now undergoing is likely to result in the objections of the Committee of Experts being met.

With regard to primary epitheliomatous cancer of the skin caused by the substances listed in the Convention, this point will be included in the agenda of a future session of the above-mentioned Technical Advisory Board, although the new proposed extension of the list of recognised occupational diseases would seem to provide protection against the risks envisaged by the Convention.

BOLIVIA

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

In order to bring national legislation into line with the Convention, anthrax infection will shortly be included in the list of occupational diseases.

This list includes, *inter alia*, diseases due to poisoning by lead, mercury, phosphorus, arsenic, benzene or its homologues, their nitro- and amido-derivatives, halogen derivatives of the aliphatic hydrocarbons, pathological manifestations due to radium and radio-active substances or X-rays and silicosis with or without pulmonary tuberculosis.

CONGO (KINSHASA)

Ordinance No. 370 of 9 June 1966 to issue a list of occupational diseases for the purposes of the social security scheme (*Moniteur congolais*, 1 Aug. 1966, No. 14, p. 524).

The Government has stated that the above-mentioned ordinance was adopted in order to comply with observations made by the Committee of Experts.

CUBA

In reply to a direct request made by the Committee of Experts in 1966, the Government has repeated the information contained in its previous report and has stated that it has taken note of the Committee's request with a view to its study and proper consideration.

CZECHOSLOVAKIA

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

Diseases by lead are included in item 1 of the list of occupational diseases appended to Notification No. 102 of 1964. As far as alloys of lead are concerned, the Government considers that item 1 likewise covers these substances, as lead in its pure form is also contained in alloys. Item 4 includes diseases caused by mercury and its amalgams. Chronic poisoning is covered by the words "diseases caused by". Acute poisoning is treated as an employment injury according to the note which appears at the end of the list.

As regards anthrax infection, this will be taken into consideration when the above-mentioned notification is next revised, with a view to bringing the list of recognised occupational diseases formally into line with the provisions of the Convention.

FINLAND

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that the legislation on occupational diseases currently in force is under revision and it is proposed that the new provisions should enter into force at the beginning of 1968. The next report will describe the new legislation and contain the statistical data asked for by the Committee.

FRANCE

Decree No. 127 of 14 February 1967 (*Journal officiel*, 18 Feb. 1967, No. 42, p. 1758) to revise and supplement the schedules of occupational diseases appended to Decree No. 2959 of 31 December 1946.

Various other laws and regulations.

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

As regards the restrictive nature of the list of pathological symptoms appearing in the schedules of occupational diseases, it is recalled that these schedules do not enumerate all symptoms of the diseases included therein. Hence they cannot be so rigidly interpreted as to make it impossible for a practitioner to take into account

individual symptoms and pathological consequences of a disease identified as being one of the occupational diseases covered.

The fact remains that the list of diseases considered as distinct entities is limitative in each schedule. The Government is grateful to the Committee for the attempts it has made to find some way whereby the schedules might, in its view, be brought into line with the Convention. However, the Government does not feel that the adjustments proposed are compatible with the basic principles of the national legislation as implemented by the schedules of occupational diseases.

Although the Government remains convinced that the Convention is adequately applied through the French system of compensation for occupational diseases, it will not fail to continue its examination of the remarks and proposals made by the Committee.

It had intended to give satisfaction to the Committee of Experts through the adoption of the above-mentioned decree, which amends the schedule relating to anthrax infection in such a way that, in the definition of work involving exposure to risk, it incorporates the following wording contained in the schedule to Convention No. 121: "Loading and unloading or transport of merchandise which may have been contaminated by animals or animal carcasses infected with anthrax."

As regards the other points which were the subject of observations by the Committee, the Government confirms that it intends to submit proposals for the amendment and extension of the schedules to the Industrial Health Committee. The competent technical services are actively pursuing their studies of relevant information with this end in view.

FEDERAL REPUBLIC OF GERMANY

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

Compensation for all occupational diseases other than infectious ones is granted without regard for the nature of the undertaking in which the person concerned contracted the disease. An insured person is in no circumstances required to prove that he was exposed to the risk of contracting an occupational disease. It is for the insurance carrier to adduce such proof. Hence workers' protection is guaranteed to the same extent as if their individual trade or occupation appeared in the official list of activities giving rise to occupational diseases, and compensation is also awarded to insured persons who have not engaged in any of the activities listed.

The notices published by the Federal Ministry of Labour and Social Affairs in connection with occupational diseases mention the activities which are liable to give rise to them, which makes it easier to prove their occupational origin.

GUYANA

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

In 1965 a special committee was appointed to ascertain the existing and probable occupational hazards likely to arise from industrialisation. When that committee has completed its report, consideration will be given to the desirability of making appropriate additions to the list of prescribed diseases, in relation to trades, industries and processes.

INDIA

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

The Model Workmen's Compensation (Occupational Diseases) Rules, 1961, define pneumoconiosis as "silicosis, or coalminer's pneumoconiosis or abestosis, or bagassosis, or any of these diseases accompanied by pulmonary tuberculosis".

With regard to the uniform qualifying period of 24 months provided for by section 10 (1) of the Workmen's Compensation Act, under the third proviso of this section, in the case of a workman who develops symptoms of an occupational disease after he has left his employment, the limitation period of two years for filing a claim begins from the date on which the symptoms were first detected. If the symptoms are not detected within a period of two years, it is very difficult for him to prove that he contracted the disease while in the employment of a particular employer and that the disease arose out of his employment.

The number of occupational diseases for which compensation has been granted, other than silicosis and pneumoconiosis, are very few and no cases of hardship have been brought to the notice of the Government. While rigid time limits may cause difficulties, generous extension of limits can also be abused by claimants, and dubious claims have been known to be preferred, especially in times of unemployment. It is therefore necessary to exercise considerable administrative discretion in the matter of implementing the statutory provisions.

IRAQ

Regulation No. 5 of 29 January 1966 respecting insured employment (*Al-Waqay'i'u al'Iraqiya*, 28 Feb. 1966, No. 1237).

In reply to a request made by the Committee of Experts, the Government has stated that the Social Security Law, No. 140 of 1964, covers occupational diseases which are regarded as industrial accidents, and that this branch of social security has been recognised through the above-mentioned Regulation.

The Social Security Law has also been extended to undertakings employing 30 workers or more in the departments (Liwas) of Baghdad, Basra, Mosul, Al Hillah and Kirkuk.

Other cases of compensation come within the scope of the Labour Law, No. 1 of 1958.

IRELAND

Social Welfare (Occupational Injuries) Act, No. 16 of 16 July 1966.

Social Welfare (Occupational Injuries) (Prescribed Diseases) Regulations, 1967 (*Statutory Instruments*, 1967, No. 78).

In reply to a direct request made by the Committee of Experts, the Government has stated that the above-mentioned legislation, which extends the system of insurance established by the Social Welfare Act, 1952, to occupational accidents and diseases, has been adopted.

Article 1 of the Convention. Under section 23 of the Act of 1966 occupational diseases are compensated under the same conditions and at the same rate as occupational accidents.

Article 2. The occupational diseases and injuries covered are set out in section 4 of the Act and in the schedule to the 1967 regulations. The diseases enumerated in the schedule to Article 2 of the Convention are thus covered.

MALTA

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

The observations made with regard to some items in the list of occupational diseases were studied by the Government. As a result, the Seventh Schedule to the

National Insurance Act, listing occupational diseases or industrial injuries, is being replaced by a new schedule which has a much wider coverage. A copy of the text of the amending Act will be supplied as soon as the Act has been promulgated.

MOROCCO

In reply to an observation made by the Committee of Experts, the Government has stated that, in connection with the changes envisaged to take account of the views expressed by the Committee, it was considered that it would be useful to undertake a general review of the schedules of occupational diseases. As a result, new texts have been drafted and will be promulgated shortly.

NEW ZEALAND

Employers' Liability Insurance Regulations, 1962, Amendments Nos. 5 and 6 (*Statutory Regulations*, 1966, No. 18, and 1967, No. 38).

Workers' Compensation Order, 1963, Amendment No. 2 (*ibid.*, 1967).

In reply to the observations made by the Committee of Experts in previous years concerning the presumption of occupational origin of the diseases listed in Article 2 of the Convention, the Government has stated that a general review of the workers' compensation system is at present being undertaken by a Royal Commission. Due to the complexity of the issues involved, the report of the Commission to the Government will not be available for some time.

RWANDA

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

Pending the review of the schedule of occupational diseases in force before adoption of the Act of 15 November 1962, which is still valid, it is pointed out that this schedule does not differ greatly from that of Article 2 of the Convention. However, a draft order supplementing the schedule will shortly be adopted. It has already been drafted and is to be considered by a special committee.

SPAIN

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

The list of diseases caused by benzene, its homologues and their nitro- and amido-derivatives, as well as the list of corresponding trades, industries or processes, are for guidance only and are not exhaustive.

With regard to anthrax infection, the "loading, unloading or transport of merchandise" is not included in the list of activities involving exposure to this risk since in such cases the worker is protected by the Occupational Accidents Scheme and has only to prove that his disease results from his work. Nevertheless, the Government has noted the observation made by the Committee of Experts and will take it into consideration when drawing up provisions and implementation measures in respect of occupational diseases and accidents.

SWEDEN

See under Convention No. 17.

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.

URUGUAY

Decree of 5 October 1967.

In reply to a request made by the Committee of Experts, the Government has drawn attention to the promulgation of the above-mentioned decree. In its preamble the principle of immediate implementation is reaffirmed and it lays down the necessary measures to ensure its enforcement.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

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

BULGARIA

Decision No. 3 of 20 January 1967 of the Council of Ministers to settle certain questions respecting the effective use of manpower resources (*D'rzaven Vestnik*, 27 Jan. 1967, No. 8, p. 1).

Ordinance of 28 February 1967 (*ibid.*, 7 Apr. 1967, No. 28, p. 3) for the implementation of Decision No. 3 of 20 January 1967.

CYPRUS (First Report)

Social Insurance Law, No. 2 of 1964 (*Episemos Ephemeris (E.E.)*, 6 Apr. 1964, No. 307, First Supplement, Part I, p. 189) (*L.S. 1964—Cyp. 1*), as amended by the Social Insurance (Amendment) Law, No. 3 of 1966 (*E.E.*, 3 Feb. 1966, No. 474, First Supplement, Part I, p. 303).

Article 1 of the Convention. The national scheme is a compulsory insurance scheme providing for equal contributions by employers, employed persons and the State. Unemployment benefit is payable at a fixed amount which varies with the number of dependants.

Article 2. The above-mentioned Law covers all workers employed in the national territory under any contract of service or apprenticeship, as well as the crews of Cypriot ships, sea fishermen and agricultural workers. Some exceptions are made in respect of members of foreign armed forces, staff engaged in the diplomatic service of foreign governments, part-time workers and family workers. Unemployment benefit is not payable to a married woman who is not a family breadwinner, or to persons aged over 65 years or under 16 years.

Article 3. Unemployment benefit is payable for any day of unemployment with the exception of the first three days of any period of unemployment. Any three days of interruption of employment within six consecutive days are treated as a period of interruption of employment, and any two such periods separated by 13 weeks or less are treated as one period of interruption of employment.

Article 4, clause (a). A person must prove that he is unemployed as well as capable of and available for work.

Clause (b). An unemployed person must deliver his insurance card to the employment exchange where he must present himself on every working day.

Clause (c). See under Article 6.

Article 5. Persons under 16 years of age and persons over 65 years of age, married women who are not family breadwinners and widows receiving a widow's pension are not entitled to unemployment benefit.

Article 6. The qualifying period for entitlement to unemployment benefit is at least 26 weeks of paid contributions during the current year and at least 50 weeks of contributions paid or credited during the preceding year. Credits are awarded to new entrants who have completed 26 weeks of employment.

Articles 7 and 11. Unemployment benefit is payable for a number of days equal to the number of weeks of contributions and for up to a maximum of 156 days. A person who exhausts his right to benefit shall requalify after 13 weekly contributions.

Article 8. This condition is not provided for in the legislation.

Article 9. There is no specific mention of relief work organised by the public authorities.

Article 10, paragraph 1. A claimant is disqualified from receiving unemployment benefit for any period not exceeding six weeks if he refuses an offer of suitable employment. A situation vacant due to stoppage of work, and any situation in the usual occupation but with less favourable remuneration and conditions, is not deemed to be suitable. After a reasonable time has elapsed from the date of unemployment, employment shall not be deemed to be unsuitable by reason only that it is not in the usual occupation, if the rate of remuneration and the conditions are not less favourable than those generally observed or recognised.

Paragraph 2. If employment is lost through misconduct, or because of failure to accept a job opportunity, no benefit is paid for six weeks. Unemployment benefit is not payable in respect of stoppage of work due to a trade dispute, except where the person concerned has become bona fide employed elsewhere during the stoppage or has proved that he did not directly participate in the trade dispute.

Paragraph 3. A person shall not be deemed to be unemployed if he receives compensation for loss of remuneration substantially equivalent to the remuneration which he would have received if his employment had not come to an end.

Article 12. Unemployment benefit is payable irrespective of the needs of the claimant.

Article 13. The legislation provides only for cash benefits.

Article 14. All claims are submitted to specially appointed insurance officers who make decisions on them. If the claimant is dissatisfied with a decision, the insurance officer will notify him of the reasons therefor and of his rights of appeal to the competent court.

Article 15. A person is disqualified from receiving unemployment benefit for any period during which he is absent from the national territory.

Article 16. Equality of treatment is guaranteed to foreign nationals.

The unemployment insurance scheme is administered by the Ministry of Labour and Social Insurance. The insurance fund out of which unemployment benefit is payable is administered independently of other public funds.

CZECHOSLOVAKIA

In reply to observations made by the Committee of Experts, the Government has stated that it is preparing, under section 26, subsection 2, of the new Labour Code, provisions which will guarantee the material security of citizens before they are employed and which will facilitate their placement.

FRANCE

Decree No. 583 of 13 July 1965 (*Journal officiel*, 17 July 1965, No. 163, p. 6196) to amend Decree No. 319 of 12 March 1951 to prescribe conditions for the payment of unemployment allowances.

Codicils to amend the regulations made under the Agreement of 31 December 1958 to set up a national inter-occupational scheme of special allowances for unemployed workers in industry and commerce, approved by Order of the Minister of Labour of 7 February 1966 (*ibid.*, 22 Feb. 1966, No. 44, p. 1521).

Decree of 30 December 1966 respecting an increase in the rate of state unemployment allowances.

Article 1 of the Convention. The rate of state unemployment allowances has been increased by the decree of 30 December 1966.

Article 2. The decree of 13 July 1965 extends entitlement to the main unemployment allowances to unemployed women whose husbands work and to young persons over 18 years of age living in the same house as their parents or guardians. Previously these persons could only receive the "increase for dependants".

Article 3. The decree of 13 July 1965 provides for the payment of partial unemployment allowances in certain circumstances to workers who usually have several employers.

Article 7. The waiting period has been abolished.

Article 10. In order to qualify for the allowances the claimant must not have left his employment voluntarily without just cause. However, after favourable consideration of the case by a joint committee, these allowances may be granted to a claimant who has voluntarily broken his contract after a period not exceeding six weeks has elapsed.

Article 11. The period of entitlement of unemployed workers in industry and commerce to the "special allowances" provided for under the agreement of 31 December 1958 has been increased from 360 to 365 working or non-working days. This period may be prolonged by 244 days for claimants over 50 years of age.

IRELAND

Social Welfare (Miscellaneous Provisions) Acts, Nos. 20 of 1965 and 24 of 19 July 1966.

Social Welfare (Overlapping Benefits) (Amendment No. 2) Regulations, 1965.

Social Welfare (Disability, Unemployment and Marriage Benefit) (Amendment No. 3) Regulations, 1965.

Article 1 of the Convention. There have been increases in the weekly rates of personal unemployment insurance and assistance benefit, as well as in the allowance for an adult dependant and for child dependants; there are also new scales of reduced personal unemployment benefit payable to persons who only partially satisfy the contribution conditions.

Following these increases, certain adjustments in the regulations relating to overlapping benefits have been effected.

The social insurance contribution rates have been increased twice: first as from 31 October 1966 and subsequently as from 31 May 1967.

Article 2. As from 31 October 1966 unemployment insurance was extended to women employed mainly in agriculture and in domestic service.

NORWAY

Act No. 4 of 28 May 1959 respecting unemployment insurance (*Norsk Lovtidend*, 15 June 1959, No. 23, p. 689) (*L.S.* 1959—Nor. 1), as amended by Acts of 17 June and 16 December 1966.

Royal Decree of 9 December 1966 respecting unemployment benefit for persons who have completed 50 years of age.

The above-mentioned Royal Decree provides for the granting of unemployment benefit for 40 weeks in the benefit year to persons who have completed 65 years of age and for 30 weeks in the benefit year to persons aged between 50 and 65 years. No reduction is made on account of daily allowances received in preceding benefit years.

PERU

In reply to an observation and requests made by the Committee of Experts, the Government has stated that the committee responsible for drafting the Labour Code has not yet finished its work and that it has therefore been impossible to alter the situation concerning the application of the Convention. The Government has also stated that the legislative provisions are not equivalent to the implementation of employment insurance and that their aim is rather to counteract the causes of unemployment and to reduce its effects.

SWITZERLAND

Federal Vocational Training Act of 20 September 1963 (*Recueil des lois fédérales (R.L.F.)*, 15 Apr. 1965, No. 16, p. 325) (*L.S.* 1965—Swi. 1 B) and Administrative Ordinance of 30 March 1965 (*R.L.F.*, 15 Apr. 1965, No. 16, p. 350) (*L.S.* 1965—Swi. 1 A).

Federal Act of 29 September 1966 (*Feuille fédérale*, 1966, Part II, p. 470) to amend the Unemployment Insurance Act with effect from 1 January 1967.

Order of 18 February 1966 of the Federal Council to amend the regulations made under the Federal Unemployment Insurance Act.

Ordinance No. 1 of 22 March 1967 of the Federal Department for the Public Economy respecting the employment service.

Circular No. 18 of 28 July 1967 of the Federal Office of Industry, Arts and Crafts, and Labour.

The above-mentioned ordinance of 1967 governs action by the public Employment Service to place foreign workers who do not possess a permanent residence permit in employment, and the above-mentioned circular, issued under the ordinance, deals with the coverage of foreign workers under the unemployment insurance scheme.

UNITED KINGDOM

National Insurance Act, 1965.

National Insurance Act, 1966.

Ministry of Social Security Act, 1966.

Article 1 of the Convention. A new scheme of earnings-related supplements payable with flat-rate unemployment (and sickness) benefit has been established.

Article 7. A waiting period of 12 complete days is required before the earnings-related supplement becomes payable.

Article 10, paragraph 3. A claimant cannot receive benefit for a period covered by wages in lieu of notice.

Article 11. Flat-rate unemployment benefit is payable for a standard period of 312 days (i.e. one year excluding Sundays) in all cases.

Article 14. As from July 1966 the Commissioner and Deputy Commissioners, who are the final appellate authorities on claims for national insurance benefit, were renamed the Chief National Insurance Commissioner and National Insurance Commissioners, respectively.

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Countries	Ratification registered on	Countries	Ratification registered on
Afghanistan	14. 5. 1937	Kenya	13. 1. 1964
Argentina	14. 3. 1950	Lebanon	26. 7. 1962
Australia	7. 10. 1953	Lesotho	31. 10. 1966
Austria	3. 7. 1937	Luxembourg	3. 3. 1958
Belgium	4. 8. 1937	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 ¹	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		
Japan	11. 6. 1956		

¹ Has denounced this Convention.

AUSTRALIA

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

In Queensland an exception can be made only after full investigation, with particular consideration for the provisions of Article 3 of the Convention.

During the period in question a single exception was authorised, in respect of a woman geologist.

GHANA

See under Convention No. 29.

The Labour Decree of 1967 repeals all previous relevant legislation.

Article 1 of the Convention. Section 47 of the decree covers mines, quarries, or other works for the extraction of minerals from the earth.

Article 2. Section 41 (1) gives effect to the provisions of this Article.

Article 3. Exemption is provided for under the national legislation.

GREECE

Order No. 82374/10419/D'3036 of 2 September 1966 governing work in mines and quarries (*Ephemeris tēs Kyvernesseos*, 9 Dec. 1966, Part II, No. 735, p. 5433).

In reply to a request made by the Committee of Experts, the Government has stated that the above-mentioned order sets forth the exceptions permitted to the prohibition of the employment of women in mines.

GUATEMALA

In reply to a direct request made by the Committee of Experts, the Government has stated that the Council of State has before it an amending Bill whereby, in pursuance of section 148 of the Labour Code, the prohibition of underground work would be made specifically applicable to women and children.

GUINEA (First Report)

Under sections 8 and 9 of a draft order governing the employment of women and children, women workers irrespective of their age cannot be employed on underground work in mines of any kind, with the exception of women holding positions of management, employed in health services or undergoing training, as well as women who may occasionally have to enter the underground parts of a mine.

Articles 2 and 3 of the Convention are applied by sections 8 and 9 of Chapter 2 of the draft order.

The application of the regulations concerning employment is entrusted to the Ministry of Labour and Social Legislation. Supervision of the application of such regulations is carried out by the labour inspectors.

GUYANA (First Report)

Mining Regulations of 5 August 1931 (*Official Gazette* (Extraordinary), 15 Sep. 1931, Vol. 72, No. 12, p. 825).

Article 1 of the Convention. The term "mine" is not defined in the regulations but it includes any undertaking, whether public or private, for the extraction of any substance from under the surface of the soil.

Article 2. Section 113 of the regulations stipulates that no female of any age shall be employed for hire in any capacity in connection with the working of a mine underground.

Article 3. No exemption has been authorised.

HUNGARY

Decree No. 4 of 21 October 1966 of the Minister of Labour to create adequate employment opportunities for women workers and to protect their health and safety (*Magyar Közlöny*, 21 Oct. 1966, No. 65, p. 603).

In reply to a direct request made by the Committee of Experts, the Government has stated that section 3, paragraph 2, of the above-mentioned decree stipulates that the exceptions provided for in that section concerning the employment of women in certain fields of activity shall not apply to underground work.

INDIA

Notification No. S.O. 3699 of 22 November 1965.

The above-mentioned notification, which annuls the preceding ones in this connection, provides for exemption from the provisions of section 46 of the 1952 Act in respect of certain categories of women. Exceptions to the prohibition on the performance of underground work by women are occasionally authorised for women doing non-manual work in health or welfare services.

IVORY COAST

Decree No. 265 of 2 June 1967 to consolidate the regulations made under Part V (Conditions of Work) of the Labour Code.

LEBANON (First Report)

See under Convention No. 14.

The national legislation prohibits the employment of women of any age on underground work in mines. In practice, the problem has never arisen as there are no mining establishments within the meaning of Article 1 of the Convention.

LESOTHO

See under Convention No. 29.

Articles 1 and 2 of the Convention. The provisions of these Articles are embodied in section 3 (a), defining industrial undertakings, and in section 74 (1) of the Employment Act, 1967.

Article 3. As far as exceptions are concerned, the Minister's power to make regulations must be used in accordance with the Convention.

SWITZERLAND

Administrative Ordinance No. 1 of 14 January 1966 under the Federal Act respecting employment in industry, handicrafts and commerce (*Recueil des lois fédérales*, 24 Jan. 1966, No. 4, p. 85).

In reply to a direct request made by the Committee of Experts, the Government has stated that section 66 (g) of the above-mentioned ordinance prohibits the employment of women in underground work in galleries and mines. The Employment Act, which entered into force on 1 February 1966, repeals previous legislation in this respect and applies to any concern which works a mine, whether public or private (section 1 (1)). Under section 3 (d) any woman occupying a high managerial post is excluded from the scope of the Act.

TUNISIA

Labour Code, Act No. 27 of 30 April 1966 (*Journal officiel*, 3-6 May 1966, No. 20, p. 716; *ibid.*, 10-13 May 1966, No. 21, p. 758; *ibid.*, 17-24 May 1966, No. 22, p. 800) (L.S. 1966—Tun. 1).

Sections 77 and 78 of the Labour Code merely reproduce previously existing legislative provisions.

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Countries	Ratification registered on	Countries	Ratification registered on
Czechoslovakia ¹	12. 6. 1950	Poland	21. 3. 1938
Hungary	10. 8. 1937	Spain	8. 7. 1937
Israel	16. 1. 1963	Yugoslavia	4. 1. 1946
Italy	22. 10. 1952		
Netherlands	6. 10. 1938		

¹ Has denounced this Convention.

HUNGARY

In reply to an observation made by the Committee of Experts, the Government has stated that, in spite of a detailed examination of the explanations given by the Committee, it still considers that, without special agreements reached between the States concerned, it is impossible to fulfil the necessary conditions for adequate implementation of the Convention on the basis of national legislation alone. The Government adds that it would be advisable for the Committee to meet, as provided for under Article 20 of the Convention, in order to find a solution to the problems encountered.

ISRAEL

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that Article 2 of the Convention is inapplicable because the persons who immigrated to the country after having reached the age of 60 years are, under the National Insurance Law of 1953, ineligible for old-age and survivors' insurance. Consequently, there do not exist any periods which could be taken into account for totalisation of pensions of such persons.

In addition the Government specifies the difficulties encountered in securing the implementation of the Convention in respect of persons now residing in Israel and who had previously been affiliated to insurance institutions in Czechoslovakia, Hungary, Poland and Yugoslavia.

ITALY

Act No. 1308 of 29 October 1965 to ratify and apply the European Convention on the Social Security of International Transport Workers, signed at Geneva on 9 July 1956.

NETHERLANDS

Act of 30 July 1965 (*Staatsblad*, 1965, No. 347) to amend the General Widows and Orphans Act and the General Old-Age Act.

Royal Decree of 11 August 1965 (*ibid.*, 1965, No. 376) to give effect to the Act of 30 July 1965.

Act of 6 January 1966 (*ibid.*, 1966, No. 6) to amend the Invalidity Act.

Incapacity Insurance Act of 18 February 1966 (*ibid.*, 1966, No. 84).

Act of 14 July 1966 (*ibid.*, 1966, No. 336) respecting a supplementary extension of the circle of beneficiaries and to amend the Act of 19 December 1962.

Act of 2 February 1967 (*ibid.*, 1967, No. 101) respecting the total liquidation of insurance governed by the Invalidity Acts.

Royal Decree of 8 February 1967 (*ibid.*, 1967, No. 81) to give effect to the Act of 30 July 1965.

In reply to a request made by the Committee of Experts, the Government has stated that, under the Royal Decree of 20 December 1956, as amended by the Royal Decrees of 11 August 1965 and 8 February 1967, nationals of member States which have ratified the Convention are treated as Netherlands subjects in respect of the payment abroad of transitional pensions under the General Old-Age Act. With regard to the allocation of these pensions royal decrees respecting the treatment of nationals of member States which have ratified the Convention as Netherlands subjects are being drafted under the General Old-Age Act and the General Widows and Orphans Act.

The Government stresses that the provisions of Article 18 of the Convention are already implemented directly by the national executive organs.

POLAND

Social Security Agreement concluded between Poland and Belgium at Brussels on 26 November 1965.

SPAIN

In reply to observations and requests made by the Committee of Experts in 1966, the Government has stated that section 7, paragraph 4, of the decree of 21 April 1966 to approve the text of the Social Security Act of 1963 provides that, as regards nationals of countries other than the Spanish-American countries, Andorra, the Philippines, Portugal and Brazil, reference should be made to the provisions of conventions and agreements which have been ratified or signed in this respect, or to any provisions applicable to those persons by virtue of tacit schemes of reciprocity or specially recognised schemes. The Government's policy in this respect is to maintain rights acquired by foreigners irrespective of their nationality, in particular in the sphere of health assistance, in respect of which pertinent standards will shortly be published.

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	New Zealand	8. 7. 1947
Belgium	26. 7. 1948	Nigeria	17. 10. 1960
Barbados	8. 5. 1967	Norway	7. 7. 1937
Burundi	11. 3. 1963	Rwanda	18. 9. 1962
Cameroon (Western Cameroon)	3. 9. 1962	Sierra Leone	13. 6. 1961
Congo (Kinshasa)	20. 9. 1960	Singapore	25. 10. 1965
Ghana	20. 5. 1957	Somalia (ex-British Somaliland)	18. 11. 1960
Guyana	8. 6. 1966	Tanzania:	
Jamaica	26. 12. 1962	Tanganyika	30. 1. 1962
Japan	8. 9. 1938	Zanzibar	22. 6. 1964
Kenya	13. 1. 1964	Trinidad and Tobago	24. 5. 1963
Malawi	7. 6. 1966	Uganda	4. 6. 1963
Malaysia:		United Kingdom	22. 5. 1939
States of Malaya	11. 11. 1957	Zambia	2. 12. 1964
Sabah, Sarawak	3. 3. 1964		

MALAWI

In reply to a direct request made by the Committee of Experts, the Government has stated that, as a result of government policy, no recruiting has taken place since 1965. Workers engaged for employment abroad spontaneously offer their services at employment exchanges. In the absence of recruiting, certain questions concerning Article 13, paragraph 2, Article 18, and Article 19, paragraphs 2 to 4, of the Convention are no longer relevant.

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		

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel de la République centrafricaine*, Extraordinary, Aug. 1961).

Ministerial Order of 16 November 1954 promulgated by Order No. 3837 of 30 November 1954 to establish the length of effective service required of expatriate workers in order to gain entitlement to a holiday.

Act No. 332 of 27 March 1956, promulgated by Order No. 1595/DPLC to establish, under the Act, a holidays-with-pay scheme for workers in pursuance of Order No. 960/IGTLS to introduce a new annual holidays-with-pay scheme (*Journal officiel de l'Afrique équatoriale française*, 1 May 1956, p. 2675).

Decree No. 84 of 19 March 1962 to establish the procedures for various holiday schemes.

Article 1 of the Convention. Entitlement to a holiday is ensured by the Labour Code in respect of the private sector. For civil servants it is prescribed by order of the Minister of the Public Service.

Article 2. The annual holiday may be split, provided that one of the fractions amounts to at least 12 working days.

Article 5. Where a contract is broken or expires before a worker has become entitled to a holiday or availed himself of his right to it, an allowance calculated in proportion to the length of his actual service must be granted in lieu of the holiday.

CUBA

Resolution No. 111 of 13 July 1966 (*Gaceta Oficial*, 23 July 1965, No. 12, p. 328).

In reply to a request made by the Committee of Experts, the Government has supplied the text of the above-mentioned resolution, which consolidates the relevant provisions.

CZECHOSLOVAKIA

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

The legislation specifies the cases in which the equivalent in cash of payment in kind is paid to workers during their holidays; the amount is determined by the statutory income tax scale.

Section 109 (3) of the Labour Code establishes unequivocally the principle that the right to holidays with pay may not be relinquished. The possibility of compensation, for which provision is made, is intended to cover long illness, maternity leave, military service and other exceptional circumstances provided for by law and likely to prevent workers from taking annual holidays within the period fixed by the undertaking in which they are employed. These circumstances are determined by an authority independent of both employers and workers.

DENMARK

Holidays with Pay (Amendment) Act of 3 June 1967 (*Lovtidende A*, 1967, No. XXIV, Text 196, p. 772) to amend the Holidays with Pay Act of 31 March 1953 (*ibid.*, 1 Apr. 1953, No. VIII, Text 65, p. 121) (*L.S.* 1953—Den. 2).

Ministry of Labour Regulations of 18 November 1966 on holiday allowances of catering staff paid by way of tips.

FRANCE

In reply to a request made by the Committee of Experts, the Government has stated that section 54 (*m*) of Book II of the Labour Code will not be repealed until a more general text dealing with annual holidays has been drafted.

GABON

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

Article 3 of the Convention. There can be no justification for payment of a housing allowance to workers not employed away from their normal place of residence who, during their holidays, can continue to occupy that accommodation.

Article 4. Employers cannot be expected annually to cover the travel expenses incurred by expatriate workers entitled to take their holidays in their normal place of residence. The only possible change which might be made in the national legislation to bring it into line with the Convention would be to lay down that there must be a minimum of six days' actual holiday each year, to be taken locally.

GREECE

Act No. 4504 of 10 March 1966 to amend and supplement certain provisions of labour legislation and for other purposes (*Ephemeris tēs Kyvernesseos*, Part I, 14 Mar. 1966, No. 57, p. 423).

Legislative Decree No. 4547 of 20 September 1966 to amend and supplement certain provisions of labour legislation and to provide for certain other matters (*ibid.*, Part I, 24 Sep. 1966, No. 192, p. 1199).

GUINEA (First Report)

Labour Code, Act No. 1 of 30 June 1960 (*L.S.* 1960—Gui. 1) (Title V, Chapter V, Division I).

Decree No. 50 PRG of 8 February 1966 to lay down rules for the leave of government servants (*Journal officiel*, 15 Feb. 1966, No. 4, p. 55).

Article 1 of the Convention. The provisions of the Labour Code concerning annual holidays apply to private and semi-private undertakings. Public employees are subject to the provisions of the above-mentioned decree.

Article 2. The practical application of paragraph 1 of this Article is provided for in section 155 of the Labour Code and section 6 of the above-mentioned decree. The length of the annual holiday is governed by section 154 of the Code, which provides for one-and-a-half days' paid leave for each month of effective service, or, in the case of young workers under 18 years of age, for two working days a month. Under the same section absences due to industrial accidents or occupational diseases, maternity leave up to a limit of six months and absences on account of illness duly certified by an approved medical practitioner may not be deducted from the annual holiday period. Likewise, official and customary public holidays are implicitly excluded from the annual holiday period. Again under section 154 provision is made for the length of the holiday to be increased according to length of service in the undertaking.

Collective agreements stipulate that a worker on holiday may be recalled to work only for serious reasons and provide further that foregone holiday benefits shall be added to the next annual holiday. The above-mentioned decree includes similar provisions.

Article 3. Section 157 of the Code requires the employer to pay a worker throughout his holiday an amount at least equal to the wages and allowances which he was receiving at the time of his departure on holiday, excluding output bonuses and allowances for working away from his normal place of residence. Section 8 of the decree entitles a worker during his holiday to his full wages, including family allowances but excluding other allowances.

Articles 4 and 5. Any agreement providing for compensation in lieu of leave is null and void (section 155 of the Labour Code).

Article 6. In the case of a contract being broken or expiring before a worker has become entitled to a holiday, compensation based on his acquired rights must be granted in lieu of the holiday.

Article 7. The keeping of a register by the employer is provided for under section 218 of the Labour Code, the form of the register having been fixed by Decree No. 6554/IGTLS/AOF of 3 September 1953, which is still in force by virtue of Ordinance No. 1 of 3 October 1958. The register must record data concerning employees and their work contracts and, *inter alia*, the number of days of holiday with pay due to each worker, the dates of his holiday and the holiday pay received.

The Ministry of Labour and Social Legislation is responsible for the application of the labour legislation. Supervision of the enforcement of the legislation is undertaken by the labour inspectors assisted by labour supervisors.

ISRAEL

Act No. 5725 of 1965: Amendment No. 2 to Act No. 5711 of 4 July 1951 respecting annual holidays (*Sefer hakhukim*, 11 July 1951, No. 81, p. 234) (*L.S.* 1951—Isr. 3).

In reply to a request made by the Committee of Experts, the Government has stated that the aim of section 32 of the 1951 Act respecting annual holidays is not to

cancel holidays but to provide the Minister of Labour with the necessary emergency powers to postpone such holidays, to lay down when holidays may be taken, and to fix the compensation for which workers are eligible if unable to take their holidays.

Hitherto, section 32 has never been invoked, even during the recent emergency.

ITALY

In reply to an observation made by the Committee of Experts, the Government has stated that on 24 February 1967 a Bill applicable to all workers and designed, *inter alia*, to bring the legislation respecting holidays with pay into line with the Convention was introduced in the Chamber of Deputies.

IVORY COAST

Act No. 488 of 21 December 1965 to establish civil service regulations (*Journal officiel*, 1965, p. 37).
See also under Convention No. 45.

Decree No. 265 of 2 June 1967 replaces, in the conditions provided for in section L.199 of the Labour Code, General Order No. 10844 IGTLs/AOF of 17 December 1956 to introduce a holidays-with-pay scheme.

Act No. 488 replaces Act No. 135 of 3 September 1959.

In reply to a request made by the Committee of Experts, the Government has stated that section 108, paragraph 2, of the Labour Code gives entitlement to holidays with pay after 30 months of service to certain workers who are not native inhabitants of the country and who have to spend their holidays outside the national territory, in their usual place of residence.

KUWAIT

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

Article 1 of the Convention. The Committee's observation will be duly considered when the law is next amended.

Articles 3, 4 and 6. The provisions of these Articles are enforced in practice.

LEBANON (First Report)

Decree No. 9824 of 22 June 1962 to authorise the ratification of Convention No. 52.

Decree No. 9825 of 22 June 1962 to enforce the ratification of Convention No. 52.

See also under Convention No. 14.

Article 1 of the Convention. All employees in establishments covered by the Labour Code are entitled to an annual holiday with pay. The Code does not apply to domestic servants, agricultural workers and family craft undertakings. Public and municipal administrative employees, also exempt from the Code's provisions, are covered by staff regulations which grant them an annual holiday that, in general, is longer than the 15 days provided for in the Labour Code.

Article 2. Section 39 of the Code grants all employees, irrespective of age or sex, an annual holiday of 15 days after one year of continuous service. In practice, by legal interpretation or under undertaking rules, public holidays do not count as part of the annual holiday, nor do absences from work due to sickness unless the sick leave exceeds the maximum period provided for in section 41 of the Labour Code (one month), in which case the 15 days may be reduced to eight. Although the legislation

neither provides for nor prohibits the division of the annual holiday into parts, the provisions of paragraph 4 of this Article are respected by virtue of administrative and legal practice; where a splitting of the holidays is permitted the length of the parts is usually decided upon by agreement between the employer and employee. Most large undertakings have rules or are covered by collective agreements which provide for an increase in the annual holiday in accordance with length of service.

Article 3. Section 39 of the Labour Code prescribes that the annual holiday of 15 days must be granted with full pay, and in accordance with the national legislation an employee must receive his full pay at the time of his holiday, this pay comprising his cash wages and any usual remuneration in kind.

Article 4. Section 43 of the Code lays down that any agreement or legislation to reduce the benefits which are granted under Chapter III (hours of work and holidays) shall be null and void.

Article 5. The legislation does not expressly provide for the application of the provisions of this Article.

Article 6. If an employee is discharged before having taken the holiday due to him he is entitled to the remuneration due for that holiday, subject to the legal provisions applicable under civil law.

The labour inspection service is responsible for supervision of the application of the Code's provisions. Court decisions on questions relating to the Convention have included a decision to the effect that, holiday pay being considered as deferred pay, an employee who does not claim the pay does not lose his entitlement to it up to the time limit permitted under civil law. The time limit for claiming wages in general was fixed at two years by section 8 of Act No. 36 of 16 May 1967.

MALAGASY REPUBLIC

In reply to a direct request made by the Committee of Experts, the Government has stated that the accumulation of holidays for three years is not peculiar to railway workers and that, under the terms of section 85 of the Labour Code, any worker is entitled to accumulate holidays within the statutory limitations.

MOROCCO

In reply to a direct request made by the Committee of Experts, the Government has stated that it is at present engaged, in conjunction with the International Labour Office, in drawing up a Labour Code which will make allowance for the Committee's observations.

NEW ZEALAND

Act No. 134 of 30 October 1965 to amend the Industrial Conciliation and Arbitration Act, 1954, and to fix the official public holidays not counted as annual holidays with pay.

SYRIAN ARAB REPUBLIC

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

Section 88 of the Labour Code, which makes exceptions for members of an employer's family who are supported by him, refers to his own dependent children. When they become independent, or are not his own children but, for example, his grandchildren, the law applies to them in the same way as it applies to other workers.

TUNISIA

See under Convention No. 45.

In reply to a direct request made by the Committee of Experts, the Government has referred to the provisions of the Labour Code relating to annual holidays with pay and, in particular, has supplied the following information.

Article 2, paragraph 3 (b), of the Convention. Section 118 of the Labour Code lays down that official public holidays and interruptions of work attributable to sickness or injury shall no longer be counted as annual holidays with pay.

Paragraph 4. The first paragraph of section 118 lays down that holidays with pay not exceeding six working days must be taken without interruption.

Article 4. Under sections 118, 131, and 133 of the Code the annual minimum of six days' holiday can be neither relinquished nor postponed.

U.S.S.R.

An order of 26 September 1967 of the Council of Ministers increased the minimum annual holiday for wage earners and salaried employees to 15 working days with effect from 1 January 1968.

URUGUAY

Act No. 13556 of 26 October 1966 respecting holidays with pay to amend Act No. 12590 of 23 December 1958.

In reply to an observation made by the Committee of Experts, the Government has supplied the text of section 5 of the above-mentioned Act of 1966. This section lays down that, under the Act and for reasons recognised as valid, the Government may introduce a special scheme governing the holidays of technical personnel "provided that the minimum prescribed by international labour Conventions Nos. 52 and 54 of 1936 . . . is guaranteed".

VIET-NAM

Order No. 42-BLD/LD/ND of 24 March 1964 to amend sections 7 and 12 of Order No. 23-LDTN/LD/ND of 24 February 1955 governing annual holidays in private undertakings.

Presidential Circular No. 24-TTP/CV of 21 December 1963 to reduce annual holidays on a uniform basis to 15 days for officials of all categories.

Section 7 of the above-mentioned order of 1964 provides as follows.

Every year an employer is required to grant his workers the full holidays with pay to which they are entitled, and the workers must take these holidays. However, if both parties agree, part of the annual holidays may be carried forward, subject to the following conditions: (a) the worker concerned must be at least 16 years old; (b) he must take at least six working days of paid holidays a year; (c) the remaining days of holiday entitlement may not be carried forward for a period in excess of three years from the date on which the worker has become entitled to holidays with pay.

Section 12 of the 1964 order requires employers to keep a register in which agreements concerning annual holidays with pay are recorded. It also describes the information to be recorded in the register.

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), as amended in 1966 (*S.L.*, 1966, No. 53).

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

The statutory provisions respecting the right of workers to a paid annual holiday apply to all persons in an employment relationship, irrespective of the branch of activity in which they are employed and of the kind of job they perform.

By virtue of the above-mentioned Act, a worker is normally entitled to a holiday before his dismissal.

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 Orders of 17 August 1966 (*Moniteur belge*, 23 Sep. 1966) and of 14 March 1967 (*ibid.*, 27 Apr. 1967) to amend the Royal Order of 12 December 1957 governing maritime inspection.

CHINA

Regulations for the supervision of seamen during the period of the suppression of the rebellion, issued on 16 June 1952 by the Ministry of Communications and amended most recently on 18 June 1964.

According to section 7 of the above-mentioned regulations, a shipowner, when engaging a member of the crew, shall as far as possible select the eligible seaman through the General Seamen's Union in Taiwan and shall give preference either to those who have obtained an officer's certificate or a seaman's booklet, or who are members of the union or have a certificate issued by a shipowner. Persons having attained the age of 18 years and being of sound mind and good conduct will be selected.

An appendix to the Rules and Regulations concerning the Special Examination for Inland Waterways and Coastal Navigation prescribes the nature of the examination as well as the procedure for evaluation of the record of service. Certificates of competency for officers are issued in conformity with sections 18 to 20 of the same rules and regulations.

DENMARK

Act of 15 March 1967 respecting the training of merchant seamen (*Lovtidende A*, 1967, No. IX, Text 70, p. 427).

FRANCE

Decree No. 307 of 31 March 1967 respecting the vocational training of seafarers (*Journal officiel*, 5 Apr. 1967, No. 80).

Decree No. 308 of 31 March 1967 to establish regulations for the issue of seafarers' certificates of competency (*ibid.*).

Decree No. 309 of 31 March 1967 to establish regulations governing the conditions for the exercise of command and the duties of officers on board merchant ships (*ibid.*).

ITALY

Presidential Decree No. 1367 of 10 December 1967 to amend section 250 of the regulations for the application of the Shipping Code.

NEW ZEALAND

Shipping and Seamen (Amendment) Act, No. 28 of 24 September 1965, to amend the Shipping and Seamen Act, 1952.

Masters (Restricted Home Trade and Fishing Boats) Examination Regulations of 14 September 1966 (*Statutory Regulations*, 1966, No. 153).

NORWAY

Act of 17 June 1966 (*Norsk Lovtidend*, 26 July 1966, No. 23, p. 801) to amend the Merchant Shipping Act of 20 July 1893 and certain other Acts.

Act of 6 January 1967 to amend the Ships Engineers' Act of 2 June 1960.

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

Countries	Ratification registered on
Belgium	11. 4. 1938
Bulgaria	29. 12. 1949
France	19. 6. 1947
Italy	22. 10. 1952
Liberia	9. 5. 1960

Countries	Ratification registered on
Mexico	15. 9. 1939
Morocco	14. 3. 1958
Peru	4. 4. 1962
United States	29. 10. 1938

MOROCCO

In reply to requests made by the Committee of Experts concerning the implementation of Article 8 of the Convention, the Government has stated that the amendments which will be made to bring the legislation into line with the Convention are contained in the new draft Maritime Code (sections L.6.9.17, L.7.1.05 and L.7.1.06), which is still being drawn up.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949.

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Norway	6. 6. 1966
Belgium	3. 8. 1949	Peru	4. 4. 1962
Bulgaria	29. 12. 1949	United Kingdom	30. 9. 1944
France	9. 12. 1948	Yugoslavia	13. 10. 1958
Federal Republic of Germany	12. 12. 1956		

ALGERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that the cash benefit granted in accordance with the provisions of the Convention is slightly higher than that fixed by the general scheme, which does not apply to seamen.

BELGIUM

Regulation No. 47/67/CEE of 7 March 1967 of the Council (*Journal officiel des communautés européennes*, 10 Mar. 1967, No. 44, p. 641) to amend and supplement certain provisions of the Regulations (Nos. 3 and 4) of 25 September and 3 December 1958 concerning social security for migrant workers (seafarers) (*ibid.*, 16 Dec. 1958, No. 30, pp. 562 and 597) (*L.S.* 1958—Int. 1).

With regard to sickness-invalidity insurance, seafarers have secured the same benefits as other migrant workers.

In reply to a request made by the Committee of Experts concerning the possibility, provided for under section 125 of the order of 7 January 1958, of suspending cash benefits or benefits in kind in cases where the insured person is guilty of insulting or assaulting any member of the insurance administration staff, the Government has stated that it is considering repealing these provisions.

PERU

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

Article 4, paragraph 1, of the Convention. It is understood that this paragraph refers to the hospitalisation abroad of a seafarer whose contract has been terminated because he has developed a disease through his own fault or voluntary act. Such a person would not lose the right to receive cash benefit for the period of his service, but the costs of his repatriation would be deducted from it.

Article 7. The Social Security (Salaried Employees) Act provides that an "officer" whose contract of employment has been terminated shall be entitled to continue to receive insurance benefits for the following three months, provided that he has paid a minimum of four contributions.

UNITED KINGDOM

Article 4 of the Convention. An earnings-related supplement has been introduced which is normally payable as an increase in sickness or unemployment benefit.

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

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Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel de la République centrafricaine* (Extraordinary), Aug. 1961) (sections 140 and 141).

General Order No. 3758/IGTLS of 25 November 1954 respecting general measures of hygiene and safety to be applied in agricultural, forestry, industrial and commercial undertakings and in similar establishments administered by public authorities in French Equatorial Africa (*Journal officiel de l'Afrique équatoriale française*, 15 Dec. 1954, p. 1561).

Order No. 3716 of 15 December 1937 governing public hygiene and sanitation in the streets and buildings of the urban centres of French Equatorial Africa (Part I, section IV: industrial or commercial premises).

Article 1 of the Convention. The Minister of Labour, acting on the advice of the Council of Ministers, is the appropriate authority within the meaning of the Convention.

Article 2. Exemptions may only be authorised by the National Labour Advisory Board.

Article 3. The Minister of Labour and the labour and social security inspectors are responsible for enforcing the safety regulations.

Article 4. There is a single inspection service which deals with all the public works, industrial and agricultural undertakings.

Article 6. In 1966 there were 309 accidents and 393 persons were employed in the building industry at Bangui.

Articles 8 and 9. The Government's report refers to section 38 of the order of 25 November 1954.

Article 10. The order of 25 November 1954 contains various provisions aimed at preventing accidental contact with live wires and providing for the earthing of metal objects (sections 55 to 58).

Articles 11 and 12. The provisions of these Articles are applied by sections 51 to 54 of the order of 25 November 1954.

Article 13. The minimum statutory age for crane drivers is 21 years.

Article 14. Section 50 of the order of 25 November 1954 states that it is compulsory for all hoisting appliances to be clearly marked with the maximum load they can raise.

Article 15. Section 64 of the order of 25 November 1954 deals with the measures to be taken to avoid accidental displacement of loads and to ensure that slings are not likely to slip or break.

Article 16. For the time being there is no text which imposes obligations upon employers.

The application of the laws and regulations is the responsibility of the social security preventive service.

GUINEA (First Report)

Order No. 8825/IGTLS/AOF of 14 November 1955 to prescribe, under section 63 of General Order No. 5253/IGTLS/AOF of 19 July 1954, the general health and safety measures applicable in French West Africa to building sites and public works (*Journal officiel de l'Afrique occidentale française*, 26 Nov. 1955, p. 1913).

Article 7 of the Convention. The provisions of sections 48 to 61 of the above-mentioned order of 1955 relate to this Article.

Articles 8 to 10. Sections 63 to 70 of the order are intended to comply with the requirements of these Articles.

Articles 11 to 15. Sections 3 to 9 of the order correspond to these Articles.

Articles 16 to 18. The order, which does not provide for safety equipment and first aid facilities, will be supplemented at a later date by provisions corresponding to these Articles.

The application of workers' health and safety measures is the responsibility of the Ministry of Labour and Social Legislation. Enforcement is carried out by the labour inspectors, assisted by labour supervisors.

As far as the Ministry of Labour and Social Legislation is aware, the courts have given no ruling on questions of principle regarding the application of the safety measures prescribed for buildings sites.

Neither employers nor workers have made observations on the application of the Convention.

URUGUAY

On 5 October 1967 a decree was promulgated to amend the decree of 22 January 1936 and to give effect to the provisions of 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
Barbados ³	8. 5. 1967	Norway ³	29. 3. 1940
Burma ^{3 3}	24. 11. 1961	Republic of South Africa ^{1 2}	8. 8. 1939
Canada	6. 4. 1946	Sweden ³	21. 6. 1939
Ceylon ³	25. 8. 1952	Switzerland ^{2 3}	23. 5. 1940
Chile ³	10. 5. 1957	Syrian Arab Republic ^{2 3}	26. 7. 1960
Cuba	7. 9. 1954	Tanzania:	
Czechoslovakia	12. 6. 1950	Tanganyika ¹	19. 11. 1962
Denmark ³	22. 6. 1939	Zanzibar	22. 6. 1964
Finland ³	8. 4. 1947	United Arab Republic ^{2 3}	5. 10. 1940
France	28. 6. 1951	United Kingdom	26. 5. 1947
Federal Republic of Germany	22. 6. 1954	Uruguay	18. 3. 1954
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		
Kenya	13. 1. 1964		

¹ Excluding Part II.

² Excluding Part IV.

³ Excluding Part III.

AUSTRALIA

In reply to a direct request made by the Committee of Experts relating to the desirability of accepting Part II of the Convention, the Government has stated that consideration has been given to this possibility, and that the series of surveys of earnings and hours will be continued on at least an annual basis in the same detail as in recent years. More definite information on the matter will be given in the next report.

AUSTRIA

In reply to a direct request made by the Committee of Experts, the Government has stated that indices of wage rates have been published on a monthly basis since January 1967, and that a weighting scheme for calculating indices has been prepared.

BURMA

In reply to a direct request made by the Committee of Experts, the Government has stated that statistics relating to the year 1965 were published in the 1967 (April) issue of the *People's Workers' Gazette*, and that the statistics for 1966 will be published in 1967. Statistics of average earnings now show separate figures for each sex. Statistics in respect of juveniles are not published because the employment of juveniles in industry is very rare.

CEYLON

In reply to a direct request made by the Committee of Experts, the Government has stated that statistics of average earnings and hours of work have been published, with effect from 1964, in respect of four additional industries, in the annual administration report of the Labour Commissioner.

CUBA

Act No. 1186 of 25 April 1966 to modify the structure and terms of reference of the Central Planning Board (*Gaceta Oficial*, 29 Apr. 1966, Year LXIV, No. 3, p. 23).

CZECHOSLOVAKIA

In reply to a direct request made by the Committee of Experts, the Government has stated that since 1967 it has been publishing statistics relating to average earnings and hours of work in manufacturing industries and in the building trades. These statistics appear in the national statistical annual and in the review *Statistické Přehledy*.

FINLAND

Article 5 of the Convention. In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that statistics of hours actually worked in mining and manufacturing have been published, for the five-year period 1960-64, in *Sociaalinen Aikauskirja*, 1966, No. 6, and for the year 1964, on the basis of a separate survey, in *Industrial Statistics of Finland (Official Statistics of Finland)* 1967, Vol. XVIII A, No. 80. It has not been possible to compile statistics of hours of work in building and construction. Statistics of wages and hours of work, which were hitherto compiled by the Office of Social Research of the Ministry of Social Affairs, were transferred in March 1967 to the Central Statistical Office.

MEXICO

In reply to a request made by the Committee of Experts, the Government has stated that the statistics provided on average earnings and hours actually worked cover mining and include averages by district and by branch of industry.

SWEDEN

In reply to a direct request made by the Committee of Experts, the Government has stated that for 1965 and 1966 surveys of hours actually worked in the building and construction industries were conducted on an annual basis; since then these surveys have been conducted on a quarterly basis.

UNITED ARAB REPUBLIC

In reply to a direct request made by the Committee of Experts, the Government has stated that a preliminary study of indices showing the general movement of earnings was undertaken and published in a special report with figures for the period 1954-64.

URUGUAY

In reply to an observation made by the Committee of Experts in 1967, the Government has communicated a set of publications giving statistics of daily wage rates and hours of work in selected occupations in construction work and masonry, in quarrying and related industries, and in manufacturing and agriculture.

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	New Zealand	8. 7. 1947
Burundi	11. 3. 1963	Nigeria	17. 10. 1960
Cameroon (Western Cameroon)	3. 9. 1962	Rwanda	18. 9. 1962
Congo (Kinshasa)	20. 9. 1960	Sierra Leone	13. 6. 1961
Ghana	20. 5. 1957	Singapore	25. 10. 1965
Guyana	8. 6. 1966	Somalia (ex-British Somaliland)	18. 11. 1960
Jamaica	26. 12. 1962	Tanzania:	
Kenya	13. 1. 1964	Tanganyika	30. 1. 1962
Lesotho	31. 10. 1966	Zanzibar	22. 6. 1964
Malawi	7. 6. 1966	Uganda	4. 6. 1963
Malaysia:		United Kingdom	24. 8. 1943
States of Malaya	11. 11. 1957	Zambia	2. 12. 1964
Sabah, Sarawak	3. 3. 1964		

MALAWI

In reply to a direct request made by the Committee of Experts, the Government has stated that attesting officers ensure that the duration of each contract is clearly stated. Exemption from liability for repatriation expenses has been granted, in accordance with Article 14 of the Convention, to the Mines Labour Organisation (W.E.N.E.L.A.) Ltd.; the cost of repatriation was taken into consideration when agreement was reached on the wages now being paid.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Ratification registered on	Countries	Ratification registered on
Barbados	8. 5. 1967	Niger	23. 3. 1962
Botswana	18. 10. 1966	Nigeria	17. 10. 1960
Cameroon (Western Cameroon)	3. 9. 1962	Sierra Leone	13. 6. 1961
Ghana	20. 5. 1957	Singapore	25. 10. 1965
Guatemala	4. 8. 1961	Somalia	18. 11. 1960
Guyana	8. 6. 1966	Tanzania:	
Jamaica	26. 12. 1962	Tanganyika	30. 1. 1962
Kenya	13. 1. 1964	Zanzibar	22. 6. 1964
Lesotho	31. 10. 1966	Trinidad and Tobago	24. 5. 1963
Liberia	25. 5. 1962	Tunisia	17. 12. 1962
Malawi	22. 3. 1965	Uganda	4. 6. 1963
Malaysia:		United Kingdom ¹	24. 8. 1943
States of Malaya	11. 11. 1957	Zambia	2. 12. 1964
Sabah, Sarawak	3. 3. 1964		
Morocco	27. 3. 1963		
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).

CAMEROON
Western Cameroon

See under Convention No. 16.

In reply to a direct request made by the Committee of Experts, the Government has stated that section 193 of the Labour Code rescinds all previous provisions which were not in conformity with the new legislation and thus eliminates the discrepancy which existed between section 216 (1) (b) of the Labour Code and the Convention.

GHANA

See under Convention No. 29.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Labour Decree applies the Convention. The powers of a court in case of breach of contracts of employment are defined in paragraphs 36 and 38 of the decree.

The Workers Brigade is a para-military organisation whose members are subject to the code of discipline laid down in the Armed Forces Act, 1962, and the regulations made thereunder. The matters mentioned in Article 1, paragraph 2, of the Convention are dealt with in sections 22, 27, 29, 34 and 54 of that Act.

LESOTHO

See under Convention No. 29.

NIGERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that section 216, paragraph 1 (b) of the Labour Code Act is not contrary

to the terms of the Convention, since it does not provide for penal sanctions but protects the interests of both workers and employers, and since there are no indigenous workers as defined in the Convention.

UGANDA

In reply to a direct request made by the Committee of Experts, the Government has stated that, owing to unforeseen circumstances, it has not been possible to introduce the Employment Amendment Bill in Parliament but it hopes that this can be done in 1968.

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

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Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel de la République centrafricaine* (Extraordinary), Aug. 1961).

General Order No. 3436/IGTLS of 27 October 1953 to authorise exceptions to the statutory hours of work (*Journal officiel de l'Afrique équatoriale française*, 1 Nov. 1953).

Order No. 86/ITT of 30 January 1954 to lay down the procedures for applying hours of work and the exceptions provided for in the General Order of 27 October 1953 in respect of all establishments in Ubangi-Shari observing the 40-hour week (*ibid.*, 1 Mar. 1954, No. 5).

Territory-wide collective labour agreement covering road and urban transport undertakings in Ubangi-Shari (Ubangi, 8 Feb. and 5 Apr. 1956).

Section 118 of the Labour Code stipulates that the statutory hours of work shall be 40 per week.

Article 1 of the Convention. The above-mentioned collective agreement is applicable to the persons listed in this Article as well as to employees of establishments whose main activities are of the type covered by the Convention.

Article 3. Owners of vehicles belonging to road transport undertakings are not excluded in so far as they are employers, but members of their families not employed for wages are excluded.

Article 4, clause (a). The term "hours of work" means the time during which a worker is at the disposal of his employer.

Clause (b). The running time of the vehicle consists of the time from the moment when the vehicle starts at the beginning of the working day until the moment when the vehicle stops at the end of the working day, excluding any time during which the running of the vehicle is interrupted.

Clause (c). Subsidiary work includes all work in connection with the vehicle, its passengers or its load which is performed outside the running time of the vehicle.

Clause (d). Periods of mere attendance are periods during which a person remains at his post solely in order to reply to possible calls.

Article 5. To work the equivalent of a 40-hour week a person must cover 875 miles if the vehicle is less than five years old, or 560 miles if the vehicle is more than five years old.

Articles 7 and 12. These Articles are applied by Order No. 86/ITT of 1954.

Article 8. Each undertaking fixes in its own internal rules the maximum number of hours which may separate the beginning and the end of the working day, and the internal rules have to be approved by the labour inspectorate.

Article 11. A labour inspector may authorise the working of overtime after assuring himself that the work is urgent.

Article 13. The overtime rates are as follows: 10 per cent. extra for up to 48 hours; 20 per cent. extra for more than 48 hours; time-and-a-quarter for work on the weekly rest day or on a public holiday (by day); time-and-a-half for night work on a working day; double time for night work on the weekly rest day or on a public holiday.

Article 16. In every period of seven days a period of rest of 24 hours, and not 30 hours, is given.

The Minister, the Director and the labour inspectorate are responsible for the enforcement of the statutory provisions.

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

PORTUGAL

In reply to direct requests made by the Committee of Experts, the Government has stated that Legislative Decree No. 47763 of 24 June 1967 amends section 7 of Legislative Decree No. 42978 in order to bring it into conformity with Article 8 of the Convention.

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 has given details of the nature of the examination which must be passed in order to obtain a certificate of qualification.

FRANCE

In reply to direct requests made by the Committee of Experts, the Government has stated that Order No. 25 of 12 June 1967 has repealed section 8 of the order of 20 March 1961 respecting the granting of certificates of qualification to ships' cooks.

GHANA

In reply to a direct request made by the Committee of Experts in 1967, the Government has sent a copy of the syllabus for the ships' cooks' course, which is of six weeks' duration.

71. Seafarers' Pensions Convention, 1946

This Convention came into force on 10 October 1962

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Italy	10. 4. 1962
Argentina	17. 2. 1955	Netherlands	27. 8. 1957
Bulgaria	29. 12. 1949	Norway	4. 7. 1949
France	9. 12. 1948	Peru	4. 4. 1962

BULGARIA

Decree of 13 July 1965 of the Presidium of the National Assembly to permit pensioners working in agriculture to receive the full rate of their pensions (*D'rzhaven Vestnik*, 25 July 1965, No. 56).
Decree (*ibid.*, 29 Mar. 1966, No. 25) to amend the Pensions Act of 1957.

The second decree mentioned above has increased the rate of invalidity pensions.

In reply to direct requests made by the Committee of Experts, the Government has stated that the authorities are examining a draft Penal Code and are also considering abolishing the possibility of withholding the right to a pension as an additional penalty for certain crimes.

FRANCE

Decree No. 900 of 21 October 1965 respecting the flat-rate wages serving as a basis for the calculation of seamen's and shipowners' contributions to the funds of the National Disabled Seamen's Establishment.

Act No. 417 of 18 June 1966 to amend certain rules of the seamen's retirement scheme (*Journal officiel*, 24 June 1966, No. 145, p. 5204).

Act No. 499 of 11 July 1966 to make changes in the seamen's retirement scheme in respect of the maturing of pensions for shell-fish breeders and seamen sailing in non-tidal waters.

Act No. 506 of 12 July 1966 respecting the retirement pension scheme for French seamen aboard merchant vessels, fishing boats or pleasure craft (*ibid.*, 13 July 1966, No. 161, p. 6024).

Act No. 510 of 12 July 1966 to extend to the territory of French Polynesia the statutory provisions governing the retirement pension scheme for French seamen aboard merchant vessels, fishing boats or pleasure craft and general service workers aboard ship.

ITALY

Act No. 658 of 27 July 1967 respecting the reorganisation of the seamen's welfare scheme (*Gazzetta Ufficiale*, 9 Aug. 1967, No. 199).

The main purpose of the reorganisation has been to improve old-age pensions for seamen. This reform is intended primarily to transform the insurance scheme operated by the National Seafarers' Welfare Fund into a general compulsory invalidity, old-age and survivors' insurance scheme, in order to enable those covered to enjoy the same benefits as the majority of workers; to adjust welfare contributions so as to bring them more or less into proportion with the remuneration actually received by insured persons; to alter the system of calculating pensions so that these may correspond more closely to the stages in the career of the insured person and to the remuneration he has received; and to increase all round the rate of existing benefits and of new benefits.

NORWAY

Provisional Act of 16 December 1966.

Act of 7 July 1967 to amend the Seamen's Pension Insurance Act.

In reply to a request made by the Committee of Experts in 1966, the Government has stated that, as regards the application of Article 4, paragraph 3, of the Convention, there have been no cases of pension insurance since the last report which would involve decisions pursuant to section 23, subsection 2, of the Seamen's Pension Insurance Act.

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

NORWAY

Order of 25 February 1966 of the Seafarers' Directorate (*Norsk Lovtidend*, 1966, p. 60) to amend the regulations governing the medical examination of seamen enacted by the Royal Decrees of 2 October 1953 and 5 May 1961 to apply section 26 (3) of the Seamen's Act.

The most important amendments relate to the creation of a central appeal body for seamen who have been refused a medical certificate, have obtained a limited certificate or who have not received a certificate of normal colour vision.

URUGUAY

Act No. 13560 of 15 October 1966 to provide for a sickness, invalidity and assistance insurance scheme and other medical and pharmaceutical benefits for the crews of privately owned merchant ships and fishing vessels flying the Uruguayan flag (*Diario Oficial*, 14 Nov. 1966, No. 17470, p. 228-A).

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

The above-mentioned Act covers all maritime personnel, including fishermen and seafarers employed on board small vessels. According to section 21 of the Act, the validity of a medical certificate is one year.

According to a decision taken by the tripartite board which administers the insurance scheme, a medical examination should include all tests and checks, including an eye test, X-ray examination, blood tests, etc.

Crews of publicly owned vessels are submitted to medical examinations according to the provisions of the body responsible for the vessel.

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
Barbados	8. 5. 1967	Poland	13. 4. 1954
Belgium	5. 12. 1951	Portugal	13. 6. 1952
Canada	19. 3. 1951	United Arab Republic	30. 3. 1967
France	9. 12. 1948	United Kingdom	13. 5. 1952
Ghana	18. 3. 1965	United States	9. 4. 1953
Ireland	21. 6. 1957	Yugoslavia	22. 12. 1961
Netherlands	14. 7. 1950		

BELGIUM

Royal Order of 14 March 1967 (*Moniteur belge*, 27 Apr. 1967) 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.

GHANA (First Report)

Merchant Shipping (Certificate of Competency as A.B.) Regulations, 1960.

See also under Convention No. 23.

Article 1 of the Convention. This Article is applied by section 73 of the Merchant Shipping Act, 1963.

Article 2. Effect is given to the provisions of this Article by Regulation 2 (1) and (2) of the above-mentioned regulations.

Article 3. Section 73 (3) of the Merchant Shipping Act and Regulation 2 (3) of the regulations permit advantage to be taken of this Article.

Article 4. In pursuance of section 71 (2) of the Merchant Shipping Act, the Ministry of Communications has issued a list of acceptable foreign certificates.

The application of the above-mentioned legislation is entrusted to the Shipping Commissioner and is supervised and enforced through inspection by shipping masters.

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		

IRAQ

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

Article 1 of the Convention. The committee which was recently set up has not yet reached definitive conclusions regarding the revision of the draft of the new Labour Code.

Article 2, paragraph 4. Section 5 of Regulation No. 4 of 1961 respecting the employment of women, young persons and children provides that the medical examination of fitness for employment shall be carried out by a medical officer or an official medical board. The medical certificate is drawn up according to the instructions of the Ministry of Health and is issued by the doctor conducting the examination.

Article 6. Exceptionally, blind children and young persons over the age of 12 years may be admitted to social rehabilitation or vocational guidance institutions provided they are already registered with an official, or a recognised private, school.

Children and young persons suffering from incurable diseases or total incapacity for work due to a physical infirmity or defect may also be accepted by homes for invalids.

ISRAEL

Regulation No. 5725 of 1965 of the Ministry of Labour respecting the medical examination of persons exposed to asbestos, talc and silicone dust.

Regulation No. 5727 of 1966 of the Ministry of Labour respecting safety at work (crane drivers and signal operators).

In reply to a request made by the Committee of Experts, the Government has stated that the two above-mentioned regulations were made pursuant to the Safety at Work Ordinance, 1946. They extend to other activities the medical examination required to be carried out in respect of dangerous work.

ITALY

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		

FRANCE

See under Convention No. 6.

In reply to observations made by the Committee of Experts, the Government has stated that section 64 (c) of Ordinance No. 830 of 1967 stipulates that young persons under 18 years of age employed for wages on domestic work must undergo a medical examination for physical fitness at the time of engagement, and this examination must be repeated at intervals of not more than one year. An administrative decree laying down the requirements to be fulfilled in respect of these medical examinations, the cost of which must be defrayed by the employer, is now being prepared.

IRAQ

See under Convention No. 77.

ITALY

See under Convention No. 10.

In reply to a request made by the Committee of Experts, the Government has stated that the employment of young persons in domestic service is governed by special regulations. As regards medical examinations, however, the provisions of sections 8 to 12 of the new Act respecting the employment of children and young persons also apply to such workers.

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		

ITALY

See under Convention No. 10.

In reply to observations made by the Committee of Experts regarding the rest periods of young persons under the age of 18 years who take part in public entertainments or filming at night, the Government has stated that section 4 of the Act respecting the employment of children and young persons, which was approved by Parliament on 4 October 1967, has been amended to bring it into line with Article 5, paragraph 4 (c), of the Convention. It now requires that "a child or young person engaged in such activities shall be allowed a consecutive rest period of at least 14 hours".

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
Barbados ¹	8. 5. 1967	Malaysia:	
Belgium	5. 4. 1957	States of Malaya	1. 7. 1963
Brazil	25. 4. 1957	Sabah, Sarawak	3. 3. 1964
Bulgaria	29. 12. 1949	Mali	2. 3. 1964
Cameroon (Western Cameroon) ¹	3. 9. 1962	Malta ¹	4. 1. 1965
Central African Republic	9. 6. 1964	Mauritania	8. 11. 1963
Ceylon	3. 4. 1956	Morocco	14. 3. 1958
Chad	30. 11. 1965	Netherlands	15. 9. 1951
China ¹	13. 2. 1962	New Zealand ¹	30. 11. 1959
Colombia ¹	13. 11. 1967	Nigeria ¹	17. 10. 1960
Costa Rica	2. 6. 1960	Norway	5. 1. 1949
Cuba	7. 9. 1954	Pakistan	10. 10. 1953
Cyprus ¹	23. 9. 1960	Panama	3. 6. 1958
Denmark	6. 8. 1958	Paraguay	28. 8. 1967
Dominican Republic	22. 9. 1953	Peru	1. 2. 1960
Finland	20. 1. 1950	Portugal	12. 2. 1962
France	16. 12. 1950	Senegal	22. 10. 1962
Federal Republic of Germany	14. 6. 1955	Sierra Leone ¹	13. 6. 1961
Ghana	2. 7. 1959	Singapore	25. 10. 1965
Greece	16. 6. 1955	Spain	30. 5. 1960
Guatemala	13. 2. 1952	Sweden	25. 11. 1949
Guinea	26. 3. 1959	Switzerland ¹	13. 7. 1949
Guyana ¹	8. 6. 1966	Syrian Arab Republic	26. 7. 1960
Haiti	31. 3. 1952	Tanzania (Tanganyika) ¹	30. 1. 1962
India ¹	7. 4. 1949	Tunisia	15. 5. 1957
Iraq	13. 1. 1951	Turkey	5. 3. 1951
Ireland ¹	16. 6. 1951	Uganda ¹	4. 6. 1963
Israel	7. 6. 1955	United Arab Republic	11. 10. 1956
Italy	22. 10. 1952	United Kingdom ¹	28. 6. 1949
Jamaica ¹	26. 12. 1962	Venezuela	21. 7. 1967
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.

ALGERIA

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

Article 5, clause (b), of the Convention. The labour inspector presides over the Joint Collective Agreements Board and over negotiations with a view to the settlement of collective labour disputes (Act of 11 February 1950). He is a member of the Departmental Manpower Advisory Board.

Article 6. The special status of labour inspectors is at present governed by Decree No. 1304 of 20 October 1950, but proposals for new regulations are now under consideration as part of the reform of the civil service.

Article 12, paragraph 1, clauses (a) and (b) and clause (c), sub-clause (i). The right of an inspector to enter establishments by night is guaranteed in practice. Nevertheless, section 105 of the Labour Code will be reviewed with a view to ensuring that the Convention is strictly applied. Moreover, this same section 105, which empowers inspectors to carry out inquiries, gives effect to paragraph 1, clause (c) (i), of this Article.

Article 13, paragraph 2. Section 173 of the Labour Code provides that heads of undertakings may be prosecuted in police courts. In the event of failure to carry out the measures ordered by the court, the court may order the closing of the establishment.

Article 14. The ordinance of 21 June 1966 contains provisions which give effect to this Article.

Article 15, clause (a). Section 15 of the ordinance of 2 June 1966 to issue general civil service regulations gives effect to this clause.

Articles 20 and 21. The annual reports published in the form laid down by Article 21 will be communicated to the International Labour Office.

AUSTRIA

In reply to an observation made by the Committee of Experts, the Government has submitted a thorough and detailed description of the responsibilities and inspection activities of various sections of the High Authority of Mines (Ministry of Commerce, Trades and Industry). Division 34 (of Section V) is particularly competent for matters connected with workers' protection. Mines inspection services established within undertakings are competent in the first instance in respect of these matters, and Division 34 is responsible for supervising the activities of these services. The division itself performs general inspections and safety inspections in mines and draws up provisions aimed at improving safety conditions in mines. The usefulness of the inspection activities is demonstrated by the progressive diminution of accidents in mines.

BRAZIL

Following the decision of the Governing Body of the International Labour Office at its 168th Session (February-March 1967) relating to the representation submitted by the Association of Federal Servants of the State of São Paulo, the Government has communicated the following information.

Labour inspectors are covered by the Civil Service Regulations (Act No. 1711 of 28 October 1952). They belong to the occupational group of the Labour and Social Welfare Division whose powers, responsibilities and other features are defined by Decree No. 55841 of 15 March 1965, as amended by Decree No. 57819 of 15 February 1966. Inspectors may not perform duties other than those assigned to them by the decree. They are assured of stability of employment and can retire on full salary after 35 years' service. The conditions of inspectors are therefore not inferior to those required by the terms of the Convention.

Inspectors are recruited by means of competitive examination, the last of which was held in 1954. Since then, new admissions have taken place on the basis of various criteria applied to officials holding other posts who have had to prove, to the satisfaction of the Job Evaluation Committee set up by Act No. 3780, that they are qualified to perform the duties of an inspector. It is intended to organise a new competition to fill the existing vacancies.

There were 993 labour inspectors in service in May 1967 (a breakdown by regions was given in a table appended to the Government's report).

Labour inspectors receive an allowance to cover travelling expenses incurred when they are unable to use their free travel passes (Legislative Decree No. 229 of 28 February 1967). This allowance, which may not exceed one-third of their daily salary, is paid monthly. In addition, inspectors receive subsistence allowances (food, accommodation) when travelling on official business.

The Minister of Labour and Social Welfare has set up a working party to study the question of the payment of these allowances, which has in the past run up against administrative and budgetary difficulties.

The executive power has been so preoccupied by the reorganisation of the Ministry's services that it has not yet been able to take the necessary steps to have the annual report of the labour inspectorate edited and published, as required by the terms of Decree No. 55841 of 15 March 1965. A brief statistical table was attached to the Government's report.

BULGARIA

Act No. 539 of 28 June 1966 to establish an occupational safety inspectorate under the Council of Ministers (*D'rzhaven Vestnik*, 5 July 1966, No. 52, p. 1).

The task of the inspection service set up under the above-mentioned Act is to control, co-ordinate and supervise all activities connected with occupational safety in all branches of the national economy. In co-operation with the specialised institutions and the Central Council of Trade Unions it formulates standards in respect of occupational safety.

The units of this inspection service are vested with all the powers prescribed by the Labour Code in respect of occupational safety, including the right to suspend the activities of undertakings or worksites in the event of infringement of safety regulations.

The Act in no way encroaches upon the functions of other government departments and organisations concerning themselves with occupational safety and health.

In addition, in reply to a direct request made by the Committee of Experts, the Government has stated that a report for the year 1967, conforming to the requirements of Articles 20 and 21 of the Convention, would be communicated to the International Labour Office at the beginning of 1968.

CAMEROON

Western Cameroon

See under Convention No. 16.

Article 4 of the Convention. The inspection service is now under the control of the Federal Government.

Article 5. One of the functions of the Department of Labour is to advise other government departments and give advice to employers and trade unions.

Articles 6 to 8. Inspection officials are on the permanent establishment of the civil service and must be suitably qualified for appointment. Both men and women are eligible.

Article 9. On technical matters the Department of Labour can call on the services of other government departments.

Article 10. There is at present an inspection staff of seven officers for a labour force of approximately 40,000.

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

Article 12. The new Federal Labour Code makes provision under section 113 (c) (iv) for the removal by inspectors, for purposes of analysis, of samples of materials and substances used or handled, subject to the employer's being notified.

Article 15. Section 111 (5) and sections 112 (2) and (5) of the new Federal Labour Code give effect to the provisions of this Article.

Articles 19 to 21. Labour inspectors prepare notes on inspection visits. Section 111 (6) of the new Federal Labour Code stipulates that a general report on the work of the inspection services shall be prepared each year by the Ministry of Labour.

CEYLON

In reply to observations made by the Committee of Experts, the Government has stated that an amendment to the Labour Inspection (Maintenance of Secrecy) Act has been approved by the Cabinet with a view to giving effect to Article 15, clause (c), of the Convention. The Act will be promulgated in the near future.

CHAD (First Report)

Labour and Social Welfare Code, Act No. 7 of 4 March 1966 (*Journal officiel (J.O.)*, Extraordinary, 24 Mar. 1966, p. 353) (*L.S.* 1966—Chad 1).

Decree No. 107/PR-MTJS of 18 May 1967 to organise the Labour and Social Welfare Department (*J.O.*, 1 June 1967, No. 11, p. 192).

A copy of the text of the above-mentioned decree was appended to the Government's report.

Articles 1 and 2 of the Convention. Section 10 of the Labour Code provides for a general system of inspection.

Article 3. The powers of the labour inspection service are defined in sections 10 and following of the Labour Code.

Article 4. The labour inspection service comes under the authority of the Minister for Labour and Social Welfare.

Article 6. The labour inspectors have the same status as civil servants.

Article 7. Labour inspectors are trained at the Institute of Advanced Studies for Students from Overseas Countries in Paris.

Article 8. The question of appointing female labour inspectors has not yet arisen.

Article 9. The Government's report refers to section 16 of the Labour Code.

Article 10. The report refers to the above-mentioned decree.

Article 11. The labour inspection service is provided with adequate premises and transport facilities.

Articles 12 to 15 and Article 18. The report refers to the Labour Code.

Article 16. Workplaces are visited at least once a year.

Article 19. The labour inspectors are required to submit an annual report on their activities.

Articles 20 and 21. The provisions of these Articles are applied as described in the report.

Articles 22 to 24. Commercial workplaces are subject to labour inspection under the same conditions as industrial workplaces.

CHINA

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

Article 5 of the Convention. The Taiwan Factory and Mines Inspection Commission is composed of representatives of the Government and delegates from workers' and employers' organisations, as well as of specialists. Its monthly meeting is open to other government services, to public or private institutions, to officials of the labour inspectorate and to the leaders of employers' and workers' organisations.

Articles 10 and 16. At present there are only 27 inspectors belonging to the Taiwan Factory and Mines Inspection Commission; however, steps are being taken to increase the number of inspectors to 66. Since July 1967 the municipality of Taipei has come under the direct control of the Executive Yuan. It will in consequence have its own factory and mines inspection service.

Article 12 and Article 15, clause (c). In order to give full effect to these provisions of the Convention, they have been included in the new Labour Code, to be adopted by the Legislative Yuan.

CUBA

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

It is not Act No. 1021 of 27 April 1962 (establishing the Ministry of Labour) which gives effect to the provisions of Articles 6 and 7 of the Convention. The rights and duties of inspectors, civil servants and public employees are laid down in the Civil Service Act and Regulations.

No general labour inspection regulations have as yet been promulgated, although statutory provisions which conform to the requirements of Article 12 of the Convention continue to be in force.

Act No. 1021 and the provisions of the General Principles for the Organisation of Labour Protection and Occupational Health (Chapter VII, Part VIII) enable effect to be given to Article 13, paragraph 2 (*b*), of the Convention. The inspection service is empowered to take the measures referred to in this Article, either on its own initiative or on the recommendation of inspectors. Furthermore, the structure and statutory allocation of functions within the public administration is such that in the event of imminent danger to the health or safety of the workers the labour protection services are able to secure the immediate intervention of other authorities and competent public services.

While the provisions of Article 15, clause (*c*), have no relevance, since the ownership of means of production has been socialised, the legal standards which require public officials to be zealous, diligent and straightforward in the performance of their duties, and to observe the strictest secrecy in the handling, expediting and settlement of the matters which come to their attention in the course of their duties, while prohibiting them from acting on behalf of others at any time or place or in any circumstances, and the Civil Service Act (section 50) oblige them to be circumspect as dictated by the functions they are called upon to perform.

Note has been taken of the Committee's remarks with respect to Articles 20 and 21 of the Convention.

CYPRUS

Law No. 15 of 1967 (*Episemos Ephemeris*, 20 Apr. 1967, No. 569) to amend the Hours of Employment Basic Law.

In reply to a direct request made by the Committee of Experts, the Government has stated that this Law has been enacted in order to enable the labour inspectorate to administer the Hours of Employment Law. Moreover, the annual report of the Ministry of Labour and Social Insurance for 1966 contains the information required by Article 21 of the Convention.

FINLAND

Order of 2 March 1967 of the Council of State (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1967, No. 128, p. 246) to apply the Act of 28 June 1958, respecting the protection of labour (ibid., 1958, No. 299, p. 631) (*L.S. 1958—Fin. 1*) to the operation and inspection of tractors.

In reply to a direct request made by the Committee of Experts, the Government has stated that the 1963 annual report on the activities of the inspection services was sent to the International Labour Office in the autumn of 1966 and that the report for 1964-66 is in preparation. In future, efforts will be made to publish and send these reports within the time-limit provided for in the Convention.

As regards Article 9 of the Convention, technical offices were established in 1966 at the Ministry of Social Affairs for the guidance of chief inspectors in various technical fields. Moreover, in 1967, two lawyers were appointed at the Ministry to give legal guidance to the labour inspection services.

GHANA

See under Convention No. 29.

In reply to direct requests made by the Committee of Experts, the Government has stated that the Labour Decree, No. 157 of 1967, contains provisions which give effect to Article 13, paragraph 2, clause (b), Article 14 and Article 15, clause (c), of the Convention. Moreover, the annual report of the Labour Department for 1962-63 was appended to the Government's report and contains the information required by Article 21 of the Convention, except for statistics of occupational diseases.

GREECE

In reply to an observation made by the Committee of Experts, the Government has stated that a Bill has been drawn up to give effect to Article 13 of the Convention and that the new Labour Code, which is now being revised, will contain provisions in accordance with Article 12, paragraph 1, clause (c), sub-clauses (i) and (iv).

GUATEMALA

In reply to an observation made by the Committee of Experts, the Government has stated that the proposed amendments to the Labour Code have been referred to the Council of State for its opinion.

In addition the Government forwarded a copy of the official gazette, *El Guatemalteco* (17 Oct. 1967, No. 86), in which is published the report on labour inspection for the years 1962-66.

GUINEA

In reply to an observation made by the Committee of Experts in 1967, the Government has furnished the following information.

Article 3 of the Convention. Workers' guidance and vocational training, which had previously been entrusted to the labour inspectors, are now undertaken by the National Manpower Office.

Article 13, paragraph 2, clause (b). This provision of the Convention will be included in the Labour Code, which is now being revised.

Article 19. In accordance with the terms of paragraphs 3 and 4 of section 7 of Decree No. 39/PRG, labour inspectors send quarterly or annual progress reports to the Ministry of Labour and Social Legislation.

Article 20. The over-all annual report on the work of the labour inspectorate for 1966 is now being published.

GUYANA

In reply to a direct request made by the Committee of Experts, the Government has stated that the number of inspection visits to remote areas has been increased in consequence of the appointment of three additional labour officers.

Annual reports of the Ministry of Labour for the years 1960 to 1964 were appended to the Government's report.

HAITI

See under Convention No. 17.

The Government's report draws particular attention to sections 165 to 174 and 365 to 396 of the Act of 18 September 1967 to designate the Department of Labour and Social Welfare as the Department of Social Affairs.

IRAQ

In reply to an observation and direct request made by the Committee of Experts, the Government has supplied a mimeographed copy of the inspection report for 1966 which contains information relating to the inspection staff. The Government has stated that the draft Labour Code will contain provisions authorising inspectors to take samples of materials and substances used in undertakings and to take measures with immediate effect in the event of imminent danger to the health or safety of workers.

ITALY

Article 10 of the Convention. In reply to a direct request made by the Committee of Experts, the Government has provided detailed information relating to the staff of the labour inspectorate. During the period under review 3,122 of the 4,074 posts provided for were occupied. Active recruitment procedures are being pursued through competitions to fill the vacant posts.

It is felt that it would be desirable to facilitate recruitment by offering improved conditions of employment and remuneration to inspectors. The Ministry of Labour intends to stress the special character of the functions of inspectors in relation to those of other civil servants within the framework of the Government's programme of administrative reform.

JAMAICA

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

Article 12 of the Convention. The observation of the Committee relating to the need for measures to give effect to this Article will be given every consideration when the legislation is next revised.

Article 14. Provision for the notification of occupational diseases has been made in the draft Safety Mining Regulations now under consideration.

Article 15, clause (c). Administrative instructions have been issued with a view to meeting the requirements of this provision.

KUWAIT

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

Article 3 of the Convention. Section 95 of the Labour Law (Private Sector) gives a labour inspector the right to inspect and supervise the execution of the Law and the regulations made thereunder.

Article 5. Collaboration between inspectors, workers and employers and their organisations takes the form of guidance and demonstrations. A guidance and technical advice section provides the trade unions with directives and this strengthens the collaboration between the three parties in question.

Articles 6 and 7. The inspection staff are regular officials subject to the Civil Servants' Law. Candidates for appointment to the post of inspector are required to hold a general education certificate or equivalent, or to have not less than three years' experience in the labour field.

Article 10. There are now 24 inspectors.

Article 12. The inspectors are granted the powers provided for by this Article by means of being sworn in before the Minister and given the necessary credentials empowering them to enter workplaces and examine registers and books.

Articles 13 and 17. Section 97 of the Labour Law (Private Sector) allows a labour inspector to give an employer notice to take measures to meet the requirements of the labour legislation. Where an employer does not respond, the inspector may refer the matter to the administrative authority for the imposition of the appropriate penalty.

Article 15. The Civil Servants' Law and the legal oath taken by inspectors before they assume their duties meet the requirements of this Article.

Article 18. The enforcement of any law is a matter of general administration and the obstruction of any public servant in the performance of his duties is punishable under the Penal Code.

Articles 20 and 21. A copy of the report of the labour inspectorate for 1966 was attached to the Government's report.

LEBANON (First Report)

Decree No. 14900 of 2 May 1949 for the application of the Labour Code.

Legislative Decree No. 132 of 12 June 1959 and Act of 7 February 1962 (section 13) respecting the conditions of recruitment of labour inspectors.

Decree No. 2888 of 16 December 1959 respecting the salaries of labour inspectors.

Decree No. 8352 of 30 December 1961 respecting the organisation of the Ministry of Labour and Social Affairs.

Act of 17 September 1962 to amend sections 107 and 108 of the Labour Code (penalties).

See also under Convention No. 14.

Article 1 of the Convention. The presently operating system of labour inspection has been set up by virtue of the above-mentioned texts.

Article 2. The inspection system applies to all industrial and transport undertakings. Only those undertakings mentioned in section 7 of the Labour Code are exempted.

Article 3. In addition to the functions listed in paragraph 1 of this Article, inspectors are responsible for supervising the activities of trade unions (section 3 of the decree of 2 May 1949) and employment agencies.

Article 4. The labour inspectorate forms part of the Ministry of Labour and Social Affairs and is placed under the authority of the Director-General of the Ministry.

Article 5. All government services and the police are required to co-operate in assisting inspectors in the performance of their duties (section 9 of the decree of 2 May 1949). There are no private institutions engaged in activities similar to those of the inspectorate. Labour inspectors collaborate with employers and workers and their organisations, as well as with other institutions.

Article 6. Labour inspectors have the same status as other civil servants and are thereby assured of stability of employment and protection against improper external influences.

Article 7. Inspectors are recruited from among graduates. They must also have followed the advanced courses of the National Institute of Public Administration (I.N.A.P.). Technical inspectors must be in possession of an engineering diploma. Health inspectors must be doctors of medicine. Students of the I.N.A.P. spend a period undergoing practical training in the Ministry. Inspectors may also receive scholarships for further studies abroad.

Article 8. The labour inspectorate is open to women. There is one woman inspector.

Article 9. A number of specialists assist the inspectorate.

Article 10. The staff of the inspectorate consists of 28 officials, 13 of whom are inspectors, 13 assistant inspectors, one an engineering inspector and one a medical inspector. The establishment is not complete, however—it is three inspectors and one engineering inspector under strength.

Article 11. The inspectors are provided with the necessary offices and transport facilities, and expenses incurred in the performance of their duties are reimbursed.

Article 12. "Inspectors are empowered to enter any workplace liable to their inspection, to examine registers and documents relating to the labour laws and to institute any necessary inquiries" (section 6 of the decree of 2 May 1949).

Article 13. Labour inspectors enjoy in principle all the powers mentioned in paragraph 2 of this Article. They may apply to the courts to secure the carrying out of alterations prescribed for reasons of safety and health. The Director-General of Labour may order the closure of an undertaking within ten days, without prejudice to the wages of those employed.

Article 14. Industrial accidents have to be entered in a register required to be kept by employers, which may be consulted by the inspectors. Notification of accidents is also made to the Ministry of Labour and Social Affairs and transmitted to the inspectorate.

Article 15. With particular reference to clause (c), the inspector occasionally convenes the two parties with a view to conciliation. In such cases the source of the complaint is revealed, but this does not "prejudice either of the parties because the act of conciliation serves a good purpose". More often, the inspector visits the undertaking in question.

Article 16. Workplaces are regularly inspected according to a well established programme.

Article 17. A warning has to be given before any penalty may be applied for breaches of health or safety regulations.

Article 18. Penalties are prescribed and imposed for obstructing labour inspectors.

Article 19. Labour inspectors are required to prepare periodical reports and an annual general report.

Article 20. The contents of these reports appear in a review published by the Ministry of Labour and Social Affairs.

Article 21. The labour inspectorate is not yet adequately equipped to prepare an annual report including statistics of industrial accidents and occupational diseases. Moreover, as regards clause (e), penalties are imposed not by inspectors but by the courts. First offenders may avoid the institution of legal proceedings by immediate payment of the minimum fine imposed.

Articles 22 to 24. The Code applies to workplaces of every kind.

Articles 25 and 26. Part II of the Convention has been ratified.

Article 29. No part of the national territory is exempted from the application of the Convention. On the whole the Convention is applied, but difficulties persist in view of the shortage of staff and the fact that inspectors are entrusted with too many tasks that are extraneous to their primary duties.

MALAWI

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

Article 3, paragraph 1, clause (b), of the Convention. Minimum wages and conditions of employment as prescribed by wages orders, as well as abstracts from the Factories Ordinance relating to safety, health and welfare, are required to be posted at the workplace. Legislation and problems associated therewith are discussed in the Labour Advisory Board, which is an ad hoc tripartite body.

Article 13. Section 35 of the Factories Ordinance provides that, on submission of a complaint by an inspector, a magistrate is empowered to order either temporary or absolute closure of the premises concerned until the faulty situation is remedied. Section 50, paragraph 1 (b), of the Employment Ordinance empowers "authorised officers" to prohibit the use of any house, building or other construction in which any employee is living or employed if such premises are unfit for work or habitation.

Article 15, clause (a). It is a condition of employment in the public service that no officer may, save with the consent of the Minister, own any right in immovable property, directly or indirectly, which results in a real or apparent conflict of interests with his official duties.

Articles 20 and 21. The views of the Committee have been noted.

MALAYSIA

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

States of Malaya

Article 12, paragraph 1, clause (a), and clause (c) sub-clause (iv), of the *Convention*. The new Factories and Machinery Act has been passed in both Houses of Parliament and will be brought into force after it has received the necessary assent. The Act empowers inspectors of machinery to enter workplaces by day and by night and to remove samples for analysis.

Articles 20 and 21. The present delay in publishing the annual reports on labour inspection is due to administrative difficulties. Every effort is being made to comply with the requirements of these Articles.

Sabah

Article 15, clause (c), of the *Convention*. Pending the standardisation of the legislation on the work of the labour inspectorate, labour inspectors have always been required by the rules of their department to treat as absolutely confidential the source of any complaint.

Articles 20 and 21. It is regretted that the publication of the annual reports on labour inspection has been delayed due to administrative difficulties. Every effort will be made to publish these reports within the time-limit and to include in them information relating to inspection visits, violations and penalties imposed, and occupational diseases. A register of workplaces is being compiled so that information will be available concerning establishments irrespective of the number of their employees.

Sarawak

Articles 20 and 21 of the Convention. It is regretted that the publication of the annual reports concerning labour inspection has been delayed due to administrative difficulties. Every effort is being made to publish these reports within the prescribed period and to include statistics concerning occupational diseases.

MALI

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

Article 8 of the Convention. Women may be appointed to the inspection staff. A woman labour inspector, assisted by a supervisor, is in charge of the Ségou regional inspection service.

Article 10. The strength of the labour inspection service is increased each year by the entry of new staff trained by the National School of Administration. In a very short time each regional inspection service will have its own inspector, assisted by one or more supervisors.

Article 12, paragraph 2. Section 353 of the Labour Code authorises labour inspectors to enter freely by day or by night any establishment liable to inspection. This provision absolves the inspector from the obligation to notify the employer of his presence if he deems it advisable not to do so.

Articles 20 and 21. A statistical report on the work of the labour inspection service for 1966 was attached to the Government's report.

MOROCCO

Royal Decree of 22 Shawwal 1385 (2 February 1967) to prescribe special regulations for the staff of the Ministry of Labour and Social Affairs.

The above-mentioned decree embodies, *inter alia*, regulations governing the functions of inspectors and supervisors of labour and social affairs and social legislation in agriculture, as required by Article 6 of the Convention.

NIGER (Voluntary Report)

Decree No. 24 of 2 February 1967 to prescribe special regulations for labour administration staff. See also under Convention No. 4.

Articles 1 and 4 of the Convention. A labour inspection system operates under the authority of the Minister of the Civil Service and of Labour in respect of all workplaces employing workers as defined in section 1 of the Labour Code.

Articles 2 and 5. Technical supervision of mines is ensured by an official of the Mines Service, but the labour inspector may accompany him at any time. Military establishments are inspected by officers assigned for this purpose. The inspection service also co-operates with the National Social Security Fund. Trade unions frequently appeal to the inspection service.

Articles 6, 7 and 10. The above-mentioned decree lays down regulations governing the functions of labour inspectors, who are in one of the highest categories and are recruited at law degree level. They must have followed the full course of the social department of the Institute of Advanced Studies for Students from Overseas Countries (Paris). At the present time the inspection service is composed of two inspectors and two labour supervisors.

Articles 12 and 13. Sections 131, 132 and 151 of the Labour Code invest the inspectors with the powers described in these Articles.

Article 14. Notifications of occupational accidents and diseases are passed on to the labour inspection service by the National Social Security Fund.

Articles 17 and 18. Section 150 of the Code empowers labour inspectors to draw up reports on infractions of the labour laws. Penalties are laid down in sections 215 to 230.

Articles 19 and 20. Inspectors draw up and pass on to the Labour Directorate periodic reports, both monthly and annual. The Labour Directorate draws up an annual report on the activities of the inspection service.

No technical difficulty stands in the way of ratification of the Convention.

NIGERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that the new Labour Code, which includes provisions complying with the requirements of Article 12, paragraph 1, clause (c), sub-clause (iv), and Article 15 of the Convention, has not been adopted, the work in connection therewith having been slowed down by the political situation.

A report of the Federal Ministry of Labour for the period 1960-64 was appended to the Government's report.

PAKISTAN

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

Article 10 of the Convention. In West Pakistan the inspection staff consists of 102 labour inspectors, five mines inspectors and one dock labour inspector.

Article 12, paragraph 1, clause (a). Although the East Pakistan Factories Act, 1965, is silent in this respect, in practice inspectors can enter freely any place at any time, without previous notice, under the provisions of section 3 of the Act.

Article 13, paragraph 2, clause (b). Although the provisions of the above-mentioned Act are not in full conformity with this Article, in practice inspectors can serve notice on the manager of a factory with immediate executory force in case of any imminent danger to human life or safety.

Article 15, clause (c). With a view to maintaining sound labour-management relations, inspectors must not divulge professional secrets.

SIERRA LEONE

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

Article 12 of the Convention. It is expected that the necessary rules concerning the appointment of labour inspectors responsible for the application of the Employers and Employed Act will be made as soon as the legislative programme permits. Moreover, after discussion by the Joint Consultative Committee, the question of the taking of samples by inspectors, as required by paragraph 1, clause (c), sub-clause (iv), of this Article was referred to the Legal Department. It is hoped that appropriate amending legislation will be drafted in consultation with the Mines Department.

Article 15, clause (c). The Joint Consultative Committee has agreed that appropriate legislation should be drafted to comply with this provision.

Articles 20 and 21. A report on the work of the inspection service for 1964 was appended to the Government's report. It contains statistical information as required by Article 21, except in respect of clauses (c) and (g) of that Article.

SINGAPORE

In reply to a direct request made by the Committee of Experts, the Government has stated that an item relating to occupational diseases has been included in the annual report of the Ministry of Labour for 1964 and will be included in future reports.

SPAIN

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

Provinces of Ifni and Sahara. The Act of 21 July 1962 respecting the organisation of the labour inspectorate and the regulations of 13 July 1940 apply to these provinces.

Fernando Poo and Río Muni. In Equatorial Guinea the legislation is different and the inspection service is independent of the service of the metropolitan territory. It is attached to the labour department of the autonomous government and consists of a labour delegation in Santa Isabel, a sub-delegation in Bata, and two sub-inspectorates. Nine officials are responsible for inspection in the whole of the territory. In 1966 a short course was organised to train labour inspectors for the territories of Fernando Poo and Río Muni; it was attended by eight officials from those territories who were given enough theoretical and practical training to enable them to perform inspection duties.

Article 2, paragraph 2, of the Convention. It is not intended to extend the exceptions provided for in section 2 (1) (a) of Act No. 39 of 1962. However, even if these exceptions were extended to other activities, they would not escape labour inspection.

SWITZERLAND

Federal Act of 13 March 1964 respecting work in industry, handicrafts and commerce (*Recueil des lois fédérales*, 24 Jan. 1966) (L.S. 1964—Swi. 1).

See also under Convention No. 45.

Article 1 of the Convention. The new legislation, which came into force on 1 February 1966, provides for systems of inspection under federal control (section 42 of the above-mentioned Act and sections 79 and 81 of the ordinance of 14 January 1966 for its administration) and under cantonal control (section 41 of the Act and section 75 of the ordinance) covering all industrial and non-industrial undertakings within the scope of the Act.

Article 2. Although conditions of work are governed by private law and the inspection services are not concerned with them, systems of inspection do operate under the conditions referred to above. Transport and communications undertakings are not governed by the Act of 1964, nor are they covered by the systems of inspection set up under the Act.

Article 3. The federal and cantonal inspection authorities are responsible for the enforcement of the Act and the ordinance in undertakings, for giving advice to employers, and for detecting major defects or abuses and bringing them to the notice of the cantonal authorities. Cantonal inspectors may be entrusted with other official duties, which are generally connected with social legislation.

Article 4. The federal inspectors are under the supervision of the Federal Office of Industry, Arts and Crafts, and Labour; cantonal inspectors are under the supervision of the competent cantonal authority.

Article 5. The federal inspectors collaborate closely with the occupational health service, the cantonal inspectors, the Swiss National Insurance Fund and certain specialised institutions, as well as with employers and workers and, where necessary, their organisations.

Article 6. The federal inspectors are members of the federal civil service. They are appointed by the Federal Council for four years, but are automatically reappointed so long as there is no dereliction of duty on their part.

Article 12. Sections 45 to 47 of the Act and sections 84 to 86 of the ordinance give effect to this Article.

Article 13. An inspector may order an employer to take such steps as are necessary (section 82 of the ordinance). In the event of the employer's refusal, the cantonal authority may, in particularly serious cases, go so far as to close the undertaking for a specified period (sections 50 to 52 of the Act).

Article 15. Effect is given to clause (a) of this Article by section 15 (1) and (2) and section 31 of the Civil Service Regulations. Moreover, inspectors are required to observe secrecy with regard to the facts coming to their knowledge in the discharge of their functions (section 44 of the Act) under pain of imprisonment or a fine (section 320 of the Penal Code).

Article 17. The penalties prescribed in sections 59 to 62 of the Act may be imposed without warning, but in cases of minor infringement a warning is given to the offender (section 51).

Article 19. The federal inspection services submit to the office to which they are responsible reports on their activities once a quarter and a report on the performance of their functions once every two years. Under section 41 (2) of the Act the cantonal inspection services must submit a report on the enforcement of the Act to the Federal Council every two years.

Articles 20 and 21. The Federal Office of Industry, Arts and Crafts, and Labour publishes every two years a general report on the work of the federal inspection service, which contains, *inter alia*, information on the points listed in clauses (a) to (e) of Article 21, the statistics referred to in clauses (f) and (g) being published by the Swiss National Accident Insurance Fund.

SYRIAN ARAB REPUBLIC

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

Article 12, paragraph 1, clause (a), of the Convention. The Ministry makes an order each year with respect to inspection visits at night, as required by this Article of the Convention. The need for a fresh order to be made each year arises out of the fact that these orders prescribe payment of compensation for inspection at night, and this compensation has to be provided for in the general budget.

Clause (c), sub-clause (iv). Section 16 of Decision No. 13 of 1959, made in application of the provisions of section 50 of the Social Insurance Act, empowers labour inspectors to take samples of materials or substances used or handled in undertakings where they consider that they are detrimental to the health or safety of the workers.

TUNISIA

See under Convention No. 45.

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

Article 12, paragraph 1, clause (c), sub-clause (iv), of the Convention. Effect is given to this clause by section 174, sub-section (4), of the Labour Code.

Article 15, clauses (a) and (b). Section 173, sub-section (2), of the Code, concerning professional secrecy, is in conformity with these provisions.

Articles 20 and 21. The report of the labour inspectorate for the year 1965 has been transmitted to the International Labour Office, and the report for 1966 will be transmitted as soon as it is published.

UGANDA

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

Article 12, paragraph 1, clause (c), sub-clause (i), and Article 15, clause (c), of the Convention. It is hoped that the Bill prepared with the help of an I.L.O. expert will be introduced in Parliament in 1968. It contains provisions giving full effect to these Articles.

Article 14. It is hoped that provision for compulsory notification of occupational diseases will be included in the Bill designed to replace the Workmen's Compensation Act, but no undertaking is given in this respect.

Articles 20 and 21. In reply to an observation made by the Committee of Experts, the Government has stated that it has now decided to resume publication of annual reports of the Ministry of Labour; the 1966 report is already in draft form and will be communicated to the I.L.O. immediately after publication.

UNITED ARAB REPUBLIC

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

The *Directory of Procedures* is considered as service instructions; it is distributed to all employees working in the field of labour inspection and has binding force on them.

Article 12, paragraph 1, clause (a), and clause (c), sub-clause (iv), of the *Convention*. Section 212 of the Labour Code provides as follows: "The officials duly empowered to act as judicial police officers in execution of the provisions of this Code and the orders made thereunder shall have the right to visit workplaces on instructions from their superiors and shall ensure that the provisions of this Code are properly observed."

Section 15, paragraph 2, of Ministerial Order No. 49 of 1967, respecting the organisation of industrial safety services within undertakings, and made under section 108 of the Labour Code, stipulates the following: "Industrial safety inspectors in the Ministry of Labour and labour directorates are empowered to take samples of the substances used or handled in industrial processes . . . for the purpose of analysing their effects, and to notify the results of such analysis to the responsible director or his deputy . . ."

Article 13, paragraph 2 (b). Section 110 of the Labour Code provides as follows: "The administrative authority concerned may, if an employer fails to discharge his obligation under the orders mentioned in section 108 within the time-limits prescribed by the said authority, or in the event of imminent danger to the health and safety of the workers, order all or part of the establishment to be closed or stop the operation of the one or more machines concerned until the causes of the danger are eliminated. The order for the closure or stoppage shall be executed through administrative channels."

UNITED KINGDOM

Factories Act (Northern Ireland) of 4 November 1965 (*Public General Acts*, 1965, p. 289) to consolidate the Factories Acts (Northern Ireland), 1938 to 1959, and certain other enactments.

Office and Shop Premises Act (Northern Ireland), 1966, and regulations and orders made thereunder.

In reply to an observation made by the Committee of Experts, the Government has stated that, following the enactment of the Office and Shop Premises Act (Northern Ireland), the Government is discussing the possibilities of ratifying Part II of the Convention with the organisations representative of the local authorities, as the local authorities are responsible for enforcing the Act in the majority of premises.

Moreover, following completion of an occupational hygiene survey undertaken by the inspectorate, an industrial hygiene division was set up within the inspectorate headquarters at the end of 1966 to support the general inspectorate. A director and 12 scientists or technicians were assigned to the unit.

VIET-NAM (First Report)

Labour Code, Ordinance No. 15 of 8 July 1952 (*L.S.* 1956—V. N. 1 C) (sections 321 to 344 and 381 and 382).

Order of 31 January 1944 respecting workmen's compensation for industrial accidents.

Decree No. 60-XL of 26 June 1953 to regulate the powers and duties of the labour and social security inspectors (*Journal officiel*, 18 July 1953).

Orders Nos. 117-BLD/LD/ND and 118-BLD/LD/ND of 23 November 1955 to issue regulations governing labour supervisors and assistant supervisors.

Legislative Decree No. 23 of 9 October 1965 to establish a scheme of insurance against occupational diseases, and the orders for its administration.

Articles 1, 2, 22 and 23 of the Convention. There is a system of labour inspection covering all industrial, commercial, mining and handicraft undertakings and co-operatives, as well as members of the liberal professions. Navigating personnel employed in air and sea transport are covered by special legislation.

Article 3. The functions of the inspection service are the same as those set forth in the Convention. In addition, in the prefectorial and provincial labour services, inspectors act as conciliators in individual and collective labour disputes. They may also represent workers in court actions taken by them against their employers or by their employers against them.

Article 4. The inspection services are under the supervision of the Inspectorate-General of Labour and Social Security.

Articles 5 and 9. *De jure* and *de facto* co-operation exists between the inspection service and other government services and public or private institutions concerned with labour matters. In mines engineers perform the functions of labour inspectors concurrently and in liaison with officials of the inspection service. In military establishments officers are assigned to exercise the functions of labour inspectors. Collaboration exists at the undertaking level with employers and workers, particularly with staff representatives, who in some cases act as auxiliary inspectors.

Articles 6 to 8. The inspection staff is composed mainly of public officials governed by special regulations, though there are some officials under contracts renewable on a yearly basis. They are recruited by competition from among law graduates without distinction as to sex. Special training and advanced technical training are given to them at the Ministry of Labour.

Articles 10 and 11. The number of labour inspectors, despite regular recruiting campaigns, remains insufficient for various reasons. The inspectors have suitably equipped offices, may use government vehicles for travel on official business and receive an allowance in respect of any journey involving more than half a day's absence.

Articles 12 and 13. Sections 331 and 341 of the Labour Code vest labour inspectors with the powers stipulated in Article 12, and sections 221 to 223 are, broadly speaking, in conformity with the requirements of Article 13.

Article 14. Under the provisions governing workmen's compensation, the labour inspectorate must be notified of industrial accidents and of cases of occupational disease—immediately in the case of serious accidents, once a month in the case of slight accidents.

Article 15. Sections 330, 340 and 342 of the Labour Code contain provisions similar to those of this Article.

Article 16. Inspectors are required to make regular inspection visits.

Articles 17 and 18. Labour inspectors may graduate the action they take from a simple warning to the drawing up of a report with a view to legal proceedings. Penalties are prescribed for infringement of the Labour Code, and in particular

for any obstruction of labour inspectors in the performance of their duties (sections 381 and 382).

Articles 19 to 21. Labour inspectors must furnish the Inspectorate-General with a detailed annual report on their activities. Before the expiry of the first quarter of the year the Inspector-General of Labour and Social Security draws up a report for the past year covering the whole territory. A copy is transmitted to any international organisation concerned (section 332 of the Code).

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 1955

Countries	Ratification registered on
Belgium.	27. 1. 1955
France ¹	26. 7. 1954
New Zealand	19. 6. 1954

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).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955

Countries	Ratification registered on
Australia	30. 9. 1954
Belgium	27. 1. 1955

Countries	Ratification registered on
France	26. 7. 1954
United Kingdom	27. 3. 1950

NIGER

See under Convention No. 81.

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	Italy	13. 5. 1958
Algeria	19. 10. 1962	Ivory Coast	21. 11. 1960
Argentina	18. 1. 1960	Jamaica	26. 12. 1962
Austria	18. 10. 1950	Japan	14. 6. 1965
Barbados	8. 5. 1967	Kuwait	21. 9. 1961
Belgium	23. 10. 1951	Lesotho	31. 10. 1966
Bolivia	4. 1. 1965	Liberia	25. 5. 1962
Bulgaria	8. 6. 1959	Luxembourg	3. 3. 1958
Burma	4. 3. 1955	Malagasy Republic	1. 11. 1960
Byelorussia	6. 11. 1956	Mali	22. 9. 1960
Cameroon:		Malta	4. 1. 1965
Eastern Cameroon	7. 6. 1960	Mauritania	20. 6. 1961
Western Cameroon	3. 9. 1962	Mexico	1. 4. 1950
Central African Republic	27. 10. 1960	Netherlands	7. 3. 1950
Chad	10. 11. 1960	Nicaragua	31. 10. 1967
Congo (Brazzaville)	10. 11. 1960	Niger	27. 2. 1961
Costa Rica	2. 6. 1960	Nigeria	17. 10. 1960
Cuba	25. 6. 1952	Norway	4. 7. 1949
Cyprus	24. 5. 1966	Pakistan	14. 2. 1951
Czechoslovakia	21. 1. 1964	Panama	3. 6. 1958
Dahomey	12. 12. 1960	Paraguay	28. 6. 1962
Denmark	13. 6. 1951	Peru	2. 3. 1960
Dominican Republic	5. 12. 1956	Philippines	29. 12. 1953
Ecuador	29. 5. 1967	Poland	25. 2. 1957
Ethiopia	4. 6. 1963	Rumania	28. 5. 1957
Finland	20. 1. 1950	Senegal	4. 11. 1960
France	28. 6. 1951	Sierra Leone	15. 6. 1961
Gabon	14. 10. 1960	Sweden	25. 11. 1949
Federal Republic of Germany	20. 3. 1957	Syrian Arab Republic	26. 7. 1960
Ghana	2. 6. 1965	Togo	7. 6. 1960
Greece	30. 3. 1962	Trinidad and Tobago	24. 5. 1963
Guatemala	13. 2. 1952	Tunisia	18. 6. 1957
Guinea	21. 1. 1959	Ukraine	14. 9. 1956
Guyana	25. 9. 1967	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

CONGO (BRAZZAVILLE)

Labour Code, Act No. 10 of 25 June 1964 (*Journal officiel*, 9 July 1964, No. 14 (Extraordinary), p. 547).

Act No. 40 of 17 December 1964 to establish a single collective national trade union organisation to be known as the Congolese Trade Union Confederation (*ibid.*, 1 Jan. 1965).

Act No. 3 of 12 May 1965 to supplement section 3 of Act No. 40 of 17 December 1964.

The public authorities do not intervene in the management of the unions, and there is no administrative or judicial supervision of the way in which they manage their finances. The Government makes premises available to the unions, ensures the upkeep of such premises, and pays for water, electricity and telephone expenses.

No occupational organisation can be wound up by administrative decision. This can be done only by the organisation itself, by judicial process, or by legislation promulgated by the National Assembly.

As regards Articles 5 and 6 of the Convention, the Government's report refers to the provisions of the Labour Code, in so far as they do not run counter to Act No. 40 of 17 December 1964 and to Act No. 3 of 12 May 1965.

Under section 190 of the Code occupational trade unions are entities in their own right. They can sue in a civil action and do not require permission to acquire goods or property, whether free of charge or against payment.

Policemen, but not members of the armed forces, are free to join a union.

CZECHOSLOVAKIA (First Report)

Constitution of 11 July 1960 (*Sbírka Zákonů*, 11 July 1960, No. 40, Text 100).

Act of 8 July 1959 respecting the status of works committees of the basic organisations of the Revolutionary Trade Union Movement (*ibid.*, 21 July 1959, No. 18, Text 37) (*L.S.* 1959—Cz. 1).

According to article 5 of the Constitution, workers may freely join together in social organisations so as to take a multiple and active part in the life of society and of the State, and to exercise their rights. Such organisations include the Revolutionary Trade Union Movement, co-operatives and youth associations.

The above-mentioned Act makes obligatory the resolution respecting works committees of the basic organisations of the Revolutionary Trade Union Movement adopted by the IVth Trade Union Congress. One of the provisions of this resolution specifies that the rules of the trade union organisation and the measures taken in pursuance thereof shall not be subject to approval or recording by the state authorities. Trade union activities are governed exclusively by trade union rules, and other provisions applicable to voluntary organisations, associations and meetings do not apply to the unions. Trade union activities are not, and cannot be, limited or directed in any way at all by the State.

Membership of a union is entirely voluntary; 92 per cent. of the workers, organised in trade unions, are affiliated to the Revolutionary Trade Union Movement. There is no restriction on affiliation with international trade union organisations by the unions.

Members of the armed forces are not union members, but civilian employees of the armed forces can form unions.

GHANA (First Report)

Trade Unions Ordinance, 1941, as amended by the Trade Unions (Amendment) Decree, National Liberation Council Decree No. 110 of 1966.

Industrial Relations Act, No. 299 of 23 June 1965 (*L.S.* 1965—Ghana 2).

Constitution and Rules of the Ghana Employers' Association.

Constitution and Rules of the Ghana Trades Union Congress.

Article 2 of the Convention. The above-mentioned ordinance, as amended, guarantees the right to form trade unions (section 8) and the above-mentioned Act recognises the system of collective bargaining agreements (section 3).

As regards registration, which is compulsory, the ordinance provides that a number of conditions must be met before a new union is granted registration. When an application is made, the registrar shall, according to section 11 (3), first consider the observations and objections (if any) of the Commissioner of Labour and certain other authorities and, according to section 12 (1) (*d*), he shall not register the union

unless he is satisfied, *inter alia*, that the objections (if any) submitted under section 11 (3) are not of sufficient substance to justify a refusal to register.

Civil servants do not come within the scope of these provisions.

Article 3. The first schedule to the ordinance enumerates the data which must be contained in the rules of a registered trade union relating to the name and type of the trade union; legal domicile; the aims and purposes; the establishment and purposes of its funds; the conditions of entry; financial benefits, the subscription of dues and the fines and forfeitures applicable; the making and altering of rules; the periodical submission of accounts and their verification; the inspection of books; the destination of property in case of dissolution; and the manner of dissolution.

Article 4. There are no legal provisions relating to the suspension or dissolution of workers' and employers' organisations but, under the ordinance, the registrar is empowered to cancel the certificate of registration of a trade union for the reasons stated in section 13, namely fraud or mistake; unlawful purposes; etc. The registrar is required to specify briefly, in writing, the grounds for any proposed cancellation of a certificate to the trade union concerned. An appeal from the decision of the registrar under this section lies to the supreme court for a final decision. The constitution and rules of each of the national unions provide for the manner of the dissolution.

Article 5. There are no legal provisions relating to the affiliation of workers' and employers' organisations with international organisations of workers and employers. Affiliation depends on the freedom of choice of either organisation. There are no legal provisions relating to the right to establish and join federations and confederations.

Article 6. The provisions of the above-mentioned ordinance do not apply to federations and confederations. The above-mentioned Act states in section 1 (4), with regard to the membership of the Trades Union Congress, that those trade unions specified in the first schedule to the Act, being members of the Congress immediately before the commencement of the Act, shall continue to be members without prejudice to the withdrawal from or addition to the Congress of any trade union upon the decision of such a trade union.

Article 7. Legal personality is acquired by a trade union upon registration. Section 14 of the above-mentioned ordinance provides that every registered trade union shall be a body corporate known by the name under which it is registered. Section 1 (2) of the above-mentioned Act provides that the Trades Union Congress shall be a body corporate.

Article 8. Section 6 of the ordinance specifies the types of agreements and contracts concluded between registered unions as such and between their members that are lawful but that are not enforceable by the courts. Under sections 4 and 5 of the ordinance the purposes of a trade unions shall not, by reason merely of the fact that they are in restraint of trade, be unlawful so as to render the union liable to criminal prosecution or render void or voidable any agreements or trusts.

The Penal Code contains provisions of a general character which may apply to workers' and employers' organisations.

Article 9. The members of the armed forces and police do not come within the scope of the practices provided for by the above-mentioned legislation.

JAPAN (First Report)

Constitution.

National Public Service Law, No. 120 of 21 October 1947.

Public Corporation Labour Relations Law, No. 257 of 20 December 1948 (*Kampoo*, 20 Dec. 1948, Extra No. 47, p. 17).

Law to establish special regulations for educational personnel, No. 1 of 12 January 1949.

Trade Union Law, No. 174 of 1 June 1949 (*ibid.*, 1 June 1949, Extra No. 68, p. 2) (*L.S.* 1949—Jap. 3).

Local Public Service Law, No. 261 of 13 December 1950.

Local Public Enterprise Labour Relations Law, No. 298 of 31 July 1952.

Article 2 of the Convention. Under the Constitution workers and employers are free to establish their own organisations, and join them. Certain legal provisions apply to workers' organisations which conform to specific definitions (including provisions granting supplementary facilities to these organisations). However, non-conforming workers' organisations are not denied the right to carry out their essential activities.

The Trade Union Law applies to workers in the private sector, employees of public corporations and national undertakings to whom the Public Corporation Labour Relations Law applies, as well as to employees of local public undertakings and of other local public services (in the regular service employed for simple labour) who are covered by the Local Public Enterprise Labour Relations Law.

The Law defines trade unions as those organisations, or federations thereof, formed autonomously and substantially by the workers for the main purpose of maintaining and improving conditions of work and for raising the economic status of the workers (section 2 of the Trade Union Law). However, this rule shall not apply to organisations which admit to membership certain specified categories of supervisory workers and other persons who represent the interests of the employer, which are financially supported by the employer, which are principally devoted to political or social movements, or whose objects are confined to mutual aid work or other welfare work.

Under the National Public Service Law the term "employees' organisation" means an organisation, or a federation thereof, formed by employees for the purpose of maintaining and improving their conditions of work. Managerial staff and the like may not join the same employees' organisations as other employees. Similar provisions are set forth in the Local Public Service Law (provided, however, that in order to qualify for and maintain registration, an employees' organisation under this Law shall be an organisation formed exclusively by employees who belong to the same local public body).

Article 3. Workers' and employers' organisations are not subject to interference in respect of the formulation of their constitutions or the election of their representatives. Recognised trade unions or employees' organisations (whether of national or local public service employees) may pursue secondary objectives, provided that their main purposes are in conformity with the legal definition.

Article 4. Workers' or employers' organisations are not liable to be dissolved or suspended by administrative authority. The National Public Service Law (section 103-3, paragraph 6) provides that on certain specified grounds the competent authority may suspend the effect of registration of an employees' organisation for a period not exceeding 60 days, or cancel such registration. In case of cancellation, the competent authority shall hold hearings in advance, which shall be public if so requested by the organisation concerned.

Article 5. The establishment of federations and confederations and affiliation with federations or confederations are generally recognised as free activities of workers' and employers' organisations. Affiliation of such organisations, and their federations or confederations, with international organisations is not prohibited.

Article 6. The provisions applying to trade unions and employees' organisations, respectively, are also applicable to federations of trade unions and of employees.

Article 7. The acquisition of legal personality merely affords the organisations certain advantages in property transactions, and therefore it does not affect the essential activities of workers' organisations.

Article 8. Freedom of assembly and association, as well as freedom of speech, the press and of all other forms of expression, are constitutionally guaranteed. The general legislation does not impair the guarantees provided for in the Convention.

Article 9. Members of the defence forces may not form or join a union or similar organisation. Similar provisions apply, under the National Public Service Law, to employees of the police, the Maritime Safety Agency and penal institutions and, under the Local Public Service Law, to police and fire service employees. The National Public Service Law, as amended by Law No. 69 of 19 May 1965, now permits employees of the National Fire Defence Board to form or join an organisation.

KUWAIT

In reply to direct requests made by the Committee of Experts, the Government has stated that the main obstacle to the full application of the Convention is the fact that a large proportion (over 75 per cent.) of the labour force is foreign, and it is felt that public security must be taken into consideration. The Government's present policy is to increase the volume of national workers by means of incentives and the establishment of vocational training centres with a view to developing a type of national worker fully aware of the purpose of trade unions and trade unionists.

PERU

In reply to a direct request made by the Committee of Experts, the Government has stated that the preliminary draft of the Bill respecting the organisation of the civil service continues to await the approval of Congress. The committee responsible for drafting the Labour Code will consider the right to organise of workers employed in entities in which the State acts as an undertaking.

There are many cases of the registration of trade unions representing an industry in conformity with the provisions of section 9 (*b*) of Presidential Decree No. 009 of 3 May 1961, which prescribes that, in order to be members of a trade union, workers must be engaged in an undertaking or activity which gives them a common interest. Workers in establishments employing fewer than 20 persons may form a trade union with workers of other establishments engaged in the same activity or industry or else join an already existing trade union covering the same field of activity.

The observations made by the Committee of Experts on various legislative provisions which it does not consider to be in conformity with the requirements of the Convention have been referred to the committee responsible for drafting the Labour Code.

UKRAINE

A new example of the implementation of the right of all workers to associate in social organisations for the protection of their interests is provided by the foundation of the Ukrainian Society for the Protection of Historical and Cultural Monuments in 1965.

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Japan	20. 10. 1953
Argentina	24. 9. 1956	Kenya	13. 1. 1964
Australia	24. 12. 1949	Libya	20. 6. 1962
Belgium	16. 3. 1953	Luxembourg	3. 3. 1958
Brazil	25. 4. 1957	Malta	4. 1. 1965
Bulgaria ¹	29. 12. 1949	Netherlands	7. 3. 1950
Canada	24. 8. 1950	New Zealand	3. 12. 1949
Central African Republic	9. 6. 1964	Nigeria	16. 6. 1961
Colombia	31. 10. 1967	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		

¹ Has denounced this Convention.

AUSTRALIA

Articles 4 and 5 of the Convention. In reply to an observation made by the Committee of Experts in 1966, the Government has stated that continued efforts by the Minister and the Department of Labour and National Service to re-establish a national advisory committee of employers' and workers' representatives now seem likely to be successful.

BELGIUM

In reply to a request made by the Committee of Experts concerning the implementation of Article 9, the Government has stated that the Royal Order of 14 February 1961, determining the status of certain officially recognised bodies, has not yet come into force as far as the National Employment Office is concerned.

BRAZIL

Act No. 4923 of 23 December 1965.

Decree No. 58155 of 5 April 1966.

Decree No. 58550 of 30 May 1966.

The National Manpower Service (under the National Employment and Wages Department) is the body responsible for supervising the activities of public and private employment services, has the task of reviewing the employment market

situation and is charged with formulating policies on training and placement in the light of the social and economic development of the country. It also carries out surveys of the national labour force.

In connection with the organisation of a network of local and regional offices, a plan has been drawn up to establish, *inter alia*, employment offices in the main towns, especially in the areas suffering most from unemployment. Placement offices in the federal capital, Brasília, and in the states of Guanabara, Rio de Janeiro, São Paulo, Rio Grande do Sul, Minas Gerais, Pernambuco and Ceará are already in operation or are in the process of being set up.

As provided for in Act No. 4923 of 23 December 1965, an Advisory Manpower Council functions in close co-operation with the National Employment and Wages Department.

Trade unions co-operate with regional labour directorates which are responsible for providing unemployment benefits.

The Ministry of Labour and Social Welfare has been required under Act No. 4923 to set up placement offices in conjunction with various government, employers' and workers' organisations.

A Placement and Vocational Training Division was recently created within the Department. Its activities include entering into agreements with other bodies for the purpose of increasing the availability of vocational training facilities and setting up placement offices for skilled workers, the organising of the exchange of trainees among the institutes concerned and the issuing of bulletins to disseminate information on employment vacancies.

A nation-wide scheme is being planned under the Placement and Unemployment Assistance Section to assist particular categories of applicants, such as the physically handicapped.

Placement of surplus labour at harvest time and other arrangements to facilitate occupational and geographical mobility of workers needing them have also been planned for 1967 under the responsibility of the Migration Division.

Considerable attention has been given to the training of suitable staff, and training courses for placement clerks and interviewers have already been organised. Security of tenure for staff of the employment services is also being considered.

COSTA RICA

Decree No. 8 of 7 April 1967 to establish a National Human Resources Council (*La Gaceta*, 13 Apr. 1967, No. 83, p. 1273).

Article 3 of the Convention. Owing to the disappearance of the Advisory Committee of the National Employment Service, no local or regional employment office has been established. The National Human Resources Council set up under the above-mentioned decree is tripartite and its basic functions are as follows: to make studies, analyses and recommendations on human resources and to undertake the periodic assessment of the results of programmes carried out in connection with human resources; to advise on training and on the carrying out of employment policy; to recommend measures for the co-ordination or integration of all programmes and activities affecting the labour market.

Articles 4 and 5. The National Human Resources Council came into existence on 15 May 1967 with a tripartite membership consisting of delegates of the State, of employers' organisations and of the workers.

Article 6, clause (c). The Social Research Office has compiled statistics on applications for employment registered by the Ministry of Labour and Social Welfare

for the first half of 1966 and has those for the second half ready for publication. The statistics have been distributed to employers' and workers' organisations and to the general public.

Clause (e). The Employment Office gives advice to public and private organisations or selects the staff required by them.

Article 7. The National Apprenticeship Institute (I.N.A.) was established by Act No. 3506 of 21 May 1965; its aim is to provide methodical training, but this activity has not yet begun. Owing to its recent creation, its activities are at present limited to accelerated short-term training programmes. The specialisation of workers is planned for 1968, when methodical instruction in various careers and occupations will be started.

Article 8. The I.N.A. is carrying out a survey in the field of pre-apprenticeship among young people aged from 12 to 18 years, with a view to studying their bent and adapting these to the most suitable period of apprenticeship. The I.N.A. does not, however, give direct training to young persons under 16 years of age on account of the danger they may run in the handling of machinery.

CUBA

Resolution No. 36 of 15 March 1967 of the Ministry of Labour (*Gaceta Oficial*, Year LXV, 16 May 1967, No. 2).

Resolution No. 37 of 1 April 1967 (*ibid*).

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

Article 4. The public offices at present providing employment services are the regional offices of the Ministry of Labour. There are 43 offices in the six provinces. In the city of Havana and adjoining localities the Labour Force Committee is the competent authority for dealing with these matters.

Article 5. No policy has been established, since there are no classes representing antagonistic interests, and the functions of government and of employers are carried out by workers who have acquired the right to administer the resources of the country. In these circumstances the concept of consultation for the adoption of measures concerning employment is self-evident.

Article 6, clause (a). The direct operation of the employment service is now the responsibility of the regional offices of the Ministry of Labour. Certain regulations have recently been issued, however, to govern the engagement and the mobility of administrative production, transport and other personnel.

It should be pointed out that the rate of economic development is now accelerating and preference is being given to the maximum expansion of agricultural production and the introduction of adequate techniques in this sector, though this does not mean that the expansion of industrial production is being neglected. It is, however, in the agricultural sector that labour is most in demand and most intensively employed.

There is no neglect either of the problems connected with individual aptitudes for various activities and occupations.

ETHIOPIA

Article 4 of the Convention. The representatives of the Employers' Federation and of the Confederation of Ethiopian Labour Unions on the Employment Advisory Committee are appointed in equal numbers (seven from each party).

Article 6. The Government intends to take serious measures to intensify the activities of the employment services. Five new employment offices will be created

during the next five years. Employment counselling services and vocational guidance within the educational system will be extended.

Article 11. There are no private employment agencies not conducted with a view to profit.

FRANCE

Act No. 892 of 3 December 1966 respecting vocational training, planning and programming (*Journal officiel*, 4 Dec. 1966, No. 279, p. 10611).

Decree No. 55 of 18 January 1967 respecting the co-ordination of vocational training policy and social promotion (*ibid.*, 19 Jan. 1967, No. 16, p. 755).

Decree No. 75 of 27 January 1967 respecting the composition and working of the regional committees for vocational training, social promotion and employment (*ibid.*, 29 Jan. 1967, No. 25, p. 1043).

Ordinance No. 578 of 13 July 1967 to establish a National Employment Agency (*ibid.*, 19 July 1967, No. 166, p. 7238).

GHANA

See under Convention No. 29.

Paragraph 3 of Part I of the Labour Decree of 1967 provides for assistance to employed persons seeking a change of employment and for separate arrangements for persons under the age of 21 years (including vocational guidance facilities), disabled persons and highly skilled and professional workers.

GREECE

Order No. 65303/8597 of 1967 respecting the procedure for the placement of unemployed workers. See also under Convention No. 52.

Article 2 of the Convention. Act No. 3252 of 1955 provides that all placement offices shall be subject to the supervision and inspection of the Ministry of Labour.

Article 6. If a person already in employment finds himself other much more profitable employment, the employment service helps him to obtain the new post.

Article 9. The only measures taken to ensure the independence of the staff of placement offices against improper outside influences are the supervision of these offices and the penalties provided for by the Civil Service Code.

The Workers' Centre of Megara has requested the establishment of a labour inspection office and a placement office in Megara. The Workers' Centre of Argolis, which has its headquarters at Argos, has asked for the appointment of a labour inspector at Argos and the establishment of a placement office there.

INDIA

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

Article 6, clause (a), of the Convention. Necessary changes have been made in the instructions to employment offices regarding the registration of foreign nationals at these offices. The revised instructions permit foreign nationals residing in India to register, provided that there is no prohibition against their employment under the local laws and regulations or other orders sanctioning their residence in the country.

Clause (d). The unemployment insurance scheme is still in a preliminary stage of formulation and the role of the National Employment Service in the administration of the scheme has not yet been decided upon.

Article 11. According to the information collected by the Directorate General of Employment and Training, there are two types of non-profit-making private employment agencies in the country, viz. those catering for the needs of backward classes, physically handicapped persons (including the blind), women and ex-servicemen, and those catering exclusively for particular communities.

The National Employment Service is already extending full co-operation to the employment agencies of the first type. Thus, the employment offices in charge of employment exchanges for the handicapped have standing instructions to establish liaison and co-operation with other voluntary agencies engaged in helping the handicapped, including the blind. Similarly, all the employment officers have been instructed to have monthly meetings with the secretaries of the district soldiers', sailors' and airmen's boards, with a view to giving speedy employment assistance to ex-servicemen, and to seek the co-operation of the secretaries in this regard.

As regards the employment agencies catering for the needs of particular communities, these are run by the communities for the benefit of their members, whereas the National Employment Service renders assistance to all citizens, irrespective of caste, creed or religion. The question of co-operation between such denominational agencies and the National Employment Service does not arise in view of the secular Constitution of India.

IRAQ

In reply to an observation made by the Committee of Experts in 1966, the Government has stated that, in addition to the opening of a new employment service office on the district of Baghdad, employment service functions are being carried out by the labour offices in four other districts.

ISRAEL

Employment Service Rules, 1965.

ITALY

In reply to an observation made by the Committee of Experts in 1966, the Government has stated that the fact that there is not equal representation of employers and workers on advisory committees is still under review and will be dealt with as part of the reform of the present legislation on manpower placement.

JAPAN

Law No. 132 of 21 July 1966 respecting manpower organisation (*Kampoo*, 21 July 1966, No. 11881, p. 2) (*L.S.* 1966—Jap. 1).

KENYA

The Careers Advice Programme has been suspended pending the setting up of machinery for dealing with the Kenyanisation of Personnel Programme.

MALTA

Register of Applicants for Employment Order, 1966 (Legal Notice No. 65 of 1966) (Part Two).

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that, by virtue of the above-mentioned order, persons in gainful employment may now register for employment with the Employment Office.

NETHERLANDS

Article 6, clause (b), sub-clause (i), of the Convention. Two new regulations are in force to help facilitate occupational mobility. The first establishes a new basis for the reimbursement of employers in respect of actual expenses incurred in providing on-the-job training. The second encourages retraining of both the unemployed and those threatened with unemployment for a new occupation, by providing for the reimbursement of all expenses connected with such retraining.

NIGERIA

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that the governments within the Federation are encouraged to make full use of the employment exchanges for recruiting labour for the public services and that employers in the private sector are also counselled by government labour officers and labour inspectors to do likewise.

NORWAY

Article 3 of the Convention. A committee has been making an appraisal of the employment service and has made suggestions for increasing its efficiency while maintaining low operating costs.

Article 6, clause (b). Financial aid to encourage geographical mobility has been considerably extended.

Article 7. It is proposed to strengthen the guidance and placement services so as to facilitate the fuller participation of married women in paid employment. A public committee is studying the employment problems of elderly people. A Norwegian edition of the Nordic Occupational Classification, conforming as closely as possible to the *International Standard Classification of Occupations* and to other Nordic classifications, has been published.

SINGAPORE

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

An occupational classification system was introduced in 1966.

Each month a report is published giving information on, *inter alia*, applicants for employment, vacancies notified and placements made.

The State Economic Consultative Council has not so far discussed the question of employment service policy.

SPAIN

Decree No. 2012 of 21 July 1966 to reorganise the provincial and district placement committees (*Boletín Oficial del Estado*, 12 Aug. 1966, No. 192, p. 10526).

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

The above-mentioned decree provides for the reorganisation of the provincial and district placement committees. These committees, which include representatives of employers and workers, have advisory functions and co-operate in the activities of the employment service.

Their functions, which are carried out within their respective geographical areas, include the study and the making of proposals to the appropriate labour

authority with regard to problems relating to the better utilisation of manpower, vocational training, plans to prevent and combat unemployment, and the geographical mobility of the economically active population.

The Joint Central Employment Committee, with the active co-operation of representatives of employers and workers, participates in the implementation of the national Plan for Economic and Social Development.

SWEDEN

Instructions of 3 December 1965 respecting the Employment Market Board and the county labour committees (*Svensk Författningssamling*, 1965, No. 667, p. 1301).

Employment Market Order of 3 June 1966 (*ibid.*, 29 June 1966, No. 368, p. 832) (*L.S.* 1966—Swe. 1).

SYRIAN ARAB REPUBLIC

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

Article 1 of the Convention. The Government will attempt to make clear in a future legislative text that services are provided without charge either to the worker or the employer.

Article 6. In the present circumstances the Government is unable to extend its services to casual jobs, to professional workers or to employed persons seeking a change of employment. Occupational mobility depends on the ability to carry out the tasks of another occupation, and for this reason a new draft law lays special emphasis on vocational training.

Article 10. Employers' and workers' organisations encourage their members to make full use of the facilities of the employment service.

UNITED KINGDOM

Employment Advisory Committee Regulations, 1966 (*Statutory Instruments*, 1966, No. 422).

Industrial Development Act, 1966 (Ch. 34).

Under the Industrial Development Act, 1966, the criteria for selecting the areas in which assistance designed to speed industrial expansion and modernisation can be given have been broadened; they now have regard to all relevant economic circumstances, including population changes and migration, as well as the level of unemployment.

VENEZUELA

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

Article 5 of the Convention. With a view to avoiding duplication of effort, the duties of the Advisory Committee of the Employment Directorate have been taken over by the National Manpower Council, set up by Decree No. 34 of 22 February 1967. The National Manpower Council is now responsible, *inter alia*, for manpower planning and assessment; providing advice on the formulation and implementation of employment policy; and co-ordination of activities and programmes affecting the labour market. The Council, which is composed of private and public entities, makes recommendations to the Government with regard to programmes for the adequate utilisation of the national human resources.

Article 6, clause (a). The Employment Directorate assesses the physical fitness and vocational skills of persons seeking employment and provides vocational guidance. It also helps young people entering the labour market and persons not employed on the kind of work for which they would be best suited.

The National Educational Co-operation Institute (I.N.C.E.) collaborates with the Employment Directorate in this connection on the basis of information periodically supplied to it by the Directorate. For its part the Employment Directorate endeavours to find employment for persons graduating from the Institute.

Clause (b). The Employment Directorate has been encouraging occupational and geographical mobility through its network of placement offices, mostly through those offices which are closest at hand. To this end it maintains a system of permanent contact with its branch offices.

Clause (d). The Employment Directorate is at present making arrangements with a view to participating in the management of the unemployment insurance scheme when, in accordance with the relevant legislation, the scheme enters into operation.

Clause (e). The Employment Directorate has always been most ready to co-operate with public and private bodies as required by this clause.

Article 7. Under the law the questions dealt with in this Article come within the field of competence of the I.N.C.E. Hence the Employment Directorate merely makes suggestions to the Institute in this connection.

Article 9. The Government's report confirms that the provisions in force with regard to this matter will be brought into line with the Convention once the Civil Service Act, now being considered by Congress, has been approved.

89. Night Work (Women) Convention (Revised), 1948

This Convention came into force on 27 February 1951

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Libya	20. 6. 1962
Austria	5. 10. 1950	Luxembourg	3. 3. 1958
Belgium	1. 4. 1952	Malawi	22. 3. 1965
Brazil	25. 4. 1957	Malta	4. 1. 1965
Burundi	11. 3. 1963	Mauritania	8. 11. 1963
Ceylon	31. 3. 1966	Netherlands	22. 10. 1954
Congo (Kinshasa)	20. 9. 1960	New Zealand	10. 11. 1950
Costa Rica	2. 6. 1960	Pakistan	14. 2. 1951
Cuba	29. 4. 1952	Paraguay	21. 3. 1966
Cyprus	8. 10. 1965	Philippines	29. 12. 1953
Czechoslovakia	12. 6. 1950	Portugal	2. 6. 1964
Dominican Republic	22. 9. 1953	Rumania	28. 5. 1957
France	21. 9. 1953	Rwanda	18. 9. 1962
Ghana	2. 7. 1959	Senegal	22. 10. 1962
Greece	27. 4. 1959	Republic of South Africa	2. 3. 1950
Guatemala	13. 2. 1952	Spain	24. 6. 1958
Guinea	12. 12. 1966	Switzerland	6. 5. 1950
India	27. 2. 1950	Syrian Arab Republic	1. 12. 1949
Iraq	17. 11. 1967	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

AUSTRIA

In reply to an observation made by the Committee of Experts, the Government has stated that the examination of the Bill respecting the performance of night work by women workers, on which the employers' and workers' organisations reached a large measure of agreement, was expected to be completed in the autumn of 1967 after which the Bill would be tabled in Parliament.

The Congress of the Austrian Federation of Trade Unions trusts that new legislative provisions in conformity with the Convention will shortly be adopted by the appropriate authorities.

CONGO (KINSHASA)

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

Provisions have been included in the new Labour Code for the purpose of prohibiting the performance of night work by young persons under 18 years of age and by women workers in public or private undertakings, "night" being defined as a period of 11 hours including an interval of at least seven consecutive hours between 7 p.m. and 7 a.m.

With regard to exceptions which may be authorised in this respect, section 110 of the Labour Code provides that orders of the Minister of Labour and Social Welfare, promulgated following advice from the National Labour Council, shall establish the

working conditions of women and children and, in particular, shall define the types of work on which it is forbidden to employ them.

COSTA RICA

In reply to a request made by the Committee of Experts, the Government has stated that, with a view to promoting the industrialisation of the country and dealing with unemployment problems, Decree No. 11 of 20 May 1967 has been promulgated. Under this decree women workers are permitted to work at night until 10.30 p.m. In addition, decisions taken by the Government in pursuance of section 88 of the Labour Code have authorised two industrial undertakings, subject to certain conditions, to employ women during the night without any limit of time in cases where the work is of "exceptional interest for the community". The employers' and workers' organisations concerned were consulted and agreed to this arrangement.

CYPRUS (First Report)

Employment of Women (during the Night) Law (*The Statute Laws of Cyprus*, Ch. 180).

Law No. 56 of 1965 to ratify the Night Work (Women) Convention (Revised), 1948 (*Episemos Ephemeris*, 2 Jan. 1965, No. 379, Supplement I).

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

Article 2. The competent authority has not found it necessary to prescribe different intervals.

Article 3. The term "woman" includes all persons of the female sex and is interpreted as covering all women employed in industrial undertakings without distinction as to the nature of their duties.

Article 4, clause (a). Existing legislation does not impose any conditions in respect of the use of this exception by employers.

Clause (b). No use has been made of this exception.

Article 5. Prohibition of the employment of women during the night has not so far been suspended in any way by the Government.

Article 6. No exceptions have so far been made under this Article.

Article 7. No exemptions have been made under this Article. The climatic conditions do not require the introduction of such alternatives.

Article 8. It has not been found necessary to take any special measures in pursuance of this Article.

The application of the legislation is entrusted to the Ministry of Labour and Social Insurance. Inspection of the implementation of the provisions of the legislation is at present carried out by the police authorities acting in close collaboration with the Ministry of Labour and Social Insurance.

FRANCE

In reply to an observation made by the Committee of Experts, the Government has stated that it has reminded labour inspectors, in the rare instances where they have been requested to make exceptions under section 22 of Book II of the Labour Code, that there can be no question of applying the provisions of this section in the present circumstances.

GHANA

See under Convention No. 29.

The Labour Decree, which came into force on 10 April 1967, repeals the Labour Ordinance and the Labour Registration Act of 1960.

GREECE

In reply to a request made by the Committee of Experts, the Government has stated that section 42 (4) of Act No. 3239 of 1955 has been applied by some textile industries for a period of up to six months in connection with the export of their goods, after consultation of the employers' and workers' organisations concerned.

GUINEA (First Report)

Draft order governing the employment of women and children (to be approved shortly by the Minister of Labour and Social Legislation).

See also under Convention No. 10.

Following the ratification of this Convention, the requirements of which are met by the provisions of section 146 (2) of the Labour Code, Convention No. 4 has become null and void in the country.

Article 1 of the Convention. Section 1, paragraph 1, of the above-mentioned draft order makes no distinction between industry on the one hand and agriculture, commerce and other non-industrial activities on the other.

Article 2. According to section 3, paragraph 2, of the draft order, night work means work performed between 10 p.m. and 6 a.m., comprising eight consecutive hours. Section 4 of the draft order and section 146 (1) of the Labour Code provide for 11 consecutive hours of rest.

Articles 3, 5 and 8. Sections 5 to 7 of the draft order apply these provisions. The draft order contains all necessary provisions respecting health and safety in the field of women's work.

The Ministry of Labour and Social Legislation is responsible for supervising the application of the regulations respecting the health and safety of workers, the enforcement of which is ensured by labour and social legislation inspectors and supervisors.

IRELAND

Mines and Quarries Act, 1965.

In reply to an observation made by the Committee of Experts, the Government has supplied the text of the above-mentioned Act, which contains provisions prohibiting the employment of women during the night in mines. In addition it has stated that an examination of the Conditions of Employment Act, 1936, which, contrary to the Convention, does not cover "work of a clerical nature", has been undertaken with a view to the formulation of appropriate amendments.

LEBANON (First Report)

See under Convention No. 14.

Article 1 of the Convention. Section 26 of the Labour Code prohibits the performance of night work by women workers engaged in mechanical or manual work in industry.

Article 2. Under section 26 the performance of night work by women workers is prohibited between 8 p.m. and 5 a.m. from 1 May to 30 September and from 7 p.m. to 6 a.m. from 1 October to 30 April. The question of prescribing different intervals for different areas, beginning after 11 p.m., has never arisen since the law is applicable to all regions and industries.

Article 3. The term "women" means all women employed in work of a mechanical or manual nature.

Article 4. The law does not provide for such exceptions.

Article 5. None of the provisions of paragraph 1 of this Article has yet been applied.

Article 6. The question has not arisen.

Article 7. At present the night period is shorter in winter than in summer.

Article 8. No special measure has been adopted. The prohibition of night work under section 26 of the Labour Code is interpreted as not applying to women employed in managerial posts or in health and welfare services.

Supervision of the application of the legislation is entrusted to the labour inspectorate.

MALAWI (First Report)

Employment of Women, Young Persons and Children Ordinance (*The Laws of Nyasaland*, Ch. 84).

Article 1 of the Convention. Under section 2 of the above-mentioned ordinance the term "industrial undertakings" applies to all the industrial undertakings covered by this Article.

Article 2. Under section 14 the Minister of Labour may make regulations for the implementation of the ordinance. In the schedule to the ordinance night-time is fixed according to the season. The Minister has established a Labour Advisory Board for the purpose of consulting employers' and workers' representatives on new labour legislation or amendments to existing labour legislation.

Article 3. Under section 8 of the ordinance no woman worker may be employed at night in public or private industrial undertakings other than family undertakings.

Article 4. Under section 10 women workers may be employed at night to rectify the effects of a case of *force majeure* and to preserve from certain loss materials subject to rapid deterioration.

Under section 9 the Minister may by notice authorise night work during a season or on a specified number of days during a season.

Article 5. No use has been made of this provision.

Articles 6 and 7. No use has been made of this exception.

Article 8. No such exception has been made.

The supervision of the application of the above-mentioned legislation is entrusted to the Ministry of Labour inspectors.

MALTA (First Report)

Factories Ordinance, 1940 (*The Revised Edition of the Laws of Malta*, 1942, Ch. 169).

Factories (Night Work by Women) Regulations, 1952 (Government Notice No. 114).

Article 1 of the Convention. The above-mentioned regulations cover all factories. Under section 2 of the above-mentioned ordinance the term "factory" includes

workshops in which persons are employed in the manual occupations enumerated in that section.

Article 2. Paragraph 1 (2) of the regulations defines "night" as a period of 11 consecutive hours including the period from 10 p.m. to 5 a.m.

Article 3. The provisions of this Article are applied by paragraph 2 of the regulations. The term "women" is interpreted as covering all women employed in industrial undertakings without distinction as to the nature of their duties.

Article 4. The provisions of this Article are applied by paragraph 3 of the regulations.

Article 5. No use has been made of this provision.

Articles 6 and 7. No use has been made of the exceptions provided for in these Articles.

Article 8. The provisions of this Article are applied by paragraph 4 of the regulations.

The Department of Labour and Emigration enforces the regulations. Labour officers visit factories regularly to ensure the application of the legislation.

PAKISTAN

Mines (Amendment) Act, 1967.

In reply to an observation made by the Committee of Experts, the Government has supplied the text of the above-mentioned Act, which brings section 46 of the Mines Act into conformity with Article 5 of the Convention.

PORTUGAL (First Report)

Rural Labour Code, Decree No. 44309 of 27 April 1962 (*Diário do Governo (D.G.)*, 27 Apr. 1962, No. 95, p. 579; errata: *D.G.*, 7 June 1962, No. 130, p. 793, and 25 June 1962, No. 143, p. 869) (*L.S.* 1962—Por. 1).

Legislative Decree No. 24402 of 24 August 1934 to regulate the hours of work in commercial and industrial undertakings (*D.G.*, 24 Aug. 1934, Series I, No. 199, p. 1617) (*L.S.* 1934—Por. 5).

Legislative Decree No. 26917 of 24 August 1936 (*D.G.*, 24 Aug. 1936, Series I, No. 198, p. 1013) (*L.S.* 1936—Por. 3) to amend Legislative Decree No. 24402 of 1934.

Legislative Decree No. 47032 of 27 May 1966 respecting contracts of employment (*D.G.*, 27 May 1966).

Ratification of the Convention conferred the force of national law upon its provisions by virtue of Legislative Decree No. 44862 of 23 January 1963.

Article 1, paragraph 1, of the Convention. In reply to a request made by the Committee of Experts regarding the possibility of excluding undertakings engaged in the construction and repair of roads and lines of communication from the scope of Legislative Decree No. 24402 of 1934, the Government has stated that exemptions from the provisions of the legislative decree can be granted only by the National Labour and Social Welfare Institute, and only if cogent reasons are adduced.

Paragraph 2. There are no legislative provisions defining the dividing line between industry and non-industrial occupations.

Referring to the exclusion, under the terms of section 1 of the legislative decree of 1934, of construction undertakings of a family or agricultural nature, the Government has stated that these are generally small undertakings of minor economic

importance and employing only a limited number of persons. Their building activities are conducted with a view neither to profit-making nor to economic development but to meeting the needs—especially the housing needs—of agricultural concerns.

Article 2. Rest periods for women working in the textile industry (exceptionally up to 11 p.m.) are guaranteed by the fact that the competent authorities permit such work only if it is organised on a shift basis, with each shift lasting eight hours and with an interval of 11 hours between the time a shift goes off duty and the time it returns to work. Where women work until 11 p.m. undertakings are required to seek the authorisation of the Ministry of Corporations and Social Welfare; the latter gives its ruling after consulting the Corporative Committee for Social Welfare, on which employers' organisations are represented.

Section 141 of the Rural Labour Code, which is applicable in all the overseas provinces, defines night work as any work performed between 8 p.m. and the usual time for starting work.

Article 3. The term "woman" is interpreted as meaning any woman employed in industrial or commercial undertakings, regardless of the nature of her work. As regards the overseas provinces, see under Convention No. 4.

Article 4, clause (a). Under section 46 of Legislative Decree No. 47032 of 1966, no worker may be required to work hours in excess of the normal working period except in the cases expressly provided for by the law or when, for good and sufficient reason, such work is authorised by the Ministry of Corporations and Social Welfare. Moreover, in accordance with section 5, as amended, of Legislative Decree No. 24402 of 1934, in cases of *force majeure* due to serious accidents, or in cases in which the imminence of serious and exceptional damage necessitates an increase in the hours of work, the employer may prolong the said hours beyond the usual closing hour, provided that he reports the fact within 48 hours to the National Labour and Social Welfare Institute.

Clause (b). Recourse is had to this possibility of derogation in the fish and fruit canning industry between the months of May and December.

Article 5. The prohibition of night work has never been suspended on grounds of the existence of a serious emergency when the national interest might have demanded it.

Article 6. See under Convention No. 4.

Article 7. No recourse has ever been had to the possibility of derogation provided for in this Article.

Article 8. The possibility of not applying the Convention to women employed in health and welfare services is being considered.

The Ministry of Corporations and Social Welfare and the Ministry of Overseas Provinces are responsible for the application of the above-mentioned laws and for supervising their observance through the agency of corporative committees on which the employers and workers are equally represented.

In addition, the labour inspection services are in touch with the undertakings, both to supply them with any explanations of which they may stand in need, and to secure compliance with the regulations (see also under Convention No. 81).

Regarding the application of the Convention in the overseas provinces, see under Convention No. 4.

RWANDA

See under Convention No. 4.

SWITZERLAND

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

No exception has been authorised under section 70, subsection (2), of the General Ordinance, No. 1 of 1966, which empowers the Federal Department of Public Economy to sanction, in respect of the prohibition on the performance of night work by women, exemptions other than the exemptions already provided for in the ordinance.

With regard to the exceptions provided for, for purposes of vocational training, in section 70, subsection 1 (a), these can be authorised only within the limits imposed by the Convention. The above-mentioned section is designed to cover the sectors of activity which are excluded from the Convention but included in the ordinance, namely commerce, transport, hotels, restaurants and cafés; it has very narrow scope in practice, in view of the very few activities for which training at night is indispensable.

SYRIAN ARAB REPUBLIC

Ministerial Order No. 253 of 11 May 1966.

In reply to a direct request made by the Committee of Experts, the Government has stated that the above-mentioned order rescinds section 1 (9) of Ministerial Order No. 618 of 16 November 1960, authorising shift work for women, and ensures a nightly rest period of at least 11 consecutive hours.

URUGUAY

In reply to an observation made by the Committee of Experts, the Government has stated that, with the adoption of Decree No. 492 of 1967, the Committee's request has been fully met.

ZAMBIA (First Report)

Employment of Women, Young Persons and Children Ordinance (*Laws of Northern Rhodesia*, 1965 Edition, Ch. 191).

Article 1 of the Convention. The definition of the term "industrial undertaking" given in section 13 of the above-mentioned ordinance is in accordance with this Article. No line of demarcation separating industry from non-industrial occupations is necessary because only a limited number of women are employed in agriculture and in the clothing industry. Most women are employed in clerical occupations, in which night work is not customary.

Article 2. Section 2 of the ordinance gives the same definition of the word "night" as is given in this Article. The Minister is empowered to prescribe different intervals for different industries or areas, but this power has never been invoked.

Article 3. Under section 2 of the ordinance "woman" means all persons of the female sex, regardless of their age; section 14 prohibits the employment of women workers at night in any public or private industrial undertaking other than family undertakings.

Article 4. Although section 14 provides for this exception it has never been invoked.

Article 5. In no circumstances is the suspension of the prohibition of night work allowed.

Article 6. Although section 15 of the ordinance empowers the Minister to reduce the night period in accordance with this Article, this power has never been invoked.

Article 7. The provisions of this Article are not applicable.

Article 8. Under section 14 (c) women holding responsible positions of management are excluded from the provisions of the ordinance.

The Ministry of Labour is responsible for the administration of the ordinance and labour officers carry out routine inspections for its enforcement.

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		

CYPRUS (First Report)

Bakeries (Night Work) Law, No. 3 of 16 January 1950 (*The Statute Laws of Cyprus*, Ch. 180).

Children and Young Persons (Employment) Law, No. 33 of 30 September 1953 (*ibid.*, Ch. 178) (*L.S. 1953—Cyp. 2*), as amended by Law No. 61 of 1964 (*Episemos Ephemeris*, 12 Nov. 1964, First Supplement).

Article 1, paragraph 2, of the Convention. No decisions have been taken in pursuance of this paragraph.

Paragraph 3. National legislation does not allow such exemptions.

Article 2. The competent authority has not so far prescribed different intervals.

Article 3. National legislation does not allow such an exemption.

Article 4, paragraph 1. No exemptions have been permitted. Climatic conditions are not such as to render work by day particularly trying.

Paragraph 2. The only condition is that young persons to be exempted should be of the male sex (section 8 of the Children and Young Persons (Employment) Law).

Article 5. Prohibition of night work has not so far been suspended by the Government.

The Ministry of Labour and Social Insurance is the authority entrusted with supervising the application of the above-mentioned legislation. The inspection service of the Ministry provides inspectors to ensure the implementation of the provisions of the above-mentioned laws.

No decision has so far been given by any court of law or tribunal on the application of the Convention.

No observations have so far been received from the organisations of employers or workers concerned.

GHANA

See under Convention No. 29.

In reply to requests made by the Committee of Experts, the Government has supplied the text of the Labour Decree of 1967, which repeals the Labour Ordinance; it quotes the provisions of the decree which give effect to Articles 2 and 4 and Article 6, paragraph 1, clause (a), of the Convention.

GUINEA (First Report)

See under Convention No. 89.

Article 1 of the Convention. See under Convention No. 89.

Article 2. The nightly rest period for children under 18 years of age is 11 hours, in accordance with section 146 of the Labour Code and section 4 of the draft order governing the employment of women and children. See also under Convention No. 89.

Article 3, paragraphs 1 to 3, *Article 4*, paragraph 2, and *Article 5*. The provisions of these Articles will be applied by sections 25 and 26 of the draft order.

Regarding the authorities responsible for supervising the application and enforcement of the safety and health regulations, see under Convention No. 89.

ITALY

See under Convention No. 10.

In reply to a request made by the Committee of Experts respecting the application of Article 6, paragraph 1, clause (a), of the Convention, the Government has stated that it did not deem it necessary to include in Act No. 977 of 17 October 1967 a provision concerning measures to bring the legislation in force to the attention of those concerned, since the branch offices of the Ministry of Labour are, *inter alia*, responsible for providing any relevant information regarding labour legislation and contracts of employment.

LEBANON (First Report)

See under Convention No. 14.

Article 1 of the Convention. As, under section 23 of the Labour Code, the employment of children and adolescents in any activity between 7 p.m. and 6 a.m. is prohibited, no line of demarcation separating industry from agriculture and commerce is considered necessary.

Article 2. According to section 21 of the Code adolescents are persons over 13 but under 16 years of age.

Article 3. Section 25 of the Code makes use of the exemption envisaged in this Article in respect of technical training establishments and charitable institutions, subject to approval by the Ministry of Labour and Social Affairs. The public sector does not employ persons under the age of 18 years and the performance of night work in private industry is rare and exceptional. No case of adolescents aged between 16 and 18 years being employed at night has come to the notice of the labour inspectorate.

Article 4. The climate makes this provision inapplicable.

Article 5. The question has not arisen.

Article 6. The labour inspectorate is entrusted with ensuring the application of the provisions relating to the prohibition of the performance of night work by children. Verification of the age of persons working for an employer is ensured by sections 9 and 14 of the Labour Code, which require all employers to make declarations in this respect and to furnish individual work books to the Ministry of Labour and Social Affairs.

Article 7. Before ratification of the Convention the Labour Code prescribed an age-limit lower than 18 years but not lower than 16 years.

TUNISIA

In reply to a request made by the Committee of Experts, the Government has stated that section 73 of the new Labour Code stipulates that a record shall be kept of the names and dates of birth of all employees under 18 years of age, in accordance with the requirements of Article 6, paragraph 1, clause (*e*) of the Convention.

URUGUAY

See under Convention No. 22.

Article 2, paragraph 1, of the Convention. In reply to an observation made by the Committee of Experts, the Government has supplied a copy of the text of Decree No. 160 of 5 October 1967, section 1 of which prohibits the performance of night work by young persons during a period of at least 12 consecutive hours.

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		

BELIGUM

In reply to direct requests made by the Committee of Experts, the Government has stated that the Maritime Inspection Regulations (Royal Order of 12 December 1957), governing crew accommodation standards, are being revised. The competent working group has taken into consideration the Committee's observations on Article 10, paragraphs 1 and 2, Article 13, paragraph 2, Article 14, paragraph 1, and Article 15, paragraph 2, of the Convention, and is likely to bring the regulations into line with these Articles. No deadline has yet been fixed for the end of the working group's deliberations.

BRAZIL

Decree No. 60930 of 3 July 1967 (*Diário Oficial*, 5 July 1967).

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

The committee which was appointed by the Minister of Labour and Social Welfare to prepare an amendment to section 7 (c) of the Merchant Marine (Crew Accommodation) Regulations, approved by Decree No. 46130 of 2 June 1959, in order to bring it into line with Article 5 of the Convention, submitted an amendment to the Government, which approved it and enacted it as the above-mentioned decree.

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
Barbados	8. 5. 1967	Kenya	13. 1. 1964
Belgium	13. 10. 1952	Malaysia (Sabah, Sarawak)	3. 3. 1964
Brazil	18. 6. 1965	Mauritania	8. 11. 1963
Bulgaria	7. 11. 1955	Morocco	20. 9. 1956
Burundi	11. 3. 1963	Netherlands	20. 5. 1952
Cameroon:		Nigeria	17. 10. 1960
Eastern Cameroon	29. 1. 1963	Philippines	29. 12. 1953
Western Cameroon	3. 9. 1962	Rwanda	18. 9. 1962
Central African Republic	9. 6. 1964	Sierra Leone	15. 6. 1961
Congo (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		

AUSTRIA

The Government has stated that the Congress of the Austrian Federation of Trade Unions has repeated its observations, which were referred to in the Government's report for 1963-65, concerning the small amount of progress made in the application of the Convention at the provincial and local levels.

BRAZIL (First Report)

Legislative Decree No. 7036 of 10 November 1944 (*Diário Oficial*, 13 Nov. 1944, Year LXXXIII, No. 264, pp. 19241-19247) (*L.S.* 1944—Braz. 2), as subsequently amended.

Act No. 2573 of 15 August 1955 respecting increased wages for workers in permanent contact, in dangerous conditions, with inflammable materials.

Decree No. 40119 of 15 October 1956 respecting the additional remuneration provided for by Act No. 2573 of 1955, as amended by Decree No. 46267 of 26 June 1959.

Article 3 of the Convention. The provisions of this Article are applied by the above-mentioned legislation.

In addition the Government has stated that it intends to establish a special committee to draw up a draft decree respecting the application of the Convention.

CAMEROON

Western Cameroon

In reply to a direct request made by the Committee of Experts, the Government has supplied the text of the circular bringing the fair wages clause to the notice of certain authorities in order for it to be included in all contracts.

CONGO (KINSHASA)

In reply to direct requests made by the Committee of Experts, the Government has supplied the text of a section of draft legislation respecting public contracts, which lays down the labour clauses to be included in public contracts.

FRANCE

Decree No. 887 of 28 November 1966 (*Journal officiel*, 2 Dec. 1966).

Section 319 of the above-mentioned decree extends to municipalities and their public establishments, under certain conditions, the provisions of sections 117 to 121 of Book III of the Public Markets Code set up under Decree No. 729 of 1964.

GHANA

In reply to a request made by the Committee of Experts, the Government has stated that the Labour Decree contains no provisions giving effect to the Articles of the Convention.

The Government will continue to implement the Convention by administrative measures.

MALAYSIA

Sarawak

Article 3 of the Convention. In reply to direct requests made by the Committee of Experts, the Government has stated that the new Factories and Machinery Act, 1967, has been passed by Parliament but will be put into operation only after the appropriate regulations have been enacted.

MOROCCO

Royal Decree of 19 October 1965 to approve the general clauses applicable to contracts for the carrying out of work for the Ministry of Public Works and Communications.

In reply to direct requests made by the Committee of Experts, the Government has stated that section 14 of the above-mentioned enactment provides that entire responsibility for ensuring that all the labour laws and regulations are applied to his employees shall lie with the employer.

RWANDA

See under Convention No. 4.

Article 2 of the Convention. The Labour Code contains provisions giving full effect to those of the Convention. The minimum content of any contract of employment will be specified by regulations, until such time as it can be established or extended by collective agreements.

Article 3. The Labour Code, in Part VII, contains provisions respecting workers' health and safety.

Article 4. The models of the notices have not yet been decided upon but in any case such notices are compulsory under the Labour Code.

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
Barbados	8. 5. 1967	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		

BRAZIL

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), as amended by Legislative Decree No. 229 of 28 February 1967.

In reply to a request made by the Committee of Experts, the Government has stated that in order to take the Committee's recommendations into account, the above-mentioned legislative decree has amended various provisions of the Consolidation of Labour Laws related to Articles of the Convention.

Article 2 of the Convention. Manual workers employed by public bodies on work of an industrial nature not considered as public works are treated as seasonal workers and are subject to the provisions of the Consolidation of Labour Laws by virtue of Act No. 3780 of 1 July 1960.

Article 4. According to section 458 of the Consolidation of Labour Laws as revised, wages may in no circumstances be paid in the form of alcoholic liquor or noxious drugs. The value attributed to allowances in kind must be fair and reasonable and may not exceed a fixed percentage of the minimum wage.

Article 6. According to the new paragraph 4 of section 462 of the Consolidation of Labour Laws, employers are prohibited from restricting in any way a worker's freedom to dispose of his wages.

Article 7. According to paragraph 2 of section 462 of the Consolidation of Labour Laws, as revised, an employer who runs a works store to sell commodities to his employees or who provides services representing allowances in kind is prohibited from using coercion to make his employees use the works store or services. In accordance with the new paragraph 3 of the same section, the competent authority may take appropriate measures to ensure that, when access to other stores or services is not possible, goods are sold and services are provided at reasonable prices, not for profit, but for the benefit of the workers.

Article 15, clause (c). In accordance with the new section 510 of the Consolidation of Labour Laws, penalties are imposed on employers who infringe the above-mentioned provisions.

CAMEROON

Western Cameroon

See under Convention No. 16.

In reply to a direct request made by the Committee of Experts, the Government has stated that section 84, paragraph 1, of the new Code is based on Article 6 of the Convention and that the provisions of this Code answer the questions raised by the Committee.

CHAD

In reply to a direct request made by the Committee of Experts, the Government has stated that the joint committee charged with drawing-up the general collective agreement will be asked to include in it a provision identical to that of Article 6 of the Convention.

CHINA

In reply to a direct request made by the Committee of Experts, the Government has stated that, in accordance with section 2 of the Mines Act, the Factories Act and regulations made thereunder are also applicable to mineworkers. Section 15 of the Mines Act provides that, in case of bankruptcy, priority must be given to the payment of wages due to the workers.

COLOMBIA

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

Article 2 of the Convention. Decree No. 3739 of 1954 specifically provides that railway workers shall be protected by the provisions of the Labour Code. Workers in state undertakings, public works and other services of the State are covered by Decree No. 2127 of 1945.

Article 4, paragraph 1. Although the Labour Code authorises payment of a proportion of a worker's wages in the form of foodstuffs, such foodstuffs may not

include either alcoholic beverages or harmful drugs. This prohibition is contained implicitly in section 138 of the Code.

Article 6. It is considered that the Labour Code guarantees a worker's freedom to do what he likes with his wages.

COSTA RICA

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

Article 3, paragraph 2, of the Convention. Although not specifically stated in section 165 of the Labour Code, the usual interpretation of this section is that an employer must himself, within the same week, convert into cash the coupons used for controlling work done on coffee plantations. These coupons are not negotiable by persons other than those to whom they are issued. However, this particular section will be revised at the first opportunity.

Article 4, paragraph 1. Section 166 of the Labour Code will also be revised in due course but is to be interpreted in the light of sections 165, 170 and 70 (a), which implicitly forbid the payment of wages in the form of alcoholic beverages and dangerous drugs.

Paragraph 2. The Government will in due course supply the text of the Bill intended to facilitate the application of this Article.

GUATEMALA

Constitution of 15 September 1965 (*El Guatemalteco*, 15 Sep. 1965, No. 65, p. 627).

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

A draft revised version of the Labour Code has been submitted to the Congress. This revised text contains a provision forbidding any deductions from wages which are not expressly authorised by law. The Committee's observations on Article 9 of the Convention will be given attention with a view to deciding what should be done to amend section 62 of the Labour Code. The Committee's observations on workers employed by the State, by municipalities and by other such entities will be referred to Congress, which is at present considering the promulgation of an Act respecting the civil service.

IRAQ

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

Agricultural workers not covered by the Labour Law are those who, following the agrarian reform, now farm their own land. The proposed revision of the Labour Law will extend the scope of the legislation to persons who work at home. Civil servants and public employees, both civilian and military, are covered by special laws.

Benefits in kind provided by employers in certain cases are considered as being granted in addition to cash wages.

IVORY COAST

Decree No. 73 of 9 February 1967 to consolidate the regulations made under Part IV (Wages) of the Labour Code (*Journal officiel*, 2 Mar. 1967, No. 9, p. 304).

MALAYSIA

States of Malaya

Employment (Amendment) Act, No. 9 of 1966.
Employment (Amendment) Regulations, 1967.

By a resolution of 22 June 1966 of the House of Representatives the provisions of the Employment Ordinance (with certain exceptions) have been extended to apply to employees hitherto not covered.

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

Article 4 of the Convention. Consideration is being given to the adoption of measures to restrict the possibility of providing remuneration in kind, in accordance with the requirements of this Article.

Article 14, clause (b), and Article 15, clause (d). The above-mentioned legislation provides for the keeping of records by every employer, irrespective of the number of persons employed.

MALI

Article 15, clause (a), of the Convention. In reply to a direct request made by the Committee of Experts, the Government has stated that the laws and regulations are published in the *Journal officiel* and that the labour inspection service is responsible for supplying all relevant information to the persons concerned.

NIGER

Act No. 1 of 11 February 1967 to determine the procedure for the attachment and assignment of salaries, wages, bonuses and benefits.

Act No. 33 of 20 September 1967 to approve the budget estimates for the financial year 1968.

Order No. 2507/MFPT of 12 October 1967 to determine the scale of deductions which may be made from workers' wages.

See also under Convention No. 4.

NIGERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that, in the revised Labour Code Act which is to be promulgated as soon as circumstances permit, adequate provisions have been made to meet the requirements of Article 4 and Article 15, clause (d) of the Convention.

SYRIAN ARAB REPUBLIC

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

Articles 2 and 9 of the Convention. Consideration is being given to the introduction of draft amendments to sections 20 (a) and 88 (a) of the Labour Code with a view to eliminating the exceptions relating to casual workers.

Article 4. According to section 3 of Ministerial Instructions No. B/1/6450 of 4 September 1961, payments in kind, when included in the minimum wage, must serve the essential needs of the worker. When the work is such that the worker can look forward to certain pecuniary advantages, tips, etc., these are not included in the minimum cash wage but have to be taken into account when this minimum wage is being calculated.

Article 8, paragraph 2. The relevant legislation appears in *Al-Jarida al-Rasmiya* and is brought to the notice of the workers by labour inspectors and trade union leaders. In addition, any deductions made must be clearly indicated in the worker's pay-book.

TUNISIA

See under Convention No. 45.

In reply to a direct request made by the Committee of Experts, the Government has stated that the relevant provisions of the Labour Code apply also to agricultural undertakings.

UKRAINE

According to an order of 6 January 1966 of the Council of Ministers, agricultural produce is given to workers employed in state farms and in other state agricultural undertakings, at their request, in place of part of their supplementary remuneration and cash benefits.

UNITED ARAB REPUBLIC

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

Sections 3 and 8 of the Labour Code, which define wages and the protection of wages, apply to casual workers who are excluded from the provisions of section 88 (a) of the Code. These workers are also covered by section 690 of the Civil Code respecting the time and place for payment of wages and by section 375 of that Code respecting the prescription of time limits for the payment of wages.

In addition the Government has recalled that, in the first report submitted on this Convention, it specified that casual workers were excluded from the provisions giving effect to the Convention.

Act No. 111 of 1954 governs the attachment and the assignment of the wages of workers employed by the public authorities and public institutions.

The question of amending section 46 of the Code in order to bring it into line with Article 5 of the Convention will be referred to the authorities charged with revising the Code.

UNITED KINGDOM

Contracts of Employment and Redundancy Payments Act (Northern Ireland), 1965.

Law Reform (Miscellaneous Provisions) (Scotland) Act, 1966.

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.

FRANCE

In reply to a direct request made by the Committee of Experts concerning the implementation of Article 5 of the Convention, the Government has supplied the following information.

A Bill respecting the placing of theatrical entertainers is being drawn up, the provisions of which will comply with the requirements of the Convention.

Agencies for the placement of temporary personnel may not be considered on the same footing as employment agencies when they themselves pay the staff whom they have supplied to the head of an undertaking for a limited period, meet the cost of the social benefits and tax contributions related to their remuneration and are responsible for the behaviour of the workers in the undertakings making use of their services. These factors constitute a relationship of juridical subordination characteristic of an employment contract between the agency for the placement of temporary personnel and the temporary staff engaged by it.

Close supervision of the activities of such agencies is maintained by the labour inspection service, which ensures that the agencies are being properly run and that the temporary staff placed in employment by them do not suffer any prejudice in respect of the labour and social legislation.

FEDERAL REPUBLIC OF GERMANY

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

The institutions and associations concerned have been consulted regarding an ordinance to govern fee-charging employment agencies not conducted for profit, and the promulgation of the ordinance will take some time.

Article 3, paragraph 1, of the Convention. The Federal Manpower Placement and Unemployment Insurance Institute is taking steps to abolish fee-charging employment agencies by gradually refusing to renew their licences while expanding its own system of placing workers in employment.

GUATEMALA

In reply to the direct request made by the Committee of Experts, the Government has stated that a Bill for the reform of the Labour Code will provide for the necessary changes in the arrangements for the recruiting of agricultural workers, and that more offices are to be opened by the National Employment Service so that its free services may be available throughout the national territory.

JAPAN

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that since September 1956 the policy has been that the Ministry of Labour grants licences to fee-charging employment agencies only on condition that these agencies undertake not to place workers abroad, any violation of this condition entailing suspension or cancellation of the licence. Consequently, no legislation determining the conditions under which these agencies may place workers abroad is necessary.

SYRIAN ARAB REPUBLIC

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

Article 3 of the Convention. Although the Government continues to ban recruiting agents from operating in the country, section 22 of the Labour Law enabling them to operate in certain circumstances has not yet been rescinded.

Article 5. No legislative measures respecting the placement of domestic servants or to extend the scope of Chapter III of the Labour Law to casual work have yet been adopted.

Article 6. The Government agrees with the observation made by the Committee of Experts respecting the need to bring the legislation into line with the provisions of Part II of 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
Barbados	8. 5. 1967	Netherlands	20. 5. 1952
Belgium	27. 7. 1953	New Zealand ³	10. 11. 1950
Brazil	18. 6. 1965	Nigeria ²	17. 10. 1960
Cameroon (Western Cameroon) ²	3. 9. 1962	Norway	17. 2. 1955
Cuba	29. 4. 1952	Spain	21. 3. 1967
Cyprus ²	23. 9. 1960	Tanzania (Zanzibar) ²	22. 6. 1964
France ¹	29. 3. 1954	Trinidad and Tobago ²	24. 5. 1963
Federal Republic of Germany	22. 6. 1959	United Kingdom ⁴	22. 1. 1951
Guatemala	13. 2. 1952	Upper Volta	9. 6. 1961
Guyana ²	8. 6. 1966	Uruguay	18. 3. 1954
Israel	30. 3. 1953	Zambia ²	2. 12. 1964
Italy	22. 10. 1952		
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.

BRAZIL (First Report)

Constitution of 24 January 1967 (*Diário Oficial*, 24 Jan. 1967, No. 17, p. 953) (article 62, paragraph 5; article 83, section II; article 140, section II (*b*), paragraphs 1 to 3; and article 150).

Legislative Decree No. 7967 of 18 December 1945 respecting immigration and settlement.

Legislative Decree No. 42122 of 21 August 1957.

Legislative Decree No. 52920 of 22 November 1963 respecting the immigration agreement concluded between Brazil and Spain.

Land Law Act No. 4504 of 30 November 1964.

Legislative Decree No. 20 of 1965, promulgated by Decree No. 58819 of 14 July 1966 (*ibid.*, 19 July 1966).

Legislative Decree No. 57759 of 8 February 1966 respecting the immigration agreement concluded between Brazil and Italy (*ibid.*, 11 Feb. 1966, No. 30).

Act No. 4966 of 9 May 1966 respecting the exemption of immigrants' possessions from import and other duties.

Decree No. 58400 of 10 May 1966.

Legislative Decree No. 200 of 25 February 1967 assigning responsibility for immigration policy to the Ministry of Labour and Social Welfare (*ibid.*, 27 Feb. 1967, No. 30).

Legislative Decree No. 30692 of 29 March 1967 respecting the immigration agreement concluded between Brazil and the Netherlands.

Legislative Decree No. 61324 of 11 September 1967 respecting import duties.

Printed Publications Act No. 2083 (section 9).

Article 2 of the Convention. At present there is no special machinery to assist migrant workers other than those arriving under bilateral agreements for group transfer or for skilled workers. However, the Government plans to set up a competent service within the framework of the Ten-Year Plan.

Article 3. The dissemination of any misleading propaganda or false information is forbidden under section 9 of the Printed Publications Act No. 2083.

Article 4. Persons whose decision to immigrate is spontaneous pay their own fares and are not under any supervision. Organised migration is regulated by agreements. Travel allowances and other benefits are granted to migrant workers covered by such agreements. Arrangements are also made for their integration.

Article 5. The Ministry of Health has doctors in the main ports of immigration.

Article 6. In accordance with article 150, paragraph 1, of the Constitution, everyone is equal before the law regardless of sex, race, occupation, religion or political ideology. In pursuance of this constitutional principle the labour and social security legislation makes no distinction between Brazilian and immigrant workers in any of the cases listed in this Article.

Article 7. Immigration agreements concluded with other member States meet the requirements of this Article. The National Manpower Service provides assistance free of charge to all workers, including immigrants.

Article 8. There is no legislation covering the requirements of paragraph 1 of this Article but the rights of immigrants unable to settle down are protected; thus the Government takes care of their maintenance until they embark for their country of origin or makes arrangements for their return transport. In the event of injury while en route to Brazil, immigrants are covered by a special insurance scheme.

Article 9. Immigrants residing within the national territory have the same rights as nationals and can remit their savings abroad freely without any deduction, provided that they have met their taxation obligations in Brazil (section 212 of Decree No. 58400 of 10 May 1966 respecting income tax regulations).

Article 10. Immigration agreements had been concluded with Spain, Italy and the Netherlands before ratification of the Convention.

Article 11. The national legislation does not contain any provisions relating to the subject matter of this Article.

ANNEX I

Article 3. The national legislation does not make any provision for the recruitment, introduction or placing of immigrants through private agencies.

Article 5. The competent authority for supervising the employment contracts of immigrants is the National Manpower Service, which forms part of the Ministry of Labour and Social Welfare.

Articles 6 and 7. The national legislation respecting immigration is now being examined by the National Manpower Service with a view to proposing additional measures for implementing the standards laid down by the Convention.

ANNEX II

Article 3. See under Annex I, Article 3.

Article 5. The provisions of this Article are not applicable.

Articles 6 and 7. See under Annex I, Articles 5 and 6.

Article 12. The agreements in force are those mentioned above. As regards paragraph 2 of this Article, see under Annex I, Articles 6 and 7.

ANNEX III

Article 2. All the possessions of immigrants are exempt from import charges, consumer taxes and customs duties, by virtue of Act No. 4966 of 9 May 1966.

MALAWI (First Report)

Employment Ordinance, No. 14 of 17 March 1964 (*Nyasaland Gazette*, 20 Mar. 1964, Supplement 15 C) (L.S. 1964—Ny. 1).

African (Emigration and Immigration) Workers Ordinance.

Immigration Act.

Aliens (Registration and Status) Act.

Article 1 of the Convention. The emigration of workers on contract is controlled by the provisions of Part III of the Employment Ordinance. Immigration is negligible and is governed by the provisions of the Immigration Act. A number of work seekers emigrate to the Republic of South Africa and to Rhodesia under contracts of foreign service, on completion of which they are repatriated. The competent authority lays down the conditions of such contracts and supervises the operations of the organisations concerned.

Article 2. Officials of the Ministry of Labour provide migrants with identity certificates and with information relating to conditions and terms of employment; assist them in the payment of family remittances and in connection with deferred pay; and effect the payment of compensation, pensions and other awards to workers or their dependants.

Much emigration takes place under the auspices of organised agencies operating under government supervision. Information as to conditions of employment is provided by the employing agencies and is embodied in a written contract of employment.

All the above-mentioned services are free of charge.

Article 3. Up to date there has been no need for measures to prohibit the dissemination of misleading propaganda relating to migration for employment.

Article 4. The departure, journey and reception of migrants on contract are handled by the contracting agencies, and transit arrangements are regularly inspected by officials of the Ministry of Labour.

Article 5. Contracted workers are inspected by the medical authorities before departure and on arrival. Officials of the Ministry of Labour inspect the depots where migrants assemble. Medical services provided by the Government are available to all migrant workers and their families and the requirements of this Article are thus met.

Article 6. No special measures are considered necessary to ensure the non-discrimination aimed at by the Article, nor is there any discriminatory legislation.

Article 7. Co-operation between migrant services in Malawi and those of recipient countries is adequate. The competent authority maintains representatives in the two territories offering the bulk of employment.

Article 8. In cases of migration to the Republic of South Africa, families are not permitted entry and migrants are not accepted on a permanent basis in the Republic of South Africa or in neighbouring territories. There are no agreements with other countries.

Article 9. Migrants for employment are subject to the general currency restrictions which apply equally to both residents and migrants.

Article 10. Up to date it has not been considered necessary to enter into formal agreements with other countries in respect of the matter mentioned in this Article.

The Minister of Labour may make rules for the implementation of the Employment Ordinance. Supervision of the application of the relevant legislation concerned is entrusted to officials of the Ministry of Labour.

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
Barbados	8. 5. 1967	Malawi	22. 3. 1965
Belgium	10. 12. 1953	Malaysia:	
Brazil	18. 11. 1952	States of Malaya	5. 6. 1961
Bulgaria	8. 6. 1959	Sabah, Sarawak	3. 3. 1964
Byelorussia	6. 11. 1956	Mali	2. 3. 1964
Cameroon:		Malta	4. 1. 1965
Eastern Cameroon	29. 1. 1963	Morocco	20. 5. 1957
Western Cameroon	3. 9. 1962	Nicaragua	31. 10. 1967
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		

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel de la République centrafricaine*, Extraordinary, Aug. 1961).

Order No. 1155/DPLC-4 of 25 March 1957 (*Journal officiel de l'Afrique équatoriale française*, 16 Apr. 1957, p. 587) to promulgate in French Equatorial Africa Act No. 416 of 27 April 1956

to ensure freedom of association and the protection of the right to organise (*Journal officiel de la République française*, 28 Apr. 1956, No. 101, p. 4080) (L.S. 1956—Fr. 1).

Article 1 of the Convention. The provisions of this Article are applied by section 6, paragraph 1, of the Labour Code.

Article 2. The provisions of this Article are applied by section 26 of the Code.

Article 3. The provisions of this Article are applied by section 7, paragraphs 3 and 4, of the Code.

Article 4. The provisions of this Article are applied by section 73, paragraph 1, of the Code.

GUINEA

In reply to a request made by the Committee of Experts, the Government has stated that according to the latest census, the number of workers covered by collective agreements amounts to 50,000 in agriculture, commerce and industry, as well as in the non-industrial sector.

MALAYSIA

States of Malaya

Industrial Relations Act, No. 35 of 20 July 1967 (*Government Gazette*, Act Supplement, 3 Aug. 1967, No. 6, p. 273).

In reply to direct requests made by the Committee of Experts, the Government has stated that sections 4 and 5 of the above-mentioned Act specifically provide safeguards against anti-union discrimination and acts of interference or domination by trade unions of workers or employers with respect to one another.

PERU (First Report)

Constitution.

Presidential Decree of 23 March 1936 to issue regulations for the Directorates of Social Welfare (*Boletín del Trabajo*, No. 1, p. 5).

Presidential Decree No. 8 D.T. of 30 September 1953 to provide for the direct intervention of the labour authorities in the hearing of workers' claims (*El Peruano*, 1 Oct. 1953).

Presidential Decree No. 1 D.T. of 21 January 1954 to make it compulsory for employers and workers to assist each other in the solution of their problems (*ibid.*, 26 Jan. 1954).

Presidential Resolution No. 23 D.T. of 18 February 1957.

Presidential Resolution No. 27 of 20 April 1957.

Presidential Decree No. 14 of 7 August 1958 to encourage and extend certain methods and practices of reaching direct agreement between employers and employees (*ibid.*, 9 Aug. 1958).

Presidential Decree No. 009 of 3 May 1961.

Presidential Decree No. 21 of 21 December 1962.

Legislative Decree No. 14371 of 12 January 1963 to provide for undertakings having more than 100 employees to have an industrial relations service (*ibid.*, 22 Jan. 1963).

Article 1 of the Convention. The above-mentioned presidential decree of 1961 stipulates that employers and their representatives must refrain from any act destined to limit or restrict in any way the right of their workers to organise (section 2). The decree further provides that no one shall be compelled to join, or not to join, a trade union (section 4). The presidential resolution of 18 February 1957 provides that the leaders of trade unions which already exist, or are in process of being organised, may not be dismissed while submitting grievances, while their grievances are being examined or while the immediate effects of the implementation of the resolution or of the final agreement are still being felt. In accordance with section 6 of the presidential

resolution of 20 April 1957, the officers of trade unions which are being formed, or trade unions leaders in the process of making representations, may not be dismissed within a period of three months, subject to the provisions respecting dismissal of section 294 of the Commercial Code.

Article 2. Section 2 of the presidential decree of 1961 prohibits employers and their representatives from interfering in any manner in the setting up or administration of the trade union organisations of their workers.

Article 4. Various regulations have been made with a view to promoting the use of voluntary negotiating machinery between employers' and workers' organisations. Section 2 of the presidential decree of 1953, for example, makes it compulsory for employers to receive workers' representatives within three days of their lodging a complaint. Section 4 of the presidential decree of 1958, which applies to workplaces with 100 or more workers, stipulates that the employer must meet workers' representatives regularly in order to deal with general complaints. In accordance with the presidential decree of 1954, both sides must co-operate in matters of direct negotiation and conciliation. The legislative decree of 1963 makes it compulsory for undertakings having more than 100 employees to have an industrial relations service.

Article 5. In accordance with article 215 of the Constitution, the organisation and discipline of the armed forces are governed by the military laws and regulations.

VIET-NAM (First Report)

Labour Code, Ordinance No. 15 of 8 July 1952 (*L.S.* 1956—V.N. 1 C) (Chapter V, Divisions I to III, sections 70 to 93).

Ordinance No. 23 of 16 November 1952 respecting the law on trade unions.

Legislative Decree No. 019—CT/LDQGQL/SL of 24 November 1964 to replace the above-mentioned Ordinance No. 23 of 1952 and to establish new regulations concerning trade unions.

Contrary to the provisions of Ordinance No. 23 of 1952, which remain in force until the order for the implementation of Legislative Decree No. 019 of 1964 is promulgated and which restricted the right to organise to "Vietnamese or nationals of the French Union", the above-mentioned legislative decree stipulates that "any employer, whether an individual or legal entity, and any worker is free to join one or more trade unions of his choice, related to his occupation, irrespective of his nationality, sex . . .".

Section 6 of Ordinance No. 23 and section 7 of Legislative Decree No. 019 provide that "any member of an occupational organisation can withdraw at any time notwithstanding clauses to the contrary . . .".

Under section 19 of the above-mentioned legislative decree the freedom of association of workers within an undertaking is safeguarded against the following abuses on the part of employers: (a) discrimination between members of trade unions, on the one hand, and non-members or those who take part in trade union activities in order to impede or restrict the free exercise of trade union rights, on the other; (b) unlawful lockout; (c) any action which has the effect of publicly insulting the workers' trade union or their representatives, including verbal insults and the issuing of pamphlets or posters, before and during negotiations or procedures for the settlement of disputes. For its part the Labour Code, which determines in section 72 the compulsory provisions of collective agreements, stipulates that these agreements must contain provisions respecting, *inter alia*: (a) the freedom of opinion of the workers and the exercise by the workers of freedom of association subject to the legislative provisions in force at the time; and (b) the conditions governing the

engagement and dismissal of workers, which shall not restrict the free choice of an organisation by the worker.

Workers' and employers' organisations are indirectly protected against interference in each others affairs by the provisions of sections 4 to 6 of Ordinance No. 23 and of sections 2, 5, 6, 7, 9 and 13 of Legislative Decree No. 019 (relating to the conditions of membership of an occupational organisation; the requisite conditions for being a leader of, or holding an administrative post in, an occupational organisation; the statutes of occupational organisations; and the annual statement on the financial situation of such organisations).

By virtue of sections 36 to 38 of Legislative Decree No. 019 the civil courts have authority to penalise abuses committed by both employers and workers, as defined in sections 19 and 20 of the legislative decree. Without prejudicing the right of injured parties to secure legal redress, collective agreements often include clauses providing for arbitration by the labour inspector or the setting up of joint committees in cases of disputes relating to the right of association or freedom of opinion.

Both Ordinance No. 23 and Legislative Decree No. 019 recognise the right of trade unions to organise collective negotiations with a view to the conclusion of collective agreements, the nature and validity of which are determined by sections 70 and following of the Labour Code.

A special law—not yet adopted—will govern the right of association of civil servants and members of the public services.

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. 1953
Ivory Coast	5. 5. 1961	Uruguay	18. 3. 1954

CENTRAL AFRICAN REPUBLIC (First Report)

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

Decree No. 113 of 28 January 1954 to establish minimum wage-fixing machinery for the overseas territories (*Journal officiel de l'Afrique équatoriale française*, 15 Mar. 1954).

Order No. 4/M-AS-T-SJ of 4 September 1961 (*J.O.R.C.*, 15 Sep. 1961) to classify employed persons and fix their basic wages in cases where no collective agreement applies, as amended by Orders No. 13/M-T-OS of 11 April 1963 (*J.O.R.C.*, 15 May 1963) and No. 53/M-T-OS of 30 December 1963 (*J.O.R.C.*, 1 Feb. 1964).

Order No. 52/M-T-OS of 30 December 1963 to fix inter-occupational guaranteed minimum wages and the maximum value to be attributed to accommodation and the daily food ration (*J.O.R.C.*, 1 Feb. 1964).

Article 1 of the Convention. The provisions of the Convention apply to persons employed in agricultural undertakings of the types listed in Order No. 87/ITT of 30 January 1954.

Article 2. Sections 6 and 7 of Order No. 52/M-T-OS of 1963 prescribe the maximum value to be attributed to the food and accommodation which an employer is required to furnish to his employees under the terms of sections 97 and 98 of the Labour Code.

Article 3. The National Labour Advisory Board is composed of an equal number of representatives of workers and employers appointed after consultation of the workers' and employers' organisations.

SYRIAN ARAB REPUBLIC (First Report)

Agricultural Labour Code, Act No. 134 of 4 September 1958 (*Al-jarida al-rasmiya (Al-j. al-r.)*, 4 Sep. 1958, No. 26, p. 18) (*L.S.* 1963—Syr. 1 B), as amended by Legislative Decrees Nos. 195 of 11 December 1961 and 218 of 20 October 1963 (*Al-j. al-r.*, 31 Oct. 1963, No. 48) (*L.S.* 1963—Syr. 1 A).

Ministerial Instructions No. B/1/7612 of 7 September 1967 to amend Ministerial Instructions No. B/1/7250 of 17 October 1961 on wage-fixing procedures for agricultural workers.

Article 1 of the Convention. In each administrative district there is a board which lays down minimum wages for all agricultural workers, except for members of an employer's family employed in a family agricultural undertaking. The workers' and employers' organisations were consulted when the Agricultural Labour Code was being drafted.

Article 2. Section 87 of the Agricultural Labour Code lays down that wages shall be paid in cash or in kind, or by a combination of the two forms, but it does refer to the proportion to be established between them. Payments in kind are assessed in monetary terms according to their real value at the time of calculation of the wage.

Article 3. Under section 81 of the Code the wage-fixing boards are composed of three government delegates together with one employers' and one workers' delegate. Under section 84 of the Code these boards are required to consult employers' and workers' representatives, as well as experts, before adopting their decisions, which are binding on all parties. Failure to comply with these decisions is punishable in accordance with section 90 of the Code.

Article 4. The wages decided upon by the wage-fixing machinery are published in the Official Gazette and in the local press, and are brought to the notice of the employers and workers concerned through their occupational organisations. The labour inspection service is responsible for ensuring that the provisions relating to the right to minimum wages are duly applied. Any worker who has been paid a wage less than the statutory minimum can claim the difference from his employer. He can exercise this right at any time up to one year from the date on which his contract of employment expires.

Article 8. The provisions concerning minimum wage fixing are applicable throughout the country.

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	Iraq	28. 8. 1963
Algeria	19. 10. 1962	Israel	9. 6. 1965
Argentina	24. 9. 1956	Italy	8. 6. 1956
Austria	29. 10. 1953	Ivory Coast	5. 5. 1961
Belgium	23. 5. 1952	Japan	24. 8. 1967
Brazil	25. 4. 1957	Jordan	22. 9. 1966
Bulgaria	7. 11. 1955	Libya	20. 6. 1962
Byelorussia	21. 8. 1956	Luxembourg	23. 8. 1967
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	Nicaragua	31. 10. 1967
Costa Rica	2. 6. 1960	Niger	9. 8. 1966
Cuba	13. 1. 1954	Norway	24. 9. 1959
Czechoslovakia	30. 10. 1957	Panama	3. 6. 1958
Denmark	22. 6. 1960	Paraguay	24. 6. 1964
Dominican Republic	22. 9. 1953	Peru	1. 2. 1960
Ecuador	11. 3. 1957	Philippines	29. 12. 1953
Finland	14. 1. 1963	Poland	25. 10. 1954
France	10. 3. 1953	Portugal	20. 2. 1967
Gabon	13. 6. 1961	Rumania	28. 5. 1957
Federal Republic of Germany	8. 6. 1956	Senegal	22. 10. 1962
Ghana	14. 3. 1968	Spain	6. 11. 1967
Guatemala	2. 8. 1961	Sweden	20. 6. 1962
Guinea	11. 8. 1967	Syrian Arab Republic	7. 6. 1957
Haiti	4. 3. 1958	Turkey	19. 7. 1967
Honduras	9. 8. 1956	Ukraine	10. 8. 1956
Hungary	8. 6. 1956	U.S.S.R.	30. 4. 1956
Iceland	17. 2. 1958	United Arab Republic	26. 7. 1960
India	25. 9. 1958	Yugoslavia	21. 5. 1952
Indonesia	11. 8. 1958		

HAITI

In reply to a direct request made by the Committee of Experts, the Government has stated that the Wages Board did not adopt any new minimum wages during the period under review.

ISRAEL (First Report)

Wage Protection Law, No. 5718 of 11 March 1958 (*Sefer Habukim*, 1958, No. 247, p. 86).

Male and Female Workers (Equal Pay) Law, No. 5724 of 1964 (*Sefer Ha-Chukkim*, 5 Aug. 1964, No. 433, p. 166).

Articles 1 and 2 of the Convention. Rates of remuneration are normally determined by collective bargaining between employers and workers.

Any dispute relating to section 1 of the above-mentioned law of 1964 is referred to the wage collection officer appointed under the Wage Protection Law of 1958.

The principle of equal remuneration applies to all workers.

Since the enactment of the law of 1964 the practice of giving different remuneration to male and female workers for the same work has been practically abolished.

Article 3. The Israel Institute of Productivity is conducting, on the basis of effective evaluation, job analysis in various branches of the economy, including the civil service.

Article 4. There is no need to apply the provisions of this Article.

The application of the above-mentioned legislation is entrusted to the Minister of Labour and to the wage collection officer.

MALAWI (First Report)

Minimum Wages and Conditions of Employment Ordinance.

Tea Industry Wages Order.

Articles 1 and 2 of the Convention. A policy decision made by the Government regarding equal remuneration for men and women workers was communicated, in 1964, to the Wages Advisory Board and to all wages councils, which have taken action to give effect to this policy.

Article 3. There is no differential between wage rates for men and women workers in the civil service. This is also generally the case in commerce and industry. Equality of treatment in regard to wage rates in the tea-growing industry, which employs a considerable number of women workers, is prescribed by the Tea Industry Wages Order.

Article 4. Close liaison is maintained between the Ministry of Labour and the organisations of employers and workers, which are represented on the Wages Advisory Board.

The Ministry of Labour is entrusted with the application of the above-mentioned legislation. Wages inspectors are responsible for examining wage payment records.

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Morocco	14. 10. 1960
Austria	14. 6. 1954	Netherlands	27. 11. 1958
Barbados	8. 5. 1967	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

AUSTRIA

Agricultural Labour (Amendment) Act of 1 July 1964 to supplement section 65 respecting sickness during leave (*Bundesgesetzblatt*, 7 Aug. 1964, No. 60, Text 194, p. 1187).

In accordance with the above-mentioned Act, a period of sickness occurring during working days is no longer deducted from a worker's holidays, provided that certain conditions are fulfilled.

The federal states have promulgated legislation to give effect to this basic Act, which has become applicable throughout the national territory.

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel de la République centrafricaine*, Extraordinary, Aug. 1961).

Ministerial Order of 16 November 1954 promulgated by Order No. 3837 of 30 November 1954 to establish the length of effective service required of expatriate workers in order to gain entitlement to a holiday.

Act No. 332 of 27 March 1956, promulgated by Order No. 1595/DPLC to establish, under the Act, a holidays-with-pay scheme for workers in pursuance of Order No. 960/IGTLS to introduce a new annual holidays-with-pay scheme (*Journal officiel de l'Afrique équatoriale française*, 1 May 1956, p. 2675).

General Order No. 960/IGT/AEF of 11 March 1957 (*ibid.*, 15 Mar. 1957) to prescribe under the Act of 27 March 1956 the rules for the granting of paid leave to workers, and Circular No. 502/IGTL of 6 June 1957 (*ibid.*, 1 July 1957).

Under the Labour Code workers are entitled, after one year's service, to one-and-a-half working days' leave per month of service. Young persons under 18 years of age are entitled to two working days per month of service. The amount of leave increases with the length of service.

See also under Convention No. 52, Articles 2 and 5.

GUATEMALA

Decree No. 584 of 29 February 1956 to lay down provisional rules for the relations between the State and the persons in its service (*El Guatemalteco*, 29 Feb. 1956).

State-employed agricultural workers are subject to the provisions of the above-mentioned decree, section 3, paragraph VII, of which provides for annual holidays with pay ranging between ten and 20 working days according to the category of worker.

ITALY

See under Convention No. 52.

MOROCCO

See under Convention No. 52.

NETHERLANDS

Act of 14 July 1966 to provide for the legal regulation of leave with pay (*Staatsblad*, 1966, No. 290) (*L.S.* 1966—Neth. 1).

The above-mentioned Act is of general application and applies to agriculture in particular.

SIERRA LEONE

In reply to a previous request made by the Committee of Experts, the Government has stated that, in June 1967, 3,868 workers enjoyed an annual holiday, as against 5,812 in June 1966. However, action will be taken as soon as possible to increase the number of workers enjoying an annual holiday. The reduction, shown by statistical data supplied by agricultural undertakings employing 25 or more workers, was due to staff cuts in a big undertaking.

SWEDEN

Act No. 284 of 3 June 1965 to amend Act No. 114 of 17 May 1963 respecting annual leave (*Svensk Författningssamling*, 28 May 1963, p. 247) (*L.S.* 1963—Swe. 1).

UNITED KINGDOM

Agriculture (Northern Ireland) Act, 1967 (15 and 16, Eliz. II, Ch. 15).

Section 4 of the above-mentioned Act governs the annual holidays taken by agricultural workers and abrogates the 1956 Act in this respect.

YUGOSLAVIA

See under Convention No. 52.

Section 64 of the Act of 4 April 1965 respecting employment relationships, as amended in 1966, lays down special provisions for seasonal workers.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Ratification registered on
Belgium ¹	26. 11. 1959
Denmark ²	15. 8. 1955
Federal Republic of Germany ¹	21. 2. 1958
Greece ³	16. 6. 1955
Iceland ⁴	20. 2. 1961
Israel ⁵	16. 12. 1955
Italy ⁶	8. 6. 1956
Luxembourg ¹	31. 8. 1964
Mexico ⁷	12. 10. 1961

Countries	Ratification registered on
Netherlands ^{1, 15}	11. 10. 1962
Niger ⁸	9. 8. 1966
Norway ⁹	30. 9. 1954
Peru ¹⁰	23. 8. 1961
Senegal ^{11, 15}	22. 10. 1962
Sweden ¹²	12. 8. 1953
United Kingdom ¹³	27. 4. 1954
Yugoslavia ¹⁴	20. 12. 1954

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.

¹⁵ Part VI denounced as a result of the ratification of Convention No. 121.

FEDERAL REPUBLIC OF GERMANY

In reply to observations made by the Committee of Experts on Article 69, paragraph 1, of Part XIII of the Convention, the Government has stated that the revision of the Act respecting manpower placement and unemployment insurance has not yet been completed; it is unable, while the legislative procedure is in progress, to supply information on the future regulations relating to the granting of unemployment benefit to workers who lose their employment as a result of a labour dispute.

GREECE

Legislative Decree No. 4577 of 2 November 1966 to amend and supplement the laws governing social insurance and to provide for certain other matters (*Ephemeris tēs Kyvernoesseos*, 7 Nov. 1966, No. 230, p. 1457).

Various other texts.

LUXEMBOURG (First Report)

Social Insurance Code, Act of 17 December 1925 (*Mémorial (M.)*, 1925, No. 63, p. 877) (*L.S.* 1925—Lux. 2 A), as amended by the Act of 31 December 1925 (*M.*, 1925, No. 63, p. 1005) (*L.S.* 1925—Lux. 2 B) and by the Act of 21 June 1946 (*M.*, 22 June 1946, No. 31, p. 473) (*L.S.* 1946—Lux. 1).

Act of 6 August 1921 respecting the financial participation of communes, employers and wage earners in the allocation of unemployment benefit.

Grand-Ducal Order of 24 May 1945 governing unemployment benefit.

Act of 29 August 1951 respecting sickness insurance for public officials and salaried employees (*M.*, 6 Sep. 1951, No. 51, p. 1153) (*L.S.* 1951—Lux. 1).

Act of 29 August 1951 to reform the pension insurance scheme for salaried employees (*M.*, 6 Sep. 1951).

Grand-Ducal Order of 17 December 1952 to issue further regulations governing unemployment benefit.

Act of 16 December 1963 to co-ordinate the various pension schemes (*M.*, 23 Dec. 1963; errata: *M.*, 23 Jan. 1964).

Family Benefits Act of 29 April 1964 (*M.*, Series A, 30 Apr. 1964, No. 35, p. 777) (*L.S.* 1964—Lux. 1). Comprehensive Act of 13 May 1964 to improve and co-ordinate the various contributory pension schemes (*M.*, Series A, 20 May 1964).

Act of 30 March 1966 to amend and supplement Book II of the Social Insurance Code (*M.*, 31 Mar. 1966, No. 16, p. 353).

PART II. MEDICAL CARE

Article 9 of the Convention. Clause (a) has been chosen. The persons protected are wage earners, assistants, journeymen, apprentices and domestic servants; public officials and salaried employees; and the wife or children under 19 years of age who are members of an insured person's household. All employees are covered.

Article 10. In case of a morbid condition, benefit includes all necessary medical treatment, medicaments and special pharmaceutical supplies, as well as transport, treatment and hospital care where required.

In cases of pregnancy and confinement and their consequences, benefit includes the necessary medical care as well as medicaments and pharmaceutical supplies. During confinement the funds, in accordance with their statutory provisions, pay a lump sum covering all or part of the care by a midwife, pharmaceutical supplies and hospitalisation in a maternity hospital or clinic for nine days.

Direct participation of insured persons in the cost of the various benefits varies from one fund to another according to the statutory provisions but, under the wage earners' scheme, may not exceed 25 per cent. thereof. Taking into account, however, the payment of a maternity grant under the family benefits legislation, confinement expenses are in principle fully covered.

Article 11. Benefit may be refused during the first six months under the wage earners' scheme or during the first three months under the salaried employees' scheme in cases where the insured person was already ill before joining the fund.

Entitlement to maternity benefit is subject to the insured person's having been a member of the fund for ten months during the previous two years, including six months during the year preceding confinement (wage earners' scheme), or for six months immediately preceding confinement (salaried employees' scheme).

Article 12. Benefit is paid for an unlimited period; however, hospitalisation is covered for 26 weeks only.

The benefits relating to medical treatment mentioned under Article 10 may be suspended in certain cases defined by the national legislation.

PART III. SICKNESS BENEFIT

Article 15. Clause (a) has been chosen. The persons protected are wage earners, assistants, journeymen, apprentices and domestic servants, as well as public officials and salaried employees. All employees are covered.

Article 16. Sickness benefit is calculated in accordance with the provisions of Article 65 of the Convention. It amounts to 70 per cent. of assessable remuneration, with a ceiling of 420 francs per day in respect of such remuneration under the wage earners' scheme or of one-sixtieth of the most recent assessable earnings for each calendar day under the salaried employees' scheme.

The total of the benefit and family allowances granted during sickness amounts to 64 per cent. of the standard remuneration and family allowances received during employment.

Article 17. See under Part II, Article 11.

Article 18. Sickness benefit is, in principle, paid for 26 weeks. In principle, the waiting period is two days.

Sickness benefit is suspended in certain specific cases.

PART IV. UNEMPLOYMENT BENEFIT

Article 20. Every wage earner who is regularly employed by an employer and who finds himself unemployed through no fault of his own is entitled to unemployment benefit and allowances.

Article 21. Clause (a) has been chosen. Wage earners who are Luxembourg nationals are generally protected, with the exception of agricultural workers and domestic servants and certain categories of casual workers who are difficult to keep a check on.

Also protected are workers coming from another State within the European Economic Community; Yugoslav, Spanish and Portuguese workers; as well as certain other foreign or stateless workers. At least 82 per cent. of employees are protected.

Article 22. Unemployment benefit is calculated in accordance with the provisions of Article 65 of the Convention. It amounts to 60 per cent. of the assessable wage, with a ceiling of 420 francs per day in respect of this wage.

The total of the benefit and family allowances granted in cases of unemployment amounts to 72.4 per cent. (wage earners' scheme) or 71.5 per cent. (salaried employees' scheme) of the net minimum national wage for unskilled workers of normal physical ability who have two dependent children and are entitled to family allowances during unemployment.

Article 23. The qualifying period is at least 200 days' employment during the past year.

Article 24. Unemployment benefit is granted for 26 weeks within a period of 12 months.

The waiting period is two days. The benefit is due from the first day if the period of unemployment exceeds a week.

Entitlement to unemployment benefit may be refused or suspended in some cases specified by law.

PART V. OLD-AGE BENEFIT

Article 26. The normal retirement age is 65 years. An old-age pension may be granted earlier to wage earners who have been insured for at least 40 years, provided they give up work completely. Under the salaried employees' scheme reduced benefit may be granted earlier, as from the age of 60 years.

Article 27. Clause (a) has been chosen. Wage earners and all salaried employees are covered. Thus 85.5 per cent. of employees are protected.

Article 28. The benefit is calculated in accordance with the provisions of Article 66 (wage earners' scheme) or of Article 65 (salaried employees' scheme) of the Convention. The annual old-age pension is composed, at index 100, of a fixed allowance of 15,000 francs and of increments amounting to 1.6 per cent. of assessable

remuneration. It amounts to 41.9 per cent. of the standard wage. It is automatically pegged to the cost-of-living index.

Article 29. The minimum period of contribution is ten years (wage earners' scheme) or 60 months (salaried employees' scheme).

Article 30. The pension is suspended in certain specific cases.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 32. None of the limitations to benefit entitlement authorised under this Article is applied.

In the case of a widow entitlement is not subject to the assumption that she is unable to support herself.

Article 33. Clause (a) has been chosen. The following persons are protected: wage earners (with the exception of agricultural workers), private salaried employees and public officials. Thus 99 per cent. of employees are protected.

Article 34. Benefit includes medical treatment, the supply of medicaments and of all appliances likely to ensure the efficacy of the treatment or attenuate the consequences of the injury, as well as the maintenance and renewal of these appliances. Hospitalisation is covered if necessary.

Beneficiaries do not contribute to the cost of benefit.

Measures taken include curative treatment and rehabilitation.

Article 35. Accident insurance associations collaborate with the Office for the Placement and Vocational Retraining of Handicapped Workers, as well as with the Physical Rehabilitation Centre.

Article 36. Benefit is calculated according to the provisions of Article 65 of the Convention.

Under the wage earners' scheme, in case of incapacity for work, benefit amounts, during the first 13 weeks, to 75 per cent. of the normal wage. The total of the benefit and family allowances amounts to 68 per cent. of the standard wage and family allowances received during employment. Under the salaried employees' scheme, in case of incapacity for work, during the first 13 weeks salaries remain payable in full.

In case of total loss of earnings for more than 13 weeks benefit amounts to 80 per cent. of the annual wage received in the year preceding the injury. The total of the benefit and family allowances is 81.5 per cent. of the standard wage and family allowances received during employment. The benefit is pegged to the cost-of-living index.

In case of death of the breadwinner the widow's pension is equivalent to 40 per cent. of the annual wage; it is increased to 50 per cent. of the annual wage if the widow's working capacity is reduced by at least 50 per cent. The orphans' allowance is equivalent to 20 per cent. of the annual wage. Survivors' pensions may not exceed 80 per cent. of the annual wage. The total of the benefit and family allowances is 81.5 per cent. of the standard wage and family allowances received during employment.

The pension in case of partial incapacity is fixed in relation to the full pension in proportion to the degree of incapacity.

Pensions under 10 per cent. are automatically commuted but not sooner than three years after the injury. In the case of pensions under 40 per cent. commutation is optional at the request of the beneficiary, under special conditions.

Article 37. In order to qualify for the benefit mentioned in the preceding Articles, the protected person must have been employed in an undertaking belonging to the Accident Insurance Association at the time of the injury.

Article 38. Benefit is granted throughout the contingency. There is no waiting period.

Benefit may be suspended in the circumstances defined in clauses (a) and (d) to (g) of Article 69.

PART VII. FAMILY BENEFIT

Article 40. Every young person under the age of 19 years (or 25 years if he is still a student) brought up in the Grand-Duchy qualifies for family allowances. There is no age limit for children who are unable and unfit to support themselves.

Article 41. The scheme covers all residents.

Article 42. Clause (a) has been chosen. The benefit consists of periodical payments.

Article 43. There is no qualifying period.

Article 44. Clause (a) has been chosen. The total value of the benefit granted represents 8.03 per cent. of the standard labourer's wage.

Article 45. Family allowances are suspended in certain specific cases.

PART VIII. MATERNITY BENEFIT

Article 48. Clause (a) has been chosen. Wage earners, assistants, journeymen and domestic servants, as well as public officials, salaried employees and the wives of employees, are protected. All employees are covered.

Article 49. See under Part II, Article 10.

Article 50. Benefit is calculated in accordance with the provisions of Article 65 of the Convention.

The amount of the maternity cash benefit is the same as the amount of the sickness cash benefit, i.e. 70 per cent. of wages under the wage earners' scheme and one-sixtieth of the last assessable earnings for each calendar day under the salaried employees' scheme.

Article 51. The qualifying period is the same as in the case of sickness benefit.

Article 52. Maternity benefit is paid for six weeks before and six weeks following confinement. It may be suspended in certain specific cases.

PART IX. INVALIDITY BENEFIT

Article 54. The prescribed degree of invalidity to qualify for benefit is 66 $\frac{2}{3}$ per cent. under the wage earners' scheme. No degree of invalidity is laid down under the salaried employees' scheme; a salaried employee must be unable to carry on his occupation on a permanent basis.

Article 55. Clause (a) has been chosen. Wage earners and salaried employees are covered. Thus 85.5 per cent. of employees are covered.

Article 56. Benefit is calculated in accordance with the provisions of Article 66 (wage earners' scheme) or of Article 65 (salaried employees' scheme) of the Convention. Under the wage earners' scheme the benefit granted to a standard beneficiary is 52.3 per cent. of the standard wage.

The annual invalidity pension, at index 100, comprises a fixed allowance of 15,000 francs and increments amounting to 1.6 per cent. of the assessable remuneration adjusted to the index 100, plus a supplement of 3,200 francs per year for each child who would have received a pension if the insured person had died. This pension is automatically pegged to the cost of living.

Article 57. The minimum period of contribution is five years under the wage earners' scheme or 60 months under the salaried employees' scheme.

Article 58. At the age of 65 years an invalidity pension is converted to an old-age pension. The amount of each pension is identical. The pension may be suspended in certain specific cases.

PART X. SURVIVORS' BENEFIT

Article 60. The provisions of this Article are not applied.

Article 61. Clause (a) has been chosen. Wage earners and salaried employees are covered. Thus 85.5 per cent. of employees are protected.

Article 62. Benefit is calculated in accordance with the provisions of Article 66 (wage earners' scheme) or of Article 65 (salaried employees' scheme) of the Convention.

The annual widow's pension, at index 100, comprises a fixed allowance of 10,000 francs and 60 per cent. of the increments granted in respect of invalidity and old-age pensions; there is a further supplement of 2,200 francs for each child receiving an orphan's allowance. The annual orphan's allowance comprises a fixed allowance of 5,000 francs, 20 per cent. of the increments granted in respect of invalidity and old-age pensions and a supplement of 1,100 francs. For orphans who have lost both their father and mother, the allowance is double the normal orphan's allowance.

The benefit granted to a standard beneficiary is 52.3 per cent. of the standard wage.

Pensions are automatically pegged to the cost of living.

Article 63. The minimum period of contribution is five years' insurance under the wage earners' scheme or 40 months' insurance under the salaried employees' scheme.

Article 64. When a widow remarries she loses her right to a pension.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. The legislation makes no distinction between nationals and non-nationals.

PART XIII. COMMON PROVISIONS

Article 70. Every claimant has the right to appeal in the case of refusal of benefit or of a complaint as to its quality or its quantity.

Article 71. The sickness-maternity and invalidity-old age-death branches of insurance are financed by contributions made by wage earners and employers. The costs of employment injury benefit and family allowances are borne by the employers. Unemployment benefit is financed by the public authorities.

The State makes financial contributions towards the invalidity-old age-death branch of insurance and family allowances.

The total of the insurance contributions borne by protected employees is 44 per cent. of the financial resources allocated to the protection of employees and their wives and children.

All social security institutions are subject to state supervision.

Article 72. The protected persons are represented in the administration of the schemes in question.

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).

BRAZIL (First Report)

Constitution of 24 January 1967 (*Diário Oficial (D.O.)*, 24 Jan. 1967, No. 17, p. 953).

Social Insurance Act, No. 3807 of 26 August 1960 (*D.O.*, 5 Sep. 1960, No. 204, p. 12157) (*L.S.* 1960—Bra. 1 A), as amended by Legislative Decree No. 66 of 21 November 1966 (*D.O.*, 22 Nov. 1966, No. 219, p. 13503).

See also under Convention No. 95.

The subject-matter of the Convention is dealt with in article 158 of the Constitution, which guarantees paid leave for mothers before and after confinement without prejudice to their wages or earnings (paragraph XI), and provides for maternity insurance based on tripartite contributions (paragraph XVI).

The social security legislation entitles an insured woman who has paid ten monthly contributions to a maternity grant equal to the minimum wage in the area in which she is employed. She is also entitled to such assistance from the scheme as can in practice be provided in the area in which she is living.

Section 392 of the Consolidation of Labour Laws prohibits the employment of a woman during the four weeks before and the eight weeks following her confinement; section 393 entitles a woman to her full wage during the period of her maternity leave and provides that she shall return to her formerly held job after that period.

The foregoing provisions are not compatible with paragraph 8 of Article 4 of the Convention. In order to bring the legislation into conformity with this provision, it has been proposed to the Minister of Labour and Social Welfare (by resolution No. 22 of 1967 of the Permanent Committee on Social Legislation) that a working party should be appointed to draft a Bill to set up a maternity allowances scheme, financed by an equalisation fund operated by the social security authorities and based on monthly contributions by all employers, whether or not they have any women employees; this scheme would be similar to the existing family allowances scheme. The working party would also ensure that the standards of Legislative Decree No. 229 were brought into line with Article 3, paragraphs 5 and 6, Article 4, paragraph 3, and Article 5, paragraphs 1 and 2, of the Convention.

The question is now under consideration by the Minister of Labour and Social Welfare.

The other standards of the Convention are covered by the above-mentioned legislation.

The authorities responsible for the enforcement of statutory standards of maternity protection are the labour inspectorate and the regional offices of the National Manpower Service and the Ministry of Labour and Social Welfare.

SPAIN (First Report)

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (*Boletín Oficial del Estado (B.O.E.)*, 24 Feb. 1944, Year IX, No. 55, pp. 1627-1634 (*L.S. 1944—Sp. 1 A*).

Act No. 193 of 28 December 1963 to define the basic principles of social security (*B.O.E.*, 30 Dec. 1963, No. 312, p. 18181; errata: *B.O.E.*, 28 Jan. 1964, No. 24, p. 1182) (*L.S. 1963—Sp. 1*).

Decree No. 907 of 21 April 1966 (*B.O.E.*, 22 Apr. 1966, No. 96, p. 4778; 28 Apr. 1966, No. 97, p. 4862) (*L.S. 1966—Sp. 3 A*) to approve an initial Consolidated Text under Act No. 193 of 28 December 1963.

Act No. 38 of 31 May 1966 to institute a special social security scheme for agricultural workers (*B.O.E.*, 2 June 1966, No. 131, p. 6906) (*L.S. 1966—Sp. 1*).

Decree No. 3158 of 23 December 1966 to approve the general regulations prescribing the rates of cash benefit under the general social security scheme and the conditions for entitlement thereto (*B.O.E.*, 30 Dec. 1966, No. 312, p. 16476) (*L.S. 1966—Sp. 3 B*).

Decree No. 251 of 2 February 1967 to fix the employer's contribution to the special social security scheme for agricultural workers (*B.O.E.*, 14 Feb. 1967, No. 38, p. 2032).

Decree No. 252 of 2 February 1967 respecting the financial arrangements for the special social security scheme for agricultural workers (*B.O.E.*, 14 Feb. 1967, No. 38, p. 2032).

Decree No. 309 of 23 February 1967 (*B.O.E.*, 27 Feb. 1967, No. 49, p. 2674) to approve general regulations under Act No. 38 of 31 May 1966.

Article 1, paragraph 1, of the Convention. Section 1 of the above-mentioned Act No. 193 of 1963, together with section 7, paragraph 1 (*a*), section 20, paragraph 1 (*a*), section 83 (*a*), section 128 (*c*), and section 129, paragraph 4, of the above-mentioned Decree No. 907 of 1966, as well as section 2 of the above-mentioned Act No. 38 of 1966, give effect to this provision.

Paragraphs 2 and 3. The relevant national legislation does not use the expressions "industrial undertaking" and "non-industrial occupations" appearing in the Convention, but its provisions are equivalent in scope to those of the Convention.

Paragraph 4. Section 2 of Act No. 38 and section 3 of the regulations of 23 February 1967 made thereunder do not confine themselves to referring to "agricultural undertakings" and "agricultural occupations" but speak of "rural work" and "rural undertakings", which are much broader terms.

Paragraph 5. Under the Spanish system the participation in the social security schemes of the persons concerned is ensured through their trade union representatives. Up to the present no cases have arisen in which the application of the Convention was uncertain.

Paragraph 6. The possibility of making an exception for members of an employer's family is provided for by the legislation. Family members remaining outside the scope of the social security schemes are clearly defined.

Article 2. The national legislation uses the terms "woman" and "child" in the broad sense given to them in the Convention. Section 83 (*a*), section 2 and section 128 (*c*) in no way require the existence of marriage ties, except where the woman is a non-working beneficiary, i.e. the worker's spouse. The only requirements are the habitual ones—namely that the person concerned shall have been affiliated to the scheme and paid the requisite contributions.

Article 3, paragraph 1. Section 166 of the Act respecting contracts of employment entitles every woman in the eighth month of pregnancy to leave her work on production of a medical certificate stating that her confinement will probably take place within six weeks. The social security legislation lays down similar principles.

Paragraphs 2 and 3. The same section provides for two periods of leave, i.e. a compulsory period of six weeks following confinement, together with the above-mentioned period, during which the woman concerned is entitled to maternity benefit as prescribed by section 129, paragraph 4, of Decree No. 907.

Paragraph 4. Section 167 of the Act respecting contracts of employment states that a mistake of the medical practitioner in calculating the date of the confinement shall not prejudice the rights already accorded to a woman worker during pregnancy or at her confinement. Accordingly the benefit period following childbirth is always calculated as from the actual date of confinement.

Paragraph 5. Under the general social security scheme, ordinary sickness or occupational disease and accidents of all kinds, including industrial accidents, together with childbirth, are considered, in pursuance of section 126 of Decree No. 907, as being conditions or situations causing temporary incapacity for work. Hence assistance is given in all the cases provided for in this paragraph.

Paragraph 6. Section 6, paragraph 3, of the above-mentioned Decree No. 3158 states that if, on termination of the compulsory rest period following confinement, the mother is still in need of medical assistance and is unable to return to her work, she shall be deemed to be suffering from temporary incapacity for work resulting from an ordinary illness, and the corresponding benefits, as prescribed by section 129 of Decree No. 907, shall be payable to her without interruption. Paragraph 2 of this section 129 lays down that cash benefit and medical assistance shall be provided for a maximum duration of 18 months, which may be extended by a further period of six months.

Article 4, paragraph 1. Sections 83 and 127 of Decree No. 907 establish the scope of the protective action which may be taken; this includes medical assistance and cash benefit.

Paragraphs 2 and 6. Decree No. 3158 prescribes, in section 2, paragraph 1, that cash benefit for temporary incapacity for work (including childbirth) shall consist of an amount equal to 75 per cent. of the worker's insured earnings. The childbirth allowance is 2,500 pesetas.

Paragraph 3. The system of medical and pharmaceutical benefits is more extensive than that provided for in the Convention. The principle of freedom of choice is respected by the national legislation.

Paragraph 4. Women workers fulfilling certain requirements as to membership and payment of contributions under a compulsory social insurance scheme are fully entitled to cash benefit.

Paragraph 5. Apart from the possibility of recourse to social assistance funds, medical benefit can be obtained out of public assistance funds.

Paragraph 7. Section 67 of Decree No. 907 provides for a worker's and an employer's contribution, in accordance with the Convention.

As regards agricultural workers, the employer's contribution is calculated on the basis of his tax status in respect of land and cattle-raising taxes, in accordance with Decree No. 251 of 1967. Under Decree No. 252 of 1967 the worker's contribution is equivalent to 4.5 per cent. of his daily insurable earnings when he is not self-employed and to 3.13 per cent. of these earnings if he is self-employed. These provisions are co-ordinated with the rules on contributions contained in Chapter IV of Decree No. 309 of 1967.

Article 5. Section 168 of the Act respecting contracts of employment states that women shall be entitled to one hour's rest in the day during working hours for the purpose of nursing their children, to be taken in two breaks of half an hour each. No deduction from wages may be made on this account.

Article 6. Section 79 of the same Act states that a contract of employment may not be terminated . . . " 3. in the case of a female employee, by absence on account of the rest period in case of confinement provided for by the legislation in force". Section 167 binds the employer to keep the employment open for the woman employee

during the period when she is compelled or authorised to leave her work in connection with her confinement.

The application of the above-mentioned legislation is ensured by the labour inspection service.

YUGOSLAVIA

Decree of 4 April 1965 to promulgate a Basic Act respecting the protection of labour (*Službeni List*, 5 Apr. 1965, No. 15, Text 314; errata: *ibid.*, 30 June 1965, No. 29, p. 1179) (*L.S.* 1965—Yug. 3).

In reply to earlier direct requests made by the Committee of Experts concerning the application of the Convention to certain categories of workers and the prohibition of dismissal during maternity leave, the Government has supplied the following information.

Under section 12 of the Basic Health Insurance Act of 1962, as amended in 1965 and 1966, all persons who are parties to a regular employment relationship and assimilated persons are insured against all the contingencies covered. The Act is also applicable to women employed on the same terms by private employers.

The Basic Act of 1965 respecting employment relationships, as amended in 1966, is not applicable to workers employed by private employers since it is based on the principles of social ownership of means of production and workers' self-management. However, some of its provisions, such as section 76, which lays down the procedure and conditions for entitlement to maternity leave and the duration of such leave, are applicable to all workers. Moreover, section 152 of the Act stipulates that, pending the passing of an Act governing matters pertaining to the rights of workers employed by private employers, the statutory provisions in force shall apply to those workers. In consequence, as regards maternity protection, in the absence of appropriate statutory provisions adopted by individual republics, the provisions of the former Act of 1961 respecting employment relationships, which provided for shorter hours and prohibited dismissal during maternity leave, remain applicable. In view of the fact that the provisions of the Basic Act of 1965 respecting employment relationships are almost identical with those of the former Act, they are in practice applied directly in the absence of new statutory provisions. Certain republics (such as Serbia and Bosnia-Herzegovina) have passed Acts respecting employment relationships which apply to the working relationships and conditions of persons employed by private employers and which, as far as maternity protection is concerned, reproduce the provisions of the Basic Act respecting employment relationships. The remaining republics are in the process of enacting similar legislation in this respect.

The Basic Act respecting employment relationships guarantees the right of a woman worker to maternity leave at the expense of the sickness insurance fund, and prohibits her dismissal from her employment during pregnancy or while she is nursing her child, if the child is under the age of 8 months.

Even if an employing organisation is wound up, maternity leave which has already begun cannot be brought to an end, since the material expenses arising out of such leave are borne not by the employing organisation but by the sickness insurance fund, which pays the allowance due to the worker concerned in lieu of her personal income. The same principle applies to women employed by private employers in the event of the death of the employer or the winding up of his business.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	18. 6. 1965	New Zealand	28. 6. 1956
Central African Republic	9. 6. 1964	Niger	23. 3. 1962
China	14. 3. 1967	Nigeria	25. 10. 1962
Cuba	15. 8. 1957	Portugal	12. 4. 1960
Dominican Republic	10. 2. 1958	El Salvador	18. 11. 1958
Iran	13. 4. 1959	Syrian Arab Republic	7. 6. 1957
Liberia	25. 5. 1962	Thailand	29. 7. 1964
Libya	20. 6. 1962	Tunisia	18. 12. 1962
Malawi	22. 3. 1965	United Arab Republic	18. 12. 1958
Morocco	27. 3. 1963		

BRAZIL (First Report)

Constitution of 24 January 1967 (*Diário Oficial*, 24 Jan. 1967, No. 17, p. 953).

Breaches of contracts of employment are not punishable by any penal sanction, even where the employee is responsible. By virtue of article 150, paragraph 1, of the Constitution, which declares that all Brazilians are equal and that any form of racial discrimination shall be punishable, the principle stated above is applicable to all workers, whether or not they are indigenous persons.

MALAWI (First Report)

There are no legislative measures providing for penal sanctions for any breach of a contract of employment within the meaning of the Convention.

THAILAND (First Report)

Royal Decree of 15 January 1965 respecting the application of Convention No. 104.

As a result of the above-mentioned decree the provisions of the Convention became effective as from 30 July 1965, and are now part of the law of the Kingdom. The application of these provisions is entrusted to the ordinary courts of law.

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
Barbados	8. 5. 1967	Sabah, Sarawak	3. 3. 1964
Belgium	23. 1. 1961	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	Nicaragua	31. 10. 1967
Chad	8. 6. 1961	Niger	23. 3. 1962
China	31. 3. 1959	Nigeria	17. 10. 1960
Colombia	7. 6. 1963	Norway	14. 4. 1958
Costa Rica	4. 5. 1959	Pakistan	15. 2. 1960
Cuba	2. 6. 1958	Panama	16. 5. 1966
Cyprus	23. 9. 1960	Peru	6. 12. 1960
Dahomey	22. 5. 1961	Philippines	17. 11. 1960
Denmark	17. 1. 1958	Poland	30. 7. 1958
Dominican Republic	23. 6. 1958	Portugal	23. 11. 1959
Ecuador	5. 2. 1962	Rwanda	18. 9. 1962
Finland	27. 5. 1960	El Salvador	18. 11. 1958
Gabon	29. 5. 1961	Senegal	28. 7. 1961
Federal Republic of Germany	22. 6. 1959	Sierra Leone	13. 6. 1961
Ghana	15. 12. 1958	Singapore	25. 10. 1965
Greece	30. 3. 1962	Somalia:	
Guatemala	9. 12. 1959	ex-British Somaliland	18. 11. 1960
Guinea	11. 7. 1961	ex-Trust Territory	8. 12. 1961
Guyana	8. 6. 1966	Spain	6. 11. 1967
Haiti	4. 3. 1958	Sweden	2. 6. 1958
Honduras	4. 8. 1958	Switzerland	18. 7. 1958
Iceland	29. 11. 1960	Syrian Arab Republic	23. 10. 1958
Iran	13. 4. 1959	Tanzania:	
Iraq	15. 6. 1959	Tanganyika	30. 1. 1962
Ireland	11. 6. 1958	Zanzibar	22. 6. 1964
Israel	10. 4. 1958	Trinidad and Tobago	24. 5. 1963
Italy	15. 3. 1968	Tunisia	12. 1. 1959
Ivory Coast	5. 5. 1961	Turkey	29. 3. 1961
Jamaica	26. 12. 1962	Uganda	4. 6. 1963
Jordan	31. 3. 1958	United Arab Republic	23. 10. 1958
Kenya	13. 1. 1964	United Kingdom	30. 12. 1957
Kuwait	21. 9. 1961	Venezuela	16. 11. 1964
Liberia	25. 5. 1962	Zambia	22. 2. 1965

AUSTRALIA

An examination of the legislation concerning conditions of employment of seamen has shown no conflict with the Convention.

BELGIUM

In reply to a direct request made by the Committee of Experts concerning sections 275 and 276 of the Penal Code (the insulting of public authorities), the Government

has stated that offences under these provisions are not of themselves political offences but may be committed on the occasion of the expression of political opinions. However, as the application of these provisions is within the exclusive competence of the judiciary, they cannot be abused so as to impose forced labour on persons expressing political opinions. Sentences of imprisonment under these provisions are not in practice executed, as the penitentiary administration has issued instructions by virtue of which penalties of imprisonment for three months or less are not to be executed. Furthermore, persons imprisoned for offences of a political nature, or for common law offences committed to affirm political or social demands, are not required to perform prison labour.

BRAZIL (First Report)

Penal Code.

See also under Convention No. 104.

Under article 150, paragraph 2, of the Constitution of 1967 no person may be compelled to do anything except in accordance with the law. The penal sanctions applied for compelling a person to engage in any work are laid down in section 197 of the Penal Code.

Forced or compulsory labour may not be imposed for the purposes described in Article 1 of the Convention. Article 157, paragraph 7, of the Constitution prohibits strikes in essential services. Under article 150, paragraph 1, of the Constitution all persons are equal before the law without distinction on grounds of sex, race, employment, religious belief or political conviction.

CANADA

In reply to a direct request made by the Committee of Experts, the Government has stated that the Dominion Prisons and Reformatories Act is due for complete revision at an early date, at which time section 89 concerning convict labour hired out to contractors, which is obsolete, is expected to be repealed or amended.

CHINA

In reply to a direct request made by the Committee of Experts in 1967, the Government has stated that the prison labour provided for under section 470 of the Penal Procedural Code, being mandatory for all persons convicted of criminal offences, cannot be considered as forced or compulsory labour within the meaning of Article 1, clause (d), of the Convention.

COLOMBIA

In reply to a direct request made by the Committee of Experts, the Government has stated that article 47 of the National Constitution, which prohibits "popular political bodies of a permanent character", is only of historical interest and is inoperative, as the existence of political parties is recognised in article 172 of the Constitution. No legislative provisions govern the creation or functioning of political parties.

CUBA

In reply to a direct request made by the Committee of Experts, the Government has stated that, according to article 42 of the Constitution, the provision contained in article 26 to the effect that persons detained or imprisoned for political or social

offences shall not be required to work is not affected in any case of suspension of constitutional guarantees.

Breaches of labour discipline, which are governed by Act No. 1166 of 23 September 1964, are not subject to penal sanctions.

DAHOMÉY

In reply to a direct request made by the Committee of Experts, the Government has stated that persons sentenced to imprisonment are not obliged to work.

GABON

In reply to a direct request made by the Committee of Experts, the Government has stated that persons interned under Ordinances Nos. 16/P.R. and 18/P.R. of 17 April 1965 are, by virtue of Decree No. 226/P.R.M.I. of 3 August 1966, subject to the same rules as political prisoners, and may not be required to perform any kind of labour.

FEDERAL REPUBLIC OF GERMANY

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

The Government, together with the organisations concerned, considers that section 114 of the Seamen's Act does not create conditions in which forced or compulsory labour could be exacted. The provision in question states that desertion of a vessel in a foreign port, leading to grave inconvenience or difficulty aboard, is a punishable offence.

Forced labour, as defined in Article 1, clause (a), of the Convention, does not exist. Sentences passed under the Criminal Code provisions quoted by the Committee of Experts are directed against breaches of the law and not against political opinions. Under the relevant jurisprudence expressions of political opinion are not punishable as such.

GHANA

In reply to previous direct requests made by the Committee of Experts, the Government has stated that the comments of the Committee are being considered with a view to determining the legislative modifications necessary to ensure conformity with the Convention.

HAITI

In reply to an observation made by the Committee of Experts, the Government has stated that the suspension of constitutional guarantees granting full powers to the Executive between sessions of the Legislative Chamber is for a fixed period, and that such suspensions have never affected the application of the provisions of the Convention. The effects of a state of siege disappear when the circumstances motivating it have ceased to exist.

Associations are governed by sections 236 to 239 of the Penal Code.

Discipline in the merchant navy is governed by sections 263 to 291 of the Commercial Code and sections 328 to 345 of the Labour Code.

JORDAN

Act No. 23 of 1953 respecting prisons.

Act No. 60 of 1953 respecting public meetings.

Public Security Act of 1958.

Act No. 16 of 1967 respecting the press and publications.

Act No. 18 of 1967 respecting compulsory military service.

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

Article 13 of the Constitution prohibits the imposition of compulsory labour on any citizen, except by virtue of a law and as a consequence of a conviction in a court of law. Under section 28 of Act No. 23 of 1953 prisoners may be made to do light work.

Forced or compulsory labour may not be imposed for the purposes described in the Convention.

KUWAIT

In reply to a direct request made by the Committee of Experts, the Government has stated that no penalties are prescribed by the Press and Publications Act in case a newspaper is issued without a licence, or under section 144 of Decree No. 7 of 1960 (concerning the civil service) in case of resignation of a public employee.

MALAYSIA

Societies Act, No. 13 of 1966.

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

Article 1, clause (a), of the Convention. Persons convicted under the Internal Security Act, 1960, are invariably those in possession of subversive documents, engaged in armed violence, acting in disobedience of a curfew and committing other acts deemed to be harmful or prejudicial to public order. Punishment is imposed on such persons not because they hold political views different from the Government in power but because of their criminal acts in trying to disturb the peace of the country.

Rule No. 84 of the Internal Security Act (Detained Persons) Rules, 1960, provides that detained persons shall not be required to perform labour.

Clause (b). The Malacca Lands Customary Rights Ordinance, the Straits Settlements Rice Cultivation Ordinance and the Cultivation of Rice Enactment of Negri Sembilan are being reviewed by the states concerned with a view to considering whether the provisions should be amended.

Clauses (c) and (d). The merchant shipping legislation of the states of Malaya and of Sabah and Sarawak is being reviewed with a view to amendment.

Clause (e). Section 34 (b) and section 59 of the Sarawak Local Authorities Ordinance (under which persons not belonging to the same race as the majority of inhabitants of a village may be ordered to leave the village) are primarily directed towards preventing encroachment on native customary rights over land and the imposition on a native community of persons not belonging to that community. These provisions are not intended as a form of racial discrimination.

MOROCCO (First Report)

Forced or compulsory labour may not be imposed for any of the purposes described in the Convention

NIGERIA

In reply to a direct request made by the Committee of Experts, the Government has stated that the penalties laid down in section 112, sections 114 to 116 and section 117 (*b*) and (*c*) of the Merchant Shipping Act, 1962, are not incompatible with the Convention since they are related to the special characteristics of the occupation of seamen and are a consequence of a conviction in a court of law.

PAKISTAN

In reply to a direct request made by the Committee of Experts, the Government has stated that draft legislation to amend the Merchant Shipping Act, 1923, which would bring the Act into conformity with the Convention, was to be placed before the National Assembly in 1967 for approval.

RWANDA

See under Convention No. 4.

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that freedom of expression and association is guaranteed under articles 18 and 19 of the Constitution.

SWITZERLAND

In reply to a request made by the Committee of Experts, the Government has stated that the canton of Fribourg adopted, on 12 March 1967, an Act to amend the Act of 17 February 1923 respecting collective disputes in state-owned undertakings and concessionary companies; henceforth only fines may be imposed for participation in strikes in these undertakings.

UNITED KINGDOM

In reply to a direct request made by the Committee of Experts concerning Article 1, clauses (*c*) and (*d*), of the Convention, the Government has stated that the court of inquiry set up to review the Merchant Shipping Acts has made detailed recommendations for the amendment of these Acts, including the provisions on which the Committee had commented. These recommendations are being considered by the Government.

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
Byelorussia	26. 2. 1968
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
Iran	22. 1. 1968
Iraq	5. 7. 1960
Israel ⁴	19. 6. 1961
Italy	12. 8. 1963
Kuwait	21. 9. 1961

Countries	Ratification registered on
Mexico ⁵	1. 6. 1959
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
U.S.S.R.	22. 9. 1967
United Arab Republic	23. 10. 1958
Yugoslavia ³	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 clause (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) to (d).

⁵ The Convention also applies to the establishments specified in Article 3, paragraph 1 (c).

BRAZIL (First Report)

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

Decree No. 58823 of 14 July 1966 to promulgate Convention No. 106 (*D.O.*, 20 July 1966).

Act No. 605 of 5 January 1949 to make provisions regarding weekly rest with pay and the payment of wages for civil and religious holidays (*D.O.*, Section 1, 14 Jan. 1949, No. 11, p. 633) (*L.S.* 1949—Bra. 1).

Decree No. 27048 of 12 August 1949 to approve the regulations for the administration of Act No. 605 (*Coleção das Leis*, 1949, Vol. II, p. 191).

Article 1 of the Convention. Effect is given to the Convention by national legislation. Employees in commerce and offices in the towns have a five-day week.

Article 3, paragraph 3. The statutory provisions apply to all employed persons with the exception of domestic employees and civil servants, the latter being governed by special regulations.

Article 4. Arrangements of the type referred to in this Article have not been found to be necessary.

Article 5. The only persons excluded from the scope of national laws are persons deemed not to be employed persons. These may include workers in family businesses or persons holding high managerial posts.

Articles 7 and 8. Provision is made for special schemes and for temporary exemptions from the normal weekly rest arrangements in sections 7 and 8 of Decree No. 27048.

Responsibility for the application of the labour laws and regulations lies with the federal authorities, represented by the Ministry of Labour and Social Welfare operating through the labour inspection services.

The application of the Convention has not given rise to any decisions by courts of law involving questions of principle.

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

BOLIVIA (First Report)

Constitution of 2 February 1967.

Legislative Decree No. 03464 of 2 August 1953 to provide for the putting into operation of the agrarian reform (*El Semanario Económico*, 6 Aug. 1953), raised to the status of an Act on 29 October 1956.

Ministerial Resolution No. 383 of 7 January 1954 respecting the integration of forest-dwelling tribes.

Presidential Decree No. 05740 of 10 March 1961 respecting agricultural labour.

Presidential Decree No. 07765 of 31 July 1966 (title XI: marginal ethnic groups).

Article 1 of the Convention. The provisions of the Convention are applied to forest-dwelling populations, classified in the national legislation as "marginal ethnic groups", who live in the eastern part of the country. This area, all of which is situated in the tropical zone, is composed of the departments of Pando, Beni and Santa Cruz and of part of the departments of Chuquisaca and Tarija.

Articles 2 and 3. The programmes for the protection and integration of the populations concerned are implemented by the Ministry for Peasant Affairs, the Ministry of Agriculture and the Settlement Institute.

Articles 4 to 6. In order to promote the development of the forest-dwelling populations, the Government has drawn up a ten-year community development plan which has general application for the whole country.

Article 7. The customary laws still apply among these populations in respect of kinship, work, etc.

Article 9. Under article 5 of the Constitution "no kind of servitude is recognised and no one shall be obliged to render personal service without just remuneration and without having first given his full consent; personal services may be exacted only in cases determined by law".

Article 11. The provisions contained in chapter III, title IX, sections 130 and 131, of the basic legislation respecting agrarian reform govern individual and collective ownership rights over the lands inhabited by forest-dwelling tribes.

Article 12. There have been no cases of forest-dwelling populations being removed from their habitual territories.

Article 13. Customary procedures for the transmission of rights of ownership and use of land meet the needs of the populations in question and the requirements of their economic and social development. These traditional procedures are respected by the agrarian reform legislation in force, which is based on the principle that "the land belongs to those who work it".

Article 15. No special measures have been taken within the framework of the national legislation to ensure the protection called for in paragraph I of this Article. Agricultural labour relations are governed by the above-mentioned Presidential Decree No. 05740 of 1961 which, in section 1, stipulates that a contract of employment is compulsory in all agricultural and stock-raising undertakings.

Article 16. The Education Code (chapter VII, section 61) provides for special training for the populations concerned. This training is aimed at the development of different types of handicrafts with a view to the safeguarding of artistic values.

Articles 17 and 18. The abundance of raw materials in the areas inhabited by the populations concerned facilitates the promotion of rural industries as factors in economic development and the raising of the standard of living. Vocational schools for this purpose provide training in such crafts as weaving, ceramics, straw work and woodwork.

Article 19. The existing social security schemes do not cover the populations in question.

Article 21. In accordance with the Education Code, all children of the forest-dwelling populations have access to education on an equal footing with the rest of the national community.

Article 22. The education programmes for the populations concerned are adopted in accordance with the provisions of this Article.

Article 23. Progressive transition from the vernacular language, which is used during the preliminary phase of education, to the national language, which is Spanish, is ensured in the teaching programmes.

Article 24. The main object of the primary education programme is the economic, cultural and political integration of the forest-dwelling populations into the national community.

Article 25. Implementation of the teaching programmes for the populations concerned is co-ordinated with other aspects of state education (literacy programmes, adult education and technical and vocational training schemes).

Article 26. In addition to the facilities of the existing school system, the authorities also use the cinema and the theatre and organise festivals, lectures and other recreational activities in order to improve the cultural level of the populations concerned and to preserve their folklore.

BRAZIL (First Report)

Legislative Decree No. 3454 of 6 January 1918 to transfer to another department provisions concerning national workers (Ministry of Agriculture, National Council for the Protection of Indians, Publication No. 14: *Coletânea de Leis, Atos e Memórias referentes ao Indígena Brasileiro*; compiled by L. Humberto de Oliveira (Rio de Janeiro, Imprensa Nacional, 1947), p. 112).

Act No. 5484 of 27 June 1928 to establish the legal status of Indians (*ibid.*, p. 131).

Decree No. 736 of 6 April 1936 to approve provisionally the new temporary regulations (*ibid.*, p. 148).

Legislative Decree No. 1794 of 22 November 1939 to set up the National Council for the Protection of Indians (*ibid.*, p. 172).

Legislative Decree No. 10652 of 16 November 1942 to approve the new regulations of the Indian Protection Service (*ibid.*, p. 184).

Decree No. 12317 of 27 April 1943 to approve the regulations of the National Council for the Protection of Indians (*ibid.*, p. 208).

Legislative Decree No. 17684 of 26 January 1945 to amend the code of regulations for the Indian Protection Service (*D.O.*, 29 Jan. 1945, p. 1587).

Act No. 1390 of 3 July 1951 (*Coleção das Leis de 1951*, Vol. V, Atos do Poder Legislativo, p. 11).

Decree No. 50455 of 14 April 1961 to set up the Xingu Park (*D.O.*, Section I, Part I, Year C, 14 Apr. 1961, No. 84, p. 3492).

See also under Convention No. 104.

Article 1 of the Convention. The Convention applies to the forest-dwelling populations who, in 1957, numbered approximately 100,000.

Article 2. The public authorities responsible for administering the protection programmes for the indigenous populations are the National Council for the Protection of Indians, the Indian Protection Service and the Xingu National Park.

Article 3. In setting up the Xingu National Park in an area inhabited by forest-dwelling Indians, the Government's objectives were the same as those outlined in this Article.

Article 4. The competent authorities use pacific and persuasive methods in order to avoid disrupting the cultural and religious values of the populations concerned.

Article 5. In view of the difficulties arising from the dispersal over wide areas of the indigenous populations as well as from their illiteracy, this provision can be effectively applied only through the gradual implementation of the Convention. Under civil law the Indian is considered as partly incapable.

Article 6. The main measures taken in order to improve the conditions of life of the indigenous populations have been the embodying, in 1954, within the five-year Amazon Economic Development Plan, of a programme of collaboration with the Indian Protection Service and the creation, in 1961, of the Xingu National Park.

Articles 7 and 8. The Tukuna, Terena and Chavante Indians are the main groups concerned. In accordance with Act No. 5484 of 1928, the Indian Protection Service has an official responsible for imposing penalties on Indians who have committed offences. These penalties consist solely in separating them temporarily from their group.

Articles 9 to 29. The Constitution and the labour legislation respect the principle of the equality of all citizens before the law. The Penal Code punishes forced labour and shanghaiing, as well as fraud and violence used in order to prevent the enforcement of the labour legislation. Conventions Nos. 104, 105 and 111, which have been ratified by Brazil, also protect the forest-dwelling populations. Under Act No. 1390 of 3 July 1951, acts resulting from racial or colour prejudice are considered as infractions of the law. There is nothing to prevent the forest-dwelling Indian from being included among the beneficiaries for social security, provided he is engaged in a job or occupation (Article 19 of the Convention).

GHANA

See under Convention No. 29.

Articles 4 and 5 of the Convention. In reply to a request made by the Committee of Experts, the Government has stated that no difficulties have been encountered in the application of these Articles.

Articles 7 and 8. There are no instances which can be cited to illustrate the way in which the law courts bear in mind the customs of the populations concerned in cases affecting them. The Penal Code applies to all persons without exemptions based on tribal origin.

Article 9. The provisions of this Article are applied by Part IX of the Labour Decree of 1967.

Article 10. In reply to a request made by the Committee of Experts, the Government has stated that the question no longer arises, since the Preventive Detention Act was repealed in 1966. As to the requirement that account must be taken of the degree of cultural development of the indigenous populations concerned in imposing penalties, this has been noted and the Government is considering how best effect can be given to this Article without creating different types of citizenship.

Articles 11 to 13. The Government has appointed a commission of inquiry to investigate the land tenure system. When the commission completes its work and the Government declares its policy, further information on the application of these Articles will be supplied to the Office.

Article 19. The social security scheme covers all wage earners belonging to the populations concerned.

Article 20. The Government's report describes the progress made in the development of the health services, especially in rural areas.

Articles 21 and 22. The Government supplied information concerning education.

MALAWI (First Report)

There are no ethnic groups with the characteristics defined in Article 1 of the Convention. All sectors of the population are fully integrated into the national community.

PORTUGAL

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

Article 1 of the Convention. The information requested cannot be supplied until after the general population census, which is due to take place in 1970.

Articles 11 to 14. Section 8 of Decree No. 43897 of 6 September 1961 and certain provisions of the regulations governing the occupation and tenancy of land in the overseas provinces give effect to the national agrarian policy as regards the arrangements in respect of land occupied by indigenous populations. These provisions are strictly enforced.

Various measures have been taken to modernise agriculture. For instance, the competent bodies have endeavoured to supply the rural populations with the modern equipment they need to farm the land they occupy. In the province of Mozambique, in particular, the use of the plough and other farming implements has become more widespread.

As regards the carrying out of land settlement programmes and the development of social institutions for the benefit of the new landowners, a document on the province of Angola appended to the Government's report gave details for the years 1963 and 1964.

Articles 16 to 18. All sectors of the population enjoy the same vocational training facilities. However, in order to cater for the needs of the indigenous populations, there are to be found, in the province of Guinea for example, arts and crafts schools in the capital and in a few inland towns attended mainly by pupils from families recently integrated or in the course of integration. More advanced vocational training establishments are available for the more gifted pupils. Since 1964, when it founded the Information and Tourism Centre and the Institute of Labour, Social Protection and Welfare, the Government has paid special attention to the problems of handicraft apprenticeship.

In the province of Mozambique private undertakings have played a highly important role in providing for on-the-job apprenticeship, in accordance with the provisions of the Rural Labour Code. Furthermore, vocational training schools have been opened by missionaries to meet the situation referred to in Article 17, paragraph 1, of the Convention, and these conform to the requirements of paragraph 2 of the same Article. All these schools are in fact apprenticeship centres designed to preserve and perfect the artistic and cultural values of the indigenous populations. There are also commercial and industrial schools, which in 1963-64 were attended by 1,545 indigenous pupils. Certain measures have been introduced to make it easier for pupils from rural areas to attend these schools (scholarships, free transport, books, school equipment and meals, etc.).

The administrative authorities have endeavoured to provide opportunities for the most capable members of the indigenous populations to play a part in the development of certain rural industries (the operation of mechanical cereal mills, which have lightened the burden of the female population).

In the province of Angola vocational training facilities have been improved. The Labour Protection Fund has granted an initial subsidy for the founding of an arts and crafts school at Maquela do Lombo (Uíge). Employment offices are functioning normally in Luanda and Lobito-Banguela and additional offices are to be opened in Luanda, Sá da Bandeira and Nova Lisboa.

Articles 21 to 24. All members of the indigenous populations have the opportunity to acquire education at all levels on an equal footing with the rest of the national community. In the province of Guinea, for instance, out of 22,210 pupils attending 157 primary educational establishments in 1966, 11,159 belonged to indigenous populations. There are 276 Koranic schools in the province. Until the pupils become familiar with the Portuguese language, basic instruction in rural areas is given in the vernacular language spoken from Senegal to the Ivory Coast.

Article 26. The Catholic missions, the administrative authorities, nursing staff, health officers, school instructors and teachers make known to the indigenous populations their rights and duties and help them to acquire good working and hygiene habits. Newspapers and the radio are used as information media. Some broadcasts are made in the vernacular language. The Provincial Population Board of Angola has published a number of booklets for the rural populations.

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	Liberia	22. 7. 1959
Bulgaria	22. 7. 1960	Libya	13. 6. 1961
Byelorussia	4. 8. 1961	Malagasy Republic	11. 8. 1961
Canada	26. 11. 1964	Malawi	22. 3. 1965
Central African Republic	9. 6. 1964	Mali	2. 3. 1964
Chad	29. 3. 1966	Mauritania	8. 11. 1963
China	13. 2. 1962	Mexico	11. 9. 1961
Costa Rica	1. 3. 1962	Morocco	27. 3. 1963
Cuba	26. 8. 1965	Nicaragua	31. 10. 1967
Cyprus	2. 2. 1968	Niger	23. 3. 1962
Czechoslovakia	21. 1. 1964	Norway	24. 9. 1959
Dahomey	22. 5. 1961	Pakistan	24. 1. 1961
Denmark	22. 6. 1960	Panama	16. 5. 1966
Dominican Republic	13. 7. 1964	Paraguay	10. 7. 1967
Ecuador	10. 7. 1962	Philippines	17. 11. 1960
Ethiopia	11. 6. 1966	Poland	30. 5. 1961
Gabon	29. 5. 1961	Portugal	19. 11. 1959
Federal Republic of Germany	15. 6. 1961	Senegal	13. 11. 1967
Ghana	4. 4. 1961	Sierra Leone	14. 10. 1966
Guatemala	11. 10. 1960	Somalia	8. 12. 1961
Guinea	1. 9. 1960	Spain	6. 11. 1967
Honduras	20. 6. 1960	Sweden	20. 6. 1962
Hungary	20. 6. 1961	Switzerland	13. 7. 1961
Iceland	29. 7. 1963	Syrian Arab Republic	10. 5. 1960
India	3. 6. 1960	Tunisia	14. 9. 1959
Iran	30. 6. 1964	Turkey	19. 7. 1967
Iraq	15. 6. 1959	Ukraine	4. 8. 1961
Israel	12. 1. 1959	U.S.S.R.	4. 5. 1961
Italy	12. 8. 1963	United Arab Republic	10. 5. 1960
Ivory Coast	5. 5. 1961	Upper Volta	16. 4. 1962
Jordan	4. 7. 1963	Viet-Nam	6. 1. 1964
Kuwait	1. 12. 1966	Yugoslavia	2. 2. 1961

BRAZIL

The Convention is still in process of ratification and the instrument of promulgation is being drafted.

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel*, Extraordinary, Aug. 1961).

Constitutional Decision No. 2 (*ibid.*, 15 Jan. 1966).

A worker is considered to be any person, irrespective of sex or nationality, who has undertaken to engage in his occupational activity, in return for remuneration, under the direction of another person. For the purpose of defining a worker neither the legal status of the employer nor that of the employee will be taken into account.

The co-operation of employers' and workers' organisations is secured by means of advisory committees.

CUBA (First Report)

Fundamental Law of 7 February 1959 (*Gaceta Oficial (G.O.)*, Extraordinary, 7 Feb. 1959).

Legislative Decree No. 598 of 16 October 1934 respecting the employment of women in industry (*G.O.*, 19 Oct. 1934, Year XXXII, Vol. IV, No. 92, p. 6681) (*L.S.* 1934—Cuba 10).

Presidential Decree No. 1024 of 27 March 1937 governing the employment of women (*G.O.*, No. 74, p. 5405).

The above-mentioned Fundamental Law provides as follows:

All Cubans are equal before the law and all discrimination based on sex, race, colour or class and prejudicial to human dignity is illegal and punishable by law (section 20).

Work is an inalienable right (section 60).

The Ministry of Labour shall ensure that there is no discrimination in the distribution of jobs in industry and commerce and that vacancies are filled irrespective of race or colour (section 74).

There shall be equal remuneration for work of equal value, regardless of the person by whom the work is performed (section 62).

The above-mentioned decrees contain provisions relating to discrimination based on sex.

Ratification of the Convention does not mean that the Convention has the force of law. For this, a general Act will have to be promulgated.

Article 1 of the Convention. There are no provisions or practices of a discriminatory nature, such as those mentioned in this Article.

The only distinction made by the national legislation consists of providing greater protection for women workers.

Article 2. Government policy in employment matters is based on equal opportunity and treatment for all residents.

Article 3. There is no call to have recourse to the procedures provided for in this Article, since provisions and practices of a discriminatory nature do not exist.

Article 4. There are no regulations by virtue of which the persons referred to in this Article might lose their equality of opportunity as regards employment.

Article 5. There are no special measures of the kind described in this Article.

MALAWI (First Report)

Employment Ordinance, No. 14 of 17 March 1964 (*Nyasaland Gazette*, 20 Mar. 1964, Supplement 15 C) (*L.S.* 1964—Ny. 1).

Minimum Wages and Conditions of Employment Ordinance.

Articles 1 to 6 of the Convention. No form of discrimination as defined in any of these Articles exists.

MEXICO

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

The Government has received no further comments on the I.L.O. questionnaire from the Confederation of Chambers of Industry or from the Mexican Confederation of Workers.

There is no discrimination in employment. Thus, apart from the federal legislative provisions, which apply to the whole of the national territory, no special measures have been taken.

Article 1, paragraph 1, of the Convention. There is no discrimination within the meaning of this provision of the Convention.

Article 3, clause (b). In addition to providing purely scholastic education, schoolteachers try to develop a sense of social solidarity in their pupils and to combat any prejudices they may have, or any tendency by them to practise discrimination. The Government's report contained copies of the text used for this purpose in all public and private primary schools.

Clause (e). The Labour Exchange Department, which comes under the Social Welfare Directorate of the Secretariat of Labour, would reject any request by an employer which might constitute discrimination.

Article 5, paragraph 2. The next report will give information about any special measures which may be taken to meet the particular requirements of individuals who, for reasons of their sex, age, state of health, family responsibilities, or social or cultural level, are considered to be in need of protection or social assistance.

NIGER

In reply to a direct request made by the Committee of Experts in 1967, the Government has supplied the following information.

The office of the Commissioner for General Development, which has taken over the functions of the office of the Commissioner for the Plan and of the office of the Commissioner for Human Resources Development, was set up by Decree No. 198 of 31 December 1965. Its duties, under section 2 of the decree, are "to study, co-ordinate and implement all measures aimed at harmonising economic growth and social progress" (paragraph 7), and to promote "the technical, economic, civic and cultural progress of all classes of the population" (paragraph 8).

The President of the Republic, in a speech made on 5 February 1964, emphasised that the Government's policy was to promote equality of opportunity and conditions in the field of employment and occupation.

Women have never been excluded from employment in public undertakings unless the conditions and the physical effort required are considered incompatible with their sex.

In accordance with section 25 of Decree No. 126 of 7 September 1967 to make regulations under the Labour Code, the Labour Advisory Board, which includes representatives of employers' and workers' organisations, meets once a year to consider current employment and vocational training problems.

Should anybody lose his job simply because he is suspected of activities prejudicial to the security of the State, he is free to take the matter to court and sue for damages.

VIET-NAM (First Report)

Constitution of 1 April 1967.

Labour Code, Ordinance No. 15 of 8 July 1952 (*L.S.* 1956—V.N. 1 C).

Legislative Decree No. 6 of 22 July 1965 to institute hill peoples' customary courts.

Order No. 1247 of 10 August 1965.

Decree No. 21 of 22 February 1966.

Order No. 322 of 25 February 1966 to institute a special hill peoples' leadership scheme.

Decree No. 38 of 9 March 1966.

Order No. 386 of 9 March to set up a Special Commission for Hill Peoples' Affairs.

No discrimination exists, whether under the Labour Code, the other national legislation or administrative practice.

Since the revolution of 1 February 1963, national policy has aimed at improving the way of life of the hill peoples and at speeding up their advancement, so that these minority ethnic groups may become fully integrated into the national community.

The national policy was formulated with the purpose of promoting, by methods adapted to the circumstances, equality of opportunity and treatment, particularly in the field of employment and occupation, through the following measures: the creation of a Special Commission for Hill Peoples' Affairs; the institution of a special hill peoples' leadership scheme; the opening of elementary and primary schools and the granting of scholarships; the institution of a system whereby special marks are given to students from the hill-dwelling populations in certain competitive and other examinations; the setting up of three centres for vocational training in local crafts; and the intensive development of vocational education for the hill peoples.

A large number of hill people are employed at various levels in administrative posts as well as in various other occupations.

Conditions of employment are the same for inhabitants of the delta areas as for the hill peoples.

The new Constitution, promulgated on 1 April 1967, states in article 2 that "the nation has adopted the principle of equality among all citizens, irrespective of their sex, religion, race or political affiliation. Minority ethnic groups shall receive special assistance to enable them to keep pace with the nation's progress".

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
France	8. 6. 1967	Spain	7. 8. 1961
Federal Republic of Germany	11. 2. 1963	Tunisia	14. 1. 1963
Guatemala	2. 8. 1961	Ukraine	4. 8. 1961
Guinea	7. 11. 1960	U.S.S.R.	4. 5. 1961
Israel	19. 6. 1961	Yugoslavia	2. 2. 1961
Liberia	16. 5. 1960		

NETHERLANDS (First Report)

Royal Decree of 16 November 1946 respecting the employment of young persons at sea (*Staatsblad*, 1946, No. G 322) (*L.S.* 1946—Neth. 1).

Article 2 of the Convention. Under the above-mentioned Royal Decree, exemptions may be granted in respect of young persons over 14 years of age only if they are likely to benefit from the work they carry out and if a medical examination has ascertained that such work is not harmful for them. Usually, these exemptions are granted in respect of young persons over 14 years of age who have followed advanced courses for fishermen.

The enforcement of this legislation is entrusted to the port labour inspection service.

113. Medical Examination (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on	Countries	Ratification registered on
Belgium	8. 5. 1963	Guinea	7. 11. 1960
Brazil	1. 3. 1965	Liberia	16. 5. 1960
Bulgaria	2. 3. 1961	Peru	4. 4. 1962
China	13. 2. 1962	Spain	7. 8. 1961
Costa Rica	29. 12. 1964	Tunisia	14. 1. 1963
France	8. 6. 1967	Yugoslavia	26. 5. 1961
Guatemala	2. 8. 1961		

BELGIUM

In reply to a direct request made by the Committee of Experts, the Government has stated that in practice no advantage has so far been taken of the provision of section 100, paragraph 4, of the Royal Decree of 12 December 1957, which permits the engagement of fishermen without the production of a medical certificate provided that the vessel is ready to sail and that the engagement does not extend beyond a single sea voyage.

The fishing-boat owners' and fishermen's organisations are always consulted when laws or regulations are amended.

BRAZIL (First Report)

Legislative Decree No. 27 of 1964 to approve Convention No. 113 (*Diário Oficial*, 7 Aug. 1964).
Decree No. 58821 of 14 July 1966 to promulgate Convention No. 113 (*ibid.*, 20 July 1966).

According to the Constitution an international Convention which has been approved by Parliament and duly promulgated has the force of law. It also supersedes or amends all previous legislative provisions which are incompatible with it. However, in case it is necessary to enact provisions to ensure the application of a Convention, supplementary legislative measures are adopted. The existing legislation does not contain all the provisions necessary for the application of the present Convention and the Government therefore intends to establish a committee to draft a decree for this purpose.

Article 1 of the Convention. No exemptions have been granted in application of paragraph 2.

Article 2. A medical certificate is compulsory for work on board fishing vessels, in accordance with section 189 of the Consolidation of Labour Laws; this section provides for a medical examination for all workers engaged in unhealthy or dangerous occupations, to be renewed at least once a year. The port authority requires all fishermen to undergo a medical examination on taking up employment and periodically thereafter.

Article 3. The authority competent to carry out the examination, which takes into account the age and functions of the person concerned, is the medical service of the undertaking or that of the National Social Welfare Institute.

Article 4. Decree No. 48274 of 8 June 1960 provides that the medical certificate granted to young persons under 18 years of age has a validity of one year. Regulations have to be adopted in respect of fishermen aged between 18 and 21 years.

Article 5. All persons who have been refused a certificate are entitled, under the national legislation, to apply for a further examination by a medical commission, as provided for in this Article.

The enforcement of the above-mentioned legislation is entrusted to the maritime authorities.

CHINA

In reply to a request made by the Committee of Experts, the Government has stated that the discrepancy to which reference was made—non-application of the Convention to apprentice fishermen (section 4 of the national regulations respecting the minimum age, medical examination and employment of apprentice fishermen)—has been brought to the attention of the Ministry for Economic Affairs for consideration with a view to the adoption of such supplementary measures as may be necessary.

COSTA RICA

Act No. 3265 of 6 February 1964, as amended by Act No. 3588 of 9 November 1965 respecting questions of forensic medicine.

In reply to a direct request made by the Committee of Experts in 1967, the Government has supplied the following information.

Article 3 of the Convention. Under the old legislation, fishermen's and fishing boat owners' organisations were prevented from being consulted on the nature of the medical examination. This legislation has been partly rescinded. A Bill authorising such consultations has been submitted to the Presidency of the Republic by the National Seamen's Union.

Article 5. Act No. 3265, as amended, confers on the Forensic Medicine Council responsibility for giving final rulings on appeals made by the persons concerned against refusals to renew their medical certificates.

GUINEA

In reply to earlier requests and an observation made by the Committee of Experts, the Government has stated that an order has been drafted stipulating the conditions for the engagement of fishermen for employment on board fishing vessels; this order will ensure the application of the various provisions of the Convention, and in particular Article 1, which defines the term "fishing vessel".

SPAIN

In reply to a direct request made by the Committee of Experts concerning the application of Articles 4 and 5 of the Convention to minors employed on cod-fishing vessels, the Government has stated that it hopes to promulgate shortly legislation under which the medical certificate issued to fishermen in this category, aged between 18 and 21 years, would be valid for one year. The Government will also take into account the Committee's observations concerning specific acknowledgement of the right of the fishermen in question to appeal, should they be refused a medical certificate.

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
France	8. 6. 1967	Spain	7. 8. 1961
Federal Republic of Germany	1. 7. 1964	Tunisia	14. 1. 1963
Guatemala	2. 8. 1961	Yugoslavia	22. 12. 1961
Guinea	7. 11. 1960		

CHINA

In reply to a direct request made by the Committee of Experts concerning Articles 7 and 8 of the Convention, the Government has stated that section 25 of the regulations concerning the minimum age, medical examination and employment of fishermen requires that each vessel shall keep a fishermen's roster as well as fishermen's employment records in which matters concerning the rights and obligations of employment are entered.

COSTA RICA

In reply to a direct request made by the Committee of Experts in 1967, the Government has supplied the following information.

Article 3, paragraphs 1 to 4, and Article 7 of the Convention. In conformity with sections 3 and 88 of the Basic Act, No. 1860 of 21 April 1955, providing for the establishment of the Ministry of Labour and Social Welfare, every fisherman is entitled to ask for advice from the Legal Office of the Ministry or from the equivalent services of the labour inspectorates on the legal implications of the articles of agreement. It is hoped that it will be possible to take more concrete measures which would fully apply these provisions of the Convention.

Article 5. This Article has not yet been implemented in view of the fact that the fishing industry has just started and because it has been necessary to devote attention to other more urgent questions, such as the drafting of an Act respecting the registration of vessels.

Article 6, paragraph 3, clause (g). The Government has referred to section 118 of the Labour Code.

Clause (i), sub-clauses (i) and (ii). The Government has supplied the text of section 120 of the Labour Code.

Articles 10 and 11. The national legislation does not contain provisions concerning the immediate discharge of a fisherman. It is hoped, however, that the legislation will soon be amended in order to implement fully these Articles.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

Countries	Ratification registered on	Countries	Ratification registered on
Barbados	8. 5. 1967	Norway	17. 6. 1961
Belgium	2. 7. 1965	Paraguay	10. 7. 1967
Brazil	5. 9. 1966	Poland	23. 12. 1964
Byelorussia	26. 2. 1968	Spain	17. 7. 1962
Czechoslovakia	21. 1. 1964	Sweden	12. 4. 1961
Ghana	7. 11. 1961	Switzerland	29. 5. 1963
Guinea	12. 12. 1966	Syrian Arab Republic	15. 1. 1964
Guyana	8. 6. 1966	U.S.S.R.	22. 9. 1967
Iraq	26. 10. 1962	United Arab Republic	18. 3. 1964
Netherlands	29. 11. 1966	United Kingdom	9. 3. 1962

GHANA

In reply to a direct request made by the Committee of Experts, the Government has stated that a Code of Practice for the Protection of Persons against Ionising Radiations is now in use and that a Radiation Protection Board, which is responsible for radiation monitoring, the inspection of plants, the provision of technical advice and training, the approval of new installations of sources of radiations, the import control of radio-active material and the preparation of appropriate rules and regulations, has been established.

GUYANA (First Report)

United Kingdom Code of Practice for the Protection of Persons against Ionising Radiations Arising from Medical and Dental Use, 1964.

The only sources of ionising radiations are hospital X-ray units and the Government analysis department, which performs X-ray analyses for purposes of criminal investigation and forensic medicine.

These sources are controlled and monitored through the use of film badges and by means of periodic surveys, the results of which are forwarded to the United Kingdom Medical Radiological Protection Service for processing. Results as of 15 December 1967 had shown no over-exposure.

SWITZERLAND

Order of 22 April 1966 of the Federal Council to establish a standard contract of employment in respect of the insurance benefits to be granted to persons exposed to ionising radiations in the course of their work (*Recueil des lois fédérales*, 28 Apr. 1966, No. 17, p. 672).

Ordinance of 6 September 1966 of the Federal Department of the Interior to amend its Ordinance of 7 October 1963 concerning protection against radiations in respect of X-ray apparatus in shoe shops.

Ordinance of 9 September 1966 respecting arrangements for the alarm to be given in the event of an increase in radio-activity.

Ordinance of 2 December 1966 of the Federal Public Health Service respecting examinations for chiropractors on the application of ionising radiations.

Regulations of 19 December 1966 of the Federal Radiation Protection Board (*Bulletin du Service fédéral de l'hygiène publique*, 18 Feb. 1967, Supplement A, No. 2).

In reply to a direct request made by the Committee of Experts in 1966 concerning section 28 (2) of the Radiation Protection Ordinance of 19 April 1963, by virtue of which persons under 16 years of age may be assigned to work exposing them to radiations so long as the dose of radiation is less than 0.5 rems per year, the Government has stated that it does not intend to amend the section in question, since the recommendations of the International Commission on Radiological Protection require only that exposure to radiations of the gonads and bone marrow should be kept below 5 rems per year and that the dose accumulated up to the age of 30 years should not exceed 60 rems, and in consequence the ordinance is more severe than those recommendations.

Furthermore, in reply to a direct request made by the Committee of Experts with regard to the application of Article 12 of the Convention, the Government has stated that the frequency of medical examinations for persons who have received doses of radiations of less than 1.5 rems per year is determined by the supervisory body in each individual case, and that the minimum interval allowed by the National Insurance Fund in case of accidents is two years.

UNITED KINGDOM

Nuclear Installations Act, 1965.

Nuclear Installations (Insurance Certificate) Regulations, 1965 (*Statutory Instruments*, 1965, No. 1823).

Nuclear Installations (Dangerous Occurrences) Regulations, 1965 (*ibid.*, 1965, No. 1824).

Nuclear Installations Regulations, 1965 (*ibid.*, 1965, No. 1825).

Nuclear Installations (Excepted Matter) Regulations, 1965 (*ibid.*, 1965, No. 1826).

Nuclear Installations (Amendment) Act, 1965 (Commencement No. 2), Order, 1965 (*ibid.*, 1965, No. 1879 (C18)).

Nuclear Installations Act, 1965 (Commencement No. 1), Order, 1965 (*ibid.*, 1965, No. 1880 (C19)).

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
Congo (Kinshasa)	5. 9. 1967	Kuwait	23. 4. 1963
Costa Rica	27. 1. 1966	Malagasy Republic	1. 6. 1964
Ghana	18. 6. 1964	Niger	23. 11. 1964
Guinea	12. 12. 1966	Senegal	13. 11. 1967
Israel	15. 1. 1964	Syrian Arab Republic	11. 12. 1964
Italy	27. 12. 1966	Zambia	2. 12. 1964

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel*, Extraordinary, Aug. 1961).

Order No. 837/IIT of 22 November 1953 to stipulate the conditions of employment of young workers.

Order No. 52/MT-OS of 30 December 1963 to fix minimum wages and the maximum amount to be charged for the daily food ration.

Decree No. 27 of 22 January 1965 to establish a technical high school.

Decree No. 157 of 15 August 1966 to establish an accelerated vocational training centre under the Ministry of Labour.

Article 3 of the Convention. With a view to the development of urban areas and the improvement of living conditions, town plans may be drawn up for each commune. Co-operative villages are being founded by the members of the National Pioneer Youth Movement with a view to improving living conditions in rural areas.

Article 4. Act No. 287 of 1961 provides for the setting up of agricultural, consumers', schooling and housing co-operatives and for the opening of an agricultural co-operation and mutual aid bureau for the study, encouragement, co-ordination and promotion of the co-operative movement.

Article 5. The National Labour Advisory Board and the regional labour advisory boards inquire into problems of labour, employment, vocational guidance and training, placement, etc., stating their views and making proposals as to the regulations which need to be adopted in respect of these matters. They also consider the factors to be taken into account in fixing the minimum living wage and general economic conditions.

Article 9. The above-mentioned order of 30 December 1963 governs the fixing of inter-occupational guaranteed minimum wages as well as the minimum amount to be charged for the daily food ration.

Article 10. Workers and employers may fix by collective agreement minimum wages which may not be lower than the guaranteed minimum wages. Where no collective agreement applies the minimum rates are fixed by order after consultation of the National Labour Advisory Board, and the Ministry of Labour informs the employers and workers by circular of the minimum wage rates in force. Workers to whom the minimum rates have not been applied are entitled to recover the amount by which they have been underpaid through the intervention either of the labour inspector or of the chairman of the labour court.

Article 11. Sections 105 and 106 of the Labour Code require employers to keep registers of wage payments and to issue pay slips to workers, and prescribe the interval at which wages shall be paid (a fortnight in the case of persons paid by the day or by the week and a month in the case of persons paid by the fortnight or by the month). Wages have to be paid in legal tender and payment in the form of alcohol is strictly forbidden. Payment of wages in taverns or stores is also prohibited except in the case of workers normally employed therein (section 104 of the Labour Code). The order of 30 December 1963 prescribes the procedure for assessing the value of food and housing as components of wages.

Article 12. The repayment of advances on wages is a matter for arrangement between the parties.

Article 15. Under section 3 of the above-mentioned order of 22 November 1953 it is prohibited to employ during school hours children under 15 years of age attending a public or private educational establishment. Section 125 of the Labour Code stipulates that children under 14 years of age may not be employed in any undertaking, even as apprentices. The employment of children of 12, 13 or 14 years of age may, however, be authorised by the labour inspector upon presentation of a medical certificate.

CHINA (First Report)

Constitution of 25 December 1946 (Amos Y. Peaslee: *Constitutions of Nations*, Vol. II, Revised Third Edition (Netherlands, 1966), p. 281).

Land Law of 30 June 1930, as amended on 29 April 1946 (*Laws of the Republic of China (L.R.C.)*, Second Series, Oct. 1962, pp. 213-276).

Factories Act (Consolidation) of 30 December 1932 (*L.S. 1932—Chin. 2 A*).

Regulations of 30 December 1932 for the administration of the Factories Act (Consolidation) (*L.S. 1932—Chin. 2 B*), as amended in respect of section 9 by Order of 10 April 1935 (*Kung pao*, 1935, No. 1712) and on 10 December 1936.

Law of 5 April 1935 governing the enforcement of the Land Law, as amended on 29 April 1946 (*L.R.C.*, Second Series, Oct. 1962, pp. 277-290).

Statute of 7 June 1951 to reduce farm rent to 37.5 per cent. (*L.R.C.*, Second Series, Oct. 1962, pp. 321-329).

Land-to-the-Tiller Statute of 26 January 1953, as amended in respect of articles 16 and 28 on 22 April 1954 and 24 December 1954, respectively (*L.R.C.*, Second Series, Oct. 1962, pp. 330-343).

Rules of 11 April 1953 governing the enforcement in Taiwan of the Land-to-the-Tiller Statute (*L.R.C.*, Second Series, Oct. 1962, pp. 344-363).

Measures of 18 March 1954 for the administration of credit co-operatives, as amended in 1957, 1959 and 1960.

Article 1 of the Convention. The country's policy seeks to attain the objectives stated.

Article 2. This objective is recognised by article 142 of the Constitution and by the fourth Four-Year Plan for Economic Development.

Article 3, paragraph 1. Under the Plan for Economic Development a Social Development Department has been set up to harmonise economic development with the healthy evolution of the communities concerned. Measures for the implementation of the Plan for Economic Development include a human resources development programme.

Paragraph 2. To avoid the disruption of family life and of traditional social units the Government is striving to improve the living conditions of children (through the founding of orphanages, the development in co-operation with the United Nations Children's Fund of a children's welfare programme, including the opening of day nurseries, etc.).

To promote town planning and prevent and eliminate congestion in urban areas, the Government has for years been concerning itself with regional development. Each village has its own board for the promotion of domestic economy and rural handicrafts, education and hygiene.

Article 4. The provisions of this Article are applied by article 143 of the Constitution, sections 14 and 30 of the Land Law and article 28 of the Land-to-the-Tiller Statute. As regards the land belonging to the reserves on the high plateaux, while these are vast and sparsely populated, the Government has taken into account their special status and has respected the customs of the indigenous population, particularly in respect of the system of allocating land.

The provisions of the above-mentioned statute of 7 June 1951 are intended, *inter alia*, to ensure that tenant farmers will have as high a standard of living as possible. This aim has been pursued by the Government for at least 30 years. Thanks to the implementation of the programme for the reduction of farm rent under the statute, the standard of living of farmers (including tenants, share-croppers and agricultural labourers) has greatly improved. The Government is continuing its policy of control of the ownership and use of land and natural resources.

Article 5. Measures have always been taken to secure for wage earners opportunities for promotion, wage increases, etc. The minimum wage is sufficient to ensure the maintenance of a minimum standard of living for workers.

Articles 6 to 8. There is no shortage of labour, although sometimes workers seek work away from their homes in order to earn more. No measures have been taken for the transfer of part of the workers' wages and savings.

Article 9. Workers are better paid in areas where the cost of living is higher.

Article 10, paragraph 1. The Government encourages the fixing of minimum wages by collective agreements.

Paragraph 2. The Government fixes minimum wages in consultation with representatives of employers' and workers' organisations.

Paragraph 3. Where minimum wage rates are in force they guarantee that wages actually paid are not lower than these rates, provided that they are applicable.

Paragraph 4. The law guarantees that any amount owing may be recovered in conformity with this paragraph.

Article 11, paragraph 1. Employers are required to keep registers to facilitate inspection.

Paragraphs 2 and 3. These provisions are applied by section 21 of the Factories Act.

Paragraphs 4 and 5. These provisions are not yet covered by the labour legislation but will be included in the Labour Code now under consideration.

Paragraph 6. This provision is applied by section 22 of the Factories Act.

Paragraph 7. Where food, housing and other supplies form part of remuneration, account is taken of market prices. In the case of publicly owned undertakings the authorities publish once a month a list of prices concurring with market prices.

Paragraph 8. This provision is applied by section 11 of the regulations for the administration of the Factories Act and section 25 of the Act itself.

Article 12. The maximum amounts and manner of repayment of advances on wages are regulated by the undertakings concerned under the supervision of the competent authority.

Article 13. Various financial institutions have established a savings department which gives higher rates of interest than those normally offered.

Paragraph 4 of the measures for the administration of credit co-operatives lays down that only workers, civil servants, members of the liberal professions and small businessmen may be members of co-operatives. Paragraph 12 of these measures stipulates the maximum rates of interest which may be charged on loans.

Article 14. This provision is applied by article 7 of the Constitution.

Article 15, paragraph 1. Long-, medium- and short-term vocational training constitutes the essential aim of the human resources development programme. The Government is now drawing up a programme to enable primary school leavers to continue their studies and a six-year plan for the development of secondary education.

Paragraphs 2 and 3. No provision has yet been enacted to fix a school-leaving age or to prohibit the employment of children below the school-leaving age during school hours. Section 5 of the Factories Act prohibits the employment of children under 14 years of age.

Article 16. Factories have launched intensive programmes of training in new techniques. Some centres which have organised training on a rota basis have achieved successful results.

The competent authority is the Central Vocational Training Board.

GHANA (First Report)

Industrial Relations Act, No. 299 of 23 June 1965 (*L.S.* 1965—Ghana 2).

Minimum Remuneration Instrument, 1967.

See also under Convention No. 29.

Articles 1 and 2 of the Convention. The Government's policy is to attain the objectives laid down in these Articles.

Article 3. There are migratory population movements not only within the country but also across its borders (especially from the Ivory Coast, Togo and Upper Volta). The internal movements take place chiefly from the less-developed northern areas and the mountains towards the towns or agricultural areas of Ashanti and Brong Ahafo, or from the Volta region towards the capital and its surrounding area (Accra-Tema). One reason for this migration is the attraction of higher wages. The Town and Country Planning Division has adopted a policy of equitable distribution of new investment among the various regions of the country so as to reduce the drift to the towns. The Volta River Project is an example of this policy. The Planning Division has set up regional planning offices and thought is being given to the creation of district offices which would deal with local and rural planning. Plans for the supervision of the development of certain towns have been put into effect, and two studies have been undertaken with a view to the elimination of congestion in urban areas.

The Government has been trying to improve the living conditions of those who live off the land (i.e. 77 per cent. of the total population). The means of agricultural production have been improved, industries have been set up in suitable areas, and so on. There are three main types of agricultural development programme: extension programmes, planning and soil conservation programmes, and the creation of state farms.

Articles 4 and 5. The Co-operatives Department encourages and aids the creation of agricultural producers' co-operatives, thus helping agricultural producers to improve their very low standard of living. Furthermore, the Department encourages savings among the members of these co-operatives and promotes the creation of credit unions. It likewise fosters the creation of consumer co-operatives, although co-operatives of this kind encounter certain difficulties.

Article 6. Section 20 of the Labour Decree of 10 April 1967 gives effect to this Article.

Articles 7 to 9. The provisions of these Articles are not applicable.

Article 10. The provisions of this Article are applied by sections 5 and 6 of the Industrial Relations Act. Minimum wage agreements are concluded in accordance with the provisions of section 72 (f) and (g) of the Labour Decree. Regulations will be made under the Labour Decree to ensure that paragraphs 3 and 4 of this Article are applied.

Articles 11 and 12. Section 53, paragraphs 1 to 6, and sections 54 and 56 of the Labour Decree apply these Articles.

Article 13. No legislative provision gives effect to this Article and no other measures have been taken for this purpose.

Article 14. Neither national legislation nor practice permits any discrimination in the fields referred to in this Article. The provisions of the Article are applied by the Apprenticeship Act of 1961, by section 26 of the Industrial Relations Act and by the Minimum Remuneration Instrument of 1967. Differences in minimum wage rates are not due to discrimination.

Article 15. The Government's report refers to the state education programme and mentions, in particular, the existence of pre-vocational and technical training courses, as well as arrangements for the training of apprentices.

Article 16, paragraph 1. Advanced courses are organised for technical personnel, foremen and supervisory staff employed in public services. The National Productivity Centre, set up with the assistance of the United Nations, also organises courses designed to increase efficiency and productivity among supervisory staff employed in industry, whether publicly or privately owned.

Paragraph 2. This provision has no practical application.

ISRAEL (First Report)

Declaration of Independence of the State of Israel of 14 May 1948.

Cultivators' (Protection) Ordinance, 1933.

Co-operative Societies' Ordinance, 1933.

Compulsory Education Law, 1949.

Apprenticeship Law of 13 July 1953 (*Sefer Ha-Chukkim (S.H-C.)*, 11 Av 5713, No. 128, p. 108) (*L.S.* 1953—Isr. 1).

Youth Labour Law of 15 July 1953 (*S.H-C.*, 11 Av 5713, No. 128, p. 115) (*L.S.* 1953—Isr. 2).

Wage Protection Law, No. 5718 of 11 March 1958 (*Sefer Habukim*, 1958, No. 247, p. 86).

Employment Service Law of 13 January 1959 (*S.H-C.*, 23 Jan. 1959, No. 270, p. 32) (*L.S.* 1959—Isr. 1).

Basic Law: Israel Land, 1960.

Israel Land Law, No. 5720 of 1960.

Male and Female Workers (Equal Pay) Law, No. 5724 of 1964 (*S. H-C.*, 5 Aug. 1964, No. 433, p. 166).

Planning and Building Law, 1965.

Agricultural Settlement (Restrictions on the Use of Agricultural Land and Water) Law, 1967.

Article 1 of the Convention. The basic objective of the Convention is also one of the national objectives, as laid down in the Declaration of Independence of 14 May 1948.

Articles 2 and 3. Various development plans have been implemented, including a plan relating to the dispersal of conglomerations of the population and an economic development plan for the period 1965-70. A development budget is compiled

regularly, under which loans are granted for the establishment or expansion of undertakings. Small undertakings and workshops for crafts, as well as the industrial activities of collective settlements in rural areas, are covered by the above-mentioned plans. Special funds are devoted to the development of crafts and industries among minority groups.

Article 4. Chronic indebtedness does not constitute a socio-economic problem requiring special attention. The co-operative movement is supervised by the Co-operative Societies Department and its development is governed by the above-mentioned ordinance of 1933. In 1963 an advanced training school was opened to give courses on co-operative matters.

Article 5. Marketing boards have been set up, in particular for citrus fruits and other products.

Many small agricultural producers are members of a particular type of co-operative which receives special support from the Ministry of Agriculture.

Articles 6 to 9. Migrant workers form a very limited part of the labour force and they do not come from outside the country. The authorities take care of their interests. The adoption of special legislation in this field has not been necessary.

Article 10. The Collective Agreement Law gives the force of law to the wage rates fixed by workers' and employers' organisations in the different sectors of the economy. The majority of general collective agreements have been made applicable to all persons in the branch of activity concerned by orders of the Minister of Labour published in the Official Gazette.

All persons entitled to receive wages fixed by a collective agreement may claim their due in court or follow the procedure laid down by the Wage Protection Law. They may even obtain compensation for the delayed payment of wages.

Articles 11 and 12. The aims of these Articles are recognised by the Wage Protection Law.

Article 13. The Government encourages workers and their employers to join provident funds. These funds, as well as credit co-operative societies and the state-controlled banking institutions, place necessary credit facilities at the disposal of wage earners and independent producers.

Article 14. The Government refers to the reports which it submitted for 1964-65 and previous years relating to the application of Convention No. 111.

All the legislative measures and collective agreements are applied without discrimination, except for the special protection given to certain groups, such as women and young persons.

The Employment Service Law prohibits any discrimination.

Article 15. Taking special account of the growing population and the needs of modern industry and agriculture, the Government has drawn up education programmes covering not only primary education but also secondary education, vocational training and teacher training.

Apprenticeship schools have also been set up and in the near future it is planned to organise seven new apprenticeship schemes in addition to the 40 already existing ones.

The Compulsory Education Law of 1949, the Youth Employment Law of 1953 and the Apprenticeship Law, also of 1953, contain provisions on basic schooling as well as on the minimum working age and conditions of employment for children and young persons. These laws are strictly applied.

Article 16. The promotion of skilled labour is being organised by the Productivity Institute and other bodies. The instruction provided consists, in general, of advanced training and training in new techniques.

KUWAIT (First Report)

Constitution of 11 November 1962.

Labour Law (Public Sector), No. 18 of 1960.

Labour Law (Private Sector), No. 38 of 1964 (*Kuwait Al-Yawm*, 19 Jan. 1964, No. 462).

Article 3 of the Convention. A Planning Committee has been set up to co-ordinate the planning of economic development with the healthy evolution of the community. This committee is carrying out research into migratory movements. A survey of shanty towns, undertaken in 1962, has resulted in the construction of low-cost housing near to work centres and, in particular, near to the oil fields. A survey of family incomes, productivity and hours of work has also been undertaken.

Article 4. Kuwait is not an agricultural country.

Article 5. The Planning Committee has carried out surveys in order to determine the minimum family standards of living. Measures for the application of this Article include the provisions of sections 30 to 32 and 54 of the Labour Law (Private Sector); the provisions of section 9 of the Labour Law (Public Sector); and free services provided by the State in the fields of education, medical care, housing and social services.

Article 6. The oil companies give their employees the benefits provided for under section 46 of the Labour Law (Private Sector) and also grant social allowances and special compensation to those who are not housed by them.

Article 7. The different areas of the country are not far enough apart for the problem envisaged by this Article to arise. Furthermore, means of transport are available.

Article 8. The Government is about to approve two agreements of the nature referred to in this Article and a third is under consideration. The fiscal regulations enable workers to transfer to their homes 75 per cent. of their basic wages.

Article 9. The cost of living does not vary greatly in the different parts of the country. Nevertheless public officials receive special allowances when they are assigned to the villages. Under section 46 of the Labour Law (Private Sector), food and lodging are provided for workers employed far from home.

Article 10. Supply and demand are the main factors involved in the fixing of wages, which are higher than in neighbouring countries. The Labour Law (Public Sector) contains provisions respecting minimum wages. Section 90 of the Labour Law (Private Sector) provides for the setting up of joint committees in order to settle disputes and fix wages.

Article 11. Sections 29, 47, 48, 30 to 32 and 51 of the Labour Law (Private Sector) relate to the measures mentioned in this Article. The labour inspectorate ensures that employers meet their obligations and settles any disputes which may arise in this connection.

Article 12. The system envisaged does not exist since workers receive high wages.

Article 13. The State encourages saving and co-operative activities, in accordance with article 23 of the Constitution. The banks give high rates of interest on deposit accounts. The savings bank gives loans at low rates of interest for industrial

purposes. Furthermore, several undertakings, including the oil companies, run provident funds for their workers. Section 31 of the Labour Law (Private Sector) forbids employers from claiming interest in respect of wage advances granted to their workers.

Article 14. The implementation of the provisions of this Article constitutes one of the Government's main objectives. Measures have, however, been taken in order to protect national workers vis-à-vis foreign workers, since the former represent only 25 per cent. of the country's labour force and are sometimes lacking in technical skills.

Article 15. With regard to education, the number of schools has increased in recent years and a university has been founded. The Government is also concerned with commercial and industrial training. A Training Board has been set up by the State in order to supervise vocational training at all levels. A vocational training centre is being formed in co-operation with the I.L.O. Apprenticeship is also governed by law. The Compulsory Education Act fixes the school-leaving age at 14 years. Section 18 of the Labour Law fixes the minimum working age and conditions of employment.

Article 16. The vocational training centre mentioned under Article 15 is organised along the most modern lines. The Training Board and the Manpower Department are the competent authorities.

NIGER (First Report)

Labour Code, Act No. 12 of 13 July 1962 (*Journal officiel*, Extraordinary, 25 Aug. 1962).

Circular No. 31 of 15 May 1965 of the Ministry of National Education.

Decree No. 198 of 31 December 1965 to establish the General Commissariat for Development (*ibid.*, 15 Jan. 1966, No. 2).

Act No. 1 of 11 February 1967 to lay down the procedure for the attachment of salaries, military pay, wages, bonuses and allowances (*ibid.*, 1 Mar. 1967, p. 149).

See also under Convention No. 4.

Articles 1 and 2 of the Convention. Section 2, paragraphs 7 and 8, of the above-mentioned decree of 1965 meet the requirements of these Articles.

Article 3. The principal aim of the Four-Year Plan for 1965-68 is the satisfaction of the basic needs of all. With this end in view provision has been made for the development of general education, the establishment of a rural preventive medical service, the introduction of a water policy (sinking of wells, borings) and the application of a promotion policy aimed not only at men but also at women and young people.

The youth promotion services are studying the problems of migratory movements, which affect almost exclusively persons between 15 and 30 years of age. The hydro-agricultural projects provided for in the Four-Year Plan should create 10,000 new jobs and thus reduce the extent of migratory movements.

In areas where economic needs result in a concentration of population, substantial investment is planned for town planning, municipal affairs and housing.

The Four-Year Plan has provided for special attention to be paid to rural development and the raising of the standard of living of peasants and stockbreeders. The establishment of certain industries in rural areas has been encouraged.

Article 4. The competent services have been requested for details.

Article 5. The minimum living wage for workers has been fixed by taking into account 41 commodities the price of which serves as a basis for the calculation of the guaranteed minimum wage for all trades.

Articles 6 to 9. The case of migrant workers does not arise in this country.

Article 10, paragraph 1. Wages are fixed by the joint boards provided for in collective agreements.

Paragraph 2. In the absence of a collective agreement, minimum wage rates are fixed by decree after consultation of the Labour Advisory Board (as in the case of domestic and catering staff, for instance).

Paragraph 3. The trade unions and the press ensure that the prevailing wage rates are publicised. The labour inspectors ascertain whether the wages paid conform to the minimum rates.

Paragraph 4. Proceedings for the recovery of unpaid wages are barred by limitation after one year has elapsed. This does not apply to underpayment of wages where the employer has admitted that the wages paid were incorrect. Workers may bring proceedings in the labour courts.

Article 11. These provisions are applied by sections 97 to 107 of the Labour Code and sections 190 to 205 of Decree No. 126 of 7 September 1967 (food and housing).

Article 12, paragraph 1. This requirement is met by Act No. 1 of 11 February 1967.

Paragraphs 2 and 3. The amount of advances which may be made to a worker is not limited at present.

Article 13, paragraph 1. There is a postal savings scheme.

Paragraph 2. There is no regulation of interest rates on loans.

Article 14. See under Convention No. 111.

Article 15, paragraph 1. Education and vocational training are government objectives. In 1967, 160 primary classes were started with priority of enrolment being given to children between 7 and 8 years of age. Maradi has a college and a technical high school, and an accelerated vocational training centre is operating in Niamey.

Paragraph 2, clause (a). Primary schooling lasts for a maximum of eight years. The school-leaving age is 14 years.

Clause (b). The employment of children under 12 years of age is prohibited under section 126 of Decree No. 126 of 7 September 1967.

Paragraph 3. The employment of children of 12 and 13 years of age is prohibited except for light work outside school hours (sections 127 and 128 of Decree No. 126 of 7 September 1967).

Article 16. Training in new techniques can be provided in suitable cases. Such training is to be given upon completion of a new textile mill at the end of 1968.

The employers' and workers' organisations are always consulted.

SYRIAN ARAB REPUBLIC (First Report)

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

Agricultural Labour Code, Act No. 134 of 4 September 1958 (*Al-j. al-r.*, 4 Sep. 1958, No. 26, p. 18) (*L.S.* 1963—Syr. 1 B).

Decree No. 86 of 6 August 1966 for the implementation of the second Five-Year Plan.

Articles 1 and 2 of the Convention. The first Five-Year Plan was successfully carried out. The second Plan covers the period 1966-70. The basic objective of both these Plans is the economic and social betterment of all the inhabitants.

Article 3, paragraph 1. The main objectives of the second Five-Year Plan for Economic and Social Development are the development of rural areas and the

improvement of economic and social conditions by the modernisation of agriculture; the fostering of social activities; the campaign against illiteracy and the increasing of employment opportunities; and the construction and the promotion of the activities of large-scale undertakings.

Paragraph 2. The Government's report analyses the causes and effect of migratory movements and indicates the measures which have been taken with a view to stopping them, i.e. the implementation of the Agricultural and Co-operative Development Act, which has enabled farmers to own land; the various activities of co-operatives which have encouraged farmers not to leave the land; the improvement of standards of living in rural areas; the introduction of modern farming methods and equipment; the increasing of the number of educational establishments; and the building of health centres, power stations and administrative blocks.

To encourage town planning in areas where economic needs result in a concentration of population, the Housing Service has built people's dwellings which are resold at moderate prices on mortgage to any person earning a specified income. In addition there are numerous building co-operatives. The Housing Service has also drawn up town plans for urban areas, mainly with the idea of improving hygiene. To improve living conditions in rural areas "rural development centres" have been opened, with one centre for every 20,000 inhabitants, each comprising an education service, a health service, an agricultural service and a building service. They are run jointly by the Ministry of Labour and Social Affairs, the Ministry of Health, the Ministry of Agriculture and the Ministry of Urban and Rural Affairs, the co-ordination of the activities of these four ministries being handled by the Central Rural Development Board. Seven such centres were operating at the end of 1966.

The Ministry of Labour and Social Affairs has opened apprenticeship centres for rural industries, including carpet-making centres, weaving centres and centres for dressmaking and embroidery. These centres train workers, find them jobs and sell the articles they make.

Article 4. The State endeavours to encourage farmers to form co-operatives by offering facilities such as loans in kind and in cash, the supply of equipment, particularly farming implements, and irrigation.

There is no control over the alienation of land except in the case of confiscated land, land owned by the State and land exceeding the upper limit for the requisitioning of arable land. But in practice only farmers seek ownership of land. The Ministry of Agriculture is endeavouring to help farmers obtain the highest possible yield from their land and combat crop diseases. The Government's report gives highly detailed information on the conditions of land tenure, remuneration and housing of tenant farmers and agricultural workers, working conditions, holidays with pay and sickness.

The Government has taken many measures to encourage and assist the development of producers' and consumers' co-operatives, including financial support, tax exemption, the sending of technical experts and the organising of lectures on co-operative organisation.

Article 5. The autonomous Production, Processing and Marketing Corporation, which operates under the supervision of the State and of the competent economic and commercial bodies, guarantees to producers at reasonable prices the raw materials necessary for production and assists them with the marketing of their products.

There are provisions in the internal rules of undertakings and in collective agreements with respect to rewards and output bonuses.

Article 6. There are no provisions respecting the conditions of employment of migrant workers living away from home except in regard to minimum wages. Workers whose employment requires them to travel receive special "travel

allowances" in addition to their basic wages, the amount of which may not be less than the amount spent by the worker on his board and lodging.

Article 7. There is no obstacle to or limitation on operations for the transfer of workers' wages and savings.

Article 8. The situation provided for in this Article does not arise in the case of this country.

Article 9. There is no problem in this respect, since wages are fixed in the light of the local cost of living.

Article 10. The Ministry of Labour and Social Affairs has encouraged the conclusion of collective agreements, mainly by acting as an intermediary between the parties to such agreements. Under section 158 of the Labour Code the committee responsible for the fixing of wages must not take any decision until it has consulted the employers' and workers' organisations concerned, where they exist. The orders fixing minimum wages are communicated to the workers and employers through their organisations. A worker who has been paid less than the minimum wage may take action through the authorities or in the courts to recover the amount by which he has been underpaid (section 228 of the Code).

Article 11. Sections 45 to 52 of the Labour Code contain provisions similar to those of the different paragraphs of this Article as regards the payment of wages.

Article 12. The maximum amounts and manner of repayment of advances on wages are regulated by tradition and custom in the trade or by agreement between employers and workers.

Article 13. In order to encourage thrift and protect workers against usury the Government has established postal savings funds and a people's credit fund. In addition, the building co-operatives and agricultural co-operatives encourage thrift and grant loans at very low interest rates.

Article 14. There is no discrimination on grounds of race, colour, sex, belief, tribal association or trade union affiliation.

Articles 15 and 16. Primary school curricula include general guidelines on the rudiments of vocational training, and the vocational training centres established by the Ministry of Industry are working to improve workers' output and train skilled workers. The school-leaving age is 14 years. Chapter III of Book III of the Labour Code contains special provisions governing the employment of young persons.

ZAMBIA

Articles 3 to 5 of the Convention. In order to improve the standard of living in rural areas, a fishermen's vocational training centre has been set up at Sinazongwe (Lake Kariba) and other centres are being established at Mpulungu (Lake Tanganyika) and Nchelenge (Lake Mweru). The Natural Resources Board, through its sponsorship of the conservation committees in rural areas, also contributes to raising the standard of living in these areas. The first Development Plan (1966-70) provides, among other things, for the construction of wells, canals and dams, the development of irrigation projects, and the implementation of hydrological research programmes and land resettlement schemes.

Article 13. The Credit Organisation, set up in 1967, makes it possible for loans to be granted to farmers, fisheries, small commercial enterprises, etc.

Article 15. In 1967 progress in primary, secondary, technical and higher education and vocational training was considerable. Advances have also been made in teacher training and adult education. It is estimated that approximately 70 per cent. of African children between 7 and 8 years of age will be able to go to school and complete the lower primary course. Nevertheless, in reply to a request made by the Committee of Experts, the Government has stated that, in spite of the considerable progress achieved, it has not yet been possible to introduce compulsory schooling for all children of school 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
Congo (Kinshasa) ³	1. 11. 1967
Guatemala ⁴	4. 11. 1963
Guinea ⁵	11. 8. 1967
India ⁶	19. 8. 1964
Ireland ⁷	26. 11. 1964
Israel ⁸	9. 6. 1965
Italy ⁹	5. 5. 1967
Jordan ¹⁰	7. 3. 1963
Malagasy Republic ¹¹	22. 6. 1964
Netherlands ⁹	3. 7. 1964
Norway ¹²	28. 8. 1963
Sweden ¹³	26. 4. 1963
Syrian Arab Republic ¹⁴	18. 11. 1963
Tunisia ¹⁵	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) and (c) to (g).

³ Has accepted the following branches of social security: (d), (e), (g).

⁴ Has accepted the following branch of social security: (c).

⁵ Has accepted the following branches of social security: (a), (b), (c), (e), (f), (g) and (i).

⁶ Has accepted the following branches of social security: (a), (b) and (c).

⁷ Has accepted the following branches of social security: (a), (b), (h) and (i).

⁸ Has accepted the following branches of social security: (c), (e), (f), (g) and (i).

⁹ Has accepted all the branches of social security: (a) to (i).

¹⁰ Has accepted the following branches of social security: (c), (d), (f) and (g).

¹¹ Has accepted the following branches of social security: (b), (c), (d) and (g).

¹² Has accepted the following branches of social security: (f) and (i).

¹³ Has accepted the following branches of social security: (a), (b) (c), (g) and (h).

¹⁴ Has accepted the following branches of social security: (d) to (g).

¹⁵ Has accepted the following branches of social security: (a), (b), (c), (g) and (i).

ISRAEL (First Report)

National Insurance Law of 18 November 1953 (*Sefer Ha-Chukkim*, 20 Kislev 5714, No. 137, p. 6) (L.S. 1953—Isr. 3).

Articles 3, 6, 10 and 12 of the Convention. Under the above-mentioned Law, residents, irrespective of their nationality, are eligible for insurance. Consequently, nationals of other member States have the same rights as Israel nationals provided that they fulfil the residence condition. Survivors' benefit is paid irrespective of the nationality or place of residence of the survivors.

Article 4. The granting of maternity, old-age and family benefit is subject to the residence condition. Employees' children's allowances (family allowances) are payable to persons employed in Israel irrespective of their place of residence.

Two amendments to the existing legislation are under consideration. One proposal is to the effect that maternity benefit should no longer be subject to the residence condition; the other is to the effect that a person who becomes entitled to payment of old-age benefit should continue to be so entitled even if he ceases to be a resident.

Article 5. A new proposal has been made for the amendment of the above-mentioned Law according to which a funeral grant would be payable irrespective of the deceased's place of residence, provided that the death and burial take place in Israel. Employment injury pensions are payable irrespective of the beneficiary's place of residence. The transfer of benefits abroad is subject to currency restrictions. Normally the consent of the Treasury is given. The text of a bilateral agreement concluded between Israel and the Netherlands regarding the payment of old-age pensions and widows' and orphans' pensions was attached to the Government's report.

Article 7. Under the above-mentioned bilateral agreement, acquired rights are maintained on the basis of the totalisation of periods of insurance in each country.

MALAGASY REPUBLIC

In reply to a direct request made by the Committee of Experts in 1967, the Government has supplied the following information.

Article 2, clause (b), of the Convention. Sections 35 and 36 of the Labour Code of 1960 provide that, in case of sickness, a worker is entitled, during the normal term of notice, to benefit equal to his wages during his absence. The benefit is granted irrespective of the nationality of the worker.

Clause (d). No distinction is made between invalidity benefit and employment injury benefit.

Clause (g), and *Articles 4 and 5.* The Government has undertaken to proceed with bringing existing legislation into line with the Convention (in respect of the payment abroad of benefit granted in case of permanent incapacity or death) when revising the Family Allowances and Employment Injury Code.

NETHERLANDS

Act of 16 December 1965 (*Staatsblad (S.B.)*, 1965, No. 555) to amend the Sickness Funds Act of 15 October 1964 (*S.B.*, 1964, No. 392) (*L.S.* 1964—Neth. 2).

Incapacity Insurance Act of 18 February 1966 (*S.B.*, 1966, No. 84) (*L.S.* 1966—Neth. 2).

Act of 18 February 1966 (*S.B.*, 1966, No. 85) to amend the Sickness Act of 5 June 1913.

Act of 2 February 1967 (*S.B.*, 1967, No. 99) to liquidate the statutory accident insurance following the introduction of the Incapacity Insurance Act of 1966.

Act of 1967 to rescind the Invalidity Acts (*S.B.*, 1967, No. 307).

In reply to a direct request made by the Committee of Experts in 1967, the Government has supplied the following information.

Article 3 of the Convention. The amendment of the royal decree of 17 January 1963 (announced in the previous report) so as to rescind the exceptions still remaining in respect of a small category of seafarers as regards the principle of equal pay, has not yet been completed. The question is still being studied.

Articles 5, 7 and 8. As from 1 July 1967 invalidity benefit has been granted under the Incapacity Insurance Act of 1966. The former statutory regulations on invalidity insurance were rescinded on the same date. Benefit granted under the above-mentioned Act is also paid abroad. Consequently there is no reason to provide for special agreements with those countries which have not ratified Convention No. 48 and are not bound by any of the agreements mentioned in the previous report but which have ratified, or are going to ratify, the present Convention.

NORWAY

National Insurance Act, No. 12 of 17 June 1966 (*Norsk Lovtitend*, 26 July 1966, No. 23, p. 830) (*L.S.* 1966—Nor. 3).

Order-in-Council of 28 October 1966 issued under section 10 of the National Insurance Act.

In reply to a request made by the Committee of Experts in 1966, the Government has supplied the following information.

Articles 4 and 6 of the Convention. Foreigners have the same rights as nationals provided that they are residents and that the person concerned has been insured for at least the three preceding years. Section 1, subsection 2, of Act No. 2 of 24 October 1946 respecting family allowances has not yet been amended and the entitlement of foreigners to family allowances is made conditional on six months' residence either on the part of the child or of one of the parents. The Government has

further pointed out that the six months' residence period serves as a waiting period for the purpose of excluding purely temporary visits, and that the same result would be achieved if the six months' residence condition were replaced by a condition to the effect that the first payment of benefit would be made after six months had elapsed, but with back-payment for the whole period. The Government presumes that such a rule would meet the requirements of the Convention. The question is still under consideration.

Article 5. At the present time no rules exist governing the payment of survivors' benefit abroad.

SWEDEN

Act No. 236 of 27 May 1966 (*Svensk Författningssamling*, 16 June 1966, pp. 549-550) and Act No. 206 of 9 June 1967 (*ibid.*, 12 June 1967, p. 507) to amend the Public Insurance Act, No. 381 of 25 May 1962 (*ibid.*, 10 July 1962, p. 903) (*L.S.* 1962—Swe. 1 A).

In reply to a direct request made by the Committee of Experts in 1966, the Government has supplied the following information.

Article 3 of the Convention. Census registration is carried out each year and covers every individual required to be registered with a parish as of 1 November of the registration year. The general rule is that every individual shall be registered with the parish within which he is resident. A person is deemed to be resident in the place where he regularly has his night rest or corresponding rest. The present census registration requirement for a non-national's membership of the national health insurance scheme has to a considerable extent been abrogated by virtue of international agreements. This is also true as regards foreign nationals to whom the Convention is applicable. In virtue of the above-mentioned Act of 9 June 1967, the census registration requirement was replaced, with effect from 1 January 1968, by a residence requirement according to which foreign nationals may acquire right to medical care benefit and cash sickness benefit immediately upon taking up residence in Sweden.

Article 7. Under an inter-Nordic countries agreement of 1 April 1967 concerning the transfer of health insurance benefit and temporary benefit, a female insured person who transfers her insurance membership from a Danish, Finnish, Norwegian or Icelandic sickness insurance fund and becomes registered with a Swedish public insurance benefit society and who, immediately prior to her transfer, was insured for daily sickness benefit based on an annual income of not less than 2,600 Swedish crowns, may be credited with the earlier insurance period in connection with the calculation of the qualifying period of 270 days required under the Swedish Public Insurance Act.

Article 10. According to the practice followed both by the National Social Insurance Board and the public insurance benefit societies, refugees and stateless persons enjoy equality of treatment with Swedish nationals in respect of social security.

119. Guarding of Machinery Convention, 1963

This Convention came into force on 21 April 1965

Countries	Ratification registered on
Central African Republic	9. 6. 1964
China ¹	22. 2. 1966
Congo (Brazzaville)	23. 11. 1964
Congo (Kinshasa)	5. 9. 1967
Cyprus	29. 3. 1965
Dominican Republic	9. 3. 1965
Ghana	18. 3. 1965
Guatemala	26. 2. 1964
Guinea	12. 12. 1966
Jordan	4. 5. 1964

Countries	Ratification registered on
Kuwait	23. 11. 1964
Malagasy Republic	1. 6. 1964
Niger	23. 11. 1964
Paraguay	10. 7. 1967
Sierra Leone	21. 4. 1964
Sweden	29. 12. 1964
Syrian Arab Republic	10. 6. 1965
Turkey	13. 11. 1967

¹ With temporary exemption of three years, as provided for by Article 5.

CENTRAL AFRICAN REPUBLIC (First Report)

Labour Code, Act No. 221 of 2 June 1961 (*Journal officiel de la République Centrafricaine*, Extraordinary, Aug. 1961).

General Order No. 3758/IGTLS of 25 November 1954 respecting general measures of hygiene and safety to be applied in agricultural, forestry, industrial and commercial undertakings and in similar establishments operated by public authorities in French Equatorial Africa (*Journal officiel de l'Afrique équatoriale française*, 15 Dec. 1954, p. 1561).

Article 6 of the Convention. Section 28 of the above-mentioned General Order No. 3758 stipulates that all equipment, machinery or machine parts known to be dangerous must be placed or guarded in such a way as to prevent the workers from accidentally coming into contact with them. The same section contains a list, which is not exhaustive, of dangerous parts of machinery.

Article 10. The workers are informed by notices of the national legislation respecting the guarding of machinery.

Article 15. The requirements of this Article are met by section 100 of General Order No. 3758. Infractions are investigated by the competent labour and social legislation inspector, by the labour supervisor or by the head of the administrative district acting as legal deputy for the labour and social legislation inspector. The procedure provides for the issue of a summons before the institution of legal proceedings and, where necessary, after a warning, for the imposition of the fines and penalties prescribed under Title V of the Labour Code.

CONGO (BRAZZAVILLE) (First Report)

Labour Code, Act No. 10 of 25 June 1964 (*Journal officiel*, 9 July 1964, No. 14, Extraordinary, p. 547).

General Order No. 3758/IGTLS of 25 November 1954 respecting general measures of hygiene and safety to be applied in agricultural, forestry, industrial and commercial undertakings and in similar establishments operated by public authorities in French Equatorial Africa (*Journal officiel de l'Afrique équatoriale française*, 15 Dec. 1954, p. 1561).

Article 1 of the Convention. The national legislation was promulgated prior to the entry into force of the Convention, but the provisions of this Article are complied with by section 28 of General Order No. 3758.

Article 2. The provisions of General Order No. 3758 and of sections 133, 135 and 136 of the Labour Code correspond to the provisions of this Article.

Article 5. The legislation in force applies to all machinery in use in the national territory.

Article 6. As emerges from the above-mentioned texts, the national legislation forbids the use of unguarded machinery.

Article 9. The legislation is absolute and permits no temporary exemptions when machinery is unguarded or when the safety devices are inadequate.

Article 10. Instruction of the workers concerned on the guarding of machinery and on possible dangers arising from its use is ensured by employers by means of internal regulations, works notices, posters, pamphlets and safety colours painted on the dangerous parts of the machinery.

Article 13. In principle, the provisions of the above-mentioned texts are enforced in all undertakings and establishments. State supervision is, however, limited to undertakings employing wage earners.

Article 15. Sections 138 to 141 and section 155 of the Labour Code, as well as section 22 of General Order No. 3758, correspond to this Article. Supervision is entrusted to the labour inspection services.

Article 16. The above-mentioned national legislation is the work of a tripartite committee composed of representatives of the State and of employers' and workers' organisations.

Article 17. The legislation respecting the guarding of machinery is applicable to all branches of activity.

CYPRUS (First Report)

Factories Law, No. 38 of 22 December 1956, as amended by the Factories (Amendment) Law, No. 43 of 1964 (*Episemos Ephemeris*, 6 Aug. 1964, First Supplement).
Law No. 14 of 1965 to ratify Convention No. 119.

Article 1 of the Convention. The Factories Law makes no distinction between power-operated and hand-operated machinery.

Article 2. National laws and regulations enforce the provisions of this Convention as a whole.

Article 5. No exemptions have been granted.

Article 6. The national legislation includes the prohibitions laid down in this Article. The Factories Law and the regulations made thereunder are the national instruments governing occupational safety and health.

Article 9. No temporary exemptions have so far been granted. Provisions regarding unfenced machinery are laid down in section 27 of the Factories Law.

Article 10. Section 78 of the Factories Law specifies that abstracts of relevant legislation must be kept posted in a prominent position in the factory.

Article 15. The Factories (Amendment) Law lays down appropriate penalties. A labour inspection service consisting of one senior inspector (a qualified mechanical engineer), one boiler inspector, one mechanical inspector and seven general factory inspectors is attached to the Ministry of Labour and Social Insurance.

Article 16. The drafting of appropriate legislation is undertaken after consultation of employers' and workers' organisations represented on the Pancyprian Safety Council and other advisory bodies set up to advise the Minister on labour matters.

Article 17. The provisions of the Convention are applied to all premises and all activities covered by the Factories (Amendment) Law. They are not applied to self-employed persons.

GHANA (First Report)

Factories Ordinance, No. 33 of 10 July 1952 (*Gold Coast Gazette*, 12 July 1952, Supplement).

Article 1 of the Convention. The provisions of the Factories Ordinance apply to any type of machinery.

Articles 2 and 4. Section 25, paragraph 2, of the Factories Ordinance provides that failure to comply with the requirements specified in these Articles constitutes an offence which is liable to a fine not exceeding 200 N¢.

Articles 3 and 8. The requirements of these Articles are met by section 23 of the Factories Ordinance.

Article 5. No exemptions have been granted under this Article.

Article 6. Requirements under this Article are met by the provisions of sections 20 to 22 of the Factories Ordinance.

Article 7. Under section 69, paragraph 1, of the Factories Ordinance, the obligation to ensure compliance with the provisions of Article 6 rests with the occupier or the owner of the factory.

Article 9. No exemptions have been made.

Article 10. The provisions of this Article are applied by section 28 of the Factories Ordinance.

Article 11. The matters referred to in this Article are covered by sections 20 to 22 and section 62 of the Factories Ordinance.

Article 12. The provisions of this Article do not affect the rights of workers under the national social security scheme.

Article 13. The provisions of Part III of the Convention have so far not been applied to self-employed workers.

Article 14. The term "occupier" (of a factory) includes agents (section 66, paragraph 2, of the Factories Ordinance).

Article 15. Penalties applying in cases of failure to comply with the regulations relating to this Convention are laid down in sections 69 and 70 of the Ordinance.

Article 16. The Factories Ordinance was enacted after consultations with the employers' and workers' organisations and other persons concerned. This procedure would also apply in the case of amendment of the legislation.

Article 17. No declaration pursuant to this Article has been made by the Government. The Factories Ordinance applies to all premises where ten or more persons are employed in manual work which is carried on for the purpose of gain.

GUATEMALA (First Report)

Labour Code (as amended), Decree No. 1441 of 5 May 1961 (*El Guatemalteco (E.G.)*, 16 June 1961, No. 14, p. 145) (*L.S.* 1961—Gua. 1).

General Occupational Health and Safety Regulations (*E.G.*, 31 Dec. 1967, Vol. CLII, No. 17).

See also under Convention No. 95.

Article 1 of the Convention. Sections 28 *et seq.* of the General Occupational Health and Safety Regulations contain the provisions necessary for the application of this Article.

Articles 2 and 6. Effect is given to these Articles by sections 28 to 30 and section 35 of the above-mentioned regulations.

Article 5. No temporary exemption from the provisions of Article 2 has been granted.

Article 9. No temporary exemption from the provisions of Article 6 has been granted.

Article 13. Sections 1 to 3 of the regulations declare them applicable to all workers; although section 113 of the regulations provides for the possibility of excluding certain categories of workers from their scope, use has never been made of this faculty.

Article 15. The regulations are a public measure (section 3) and must be observed in all workplaces. Sections 108 to 111 prescribe penalties. In addition to the arrangements provided for in section 37 of the regulations, responsibility for supervising the application of the Convention lies with the inspection services of the National Social Security Institution and the Ministry of Labour and Social Welfare.

Article 16. Ratification of the Convention has not necessitated the enactment of new laws or regulations to bring the legislation into line with the Convention, as the provisions in force cover the essential points in the Convention.

Article 17. The Government has not made any declaration in pursuance of this Article.

NIGER (First Report)

Order No. 5253/IGTLS/AOF of 19 July 1954 to prescribe, under section 134 of the Overseas Labour Code, the general hygiene and safety measures applicable in French West Africa to workers in establishments of any kind (*Journal officiel de l'Afrique occidentale française*, 31 July 1954, No. 2722, p. 1340) (*L.S.* 1954—F.W.A. 1).

Division 3 of the above-mentioned order (sections 44 to 58 inclusive) concerns the use of machinery. This text does not comply with the Convention on all points but a new decree is being studied which will soon be promulgated and which will ensure full application of the Convention.

Supervision of the enforcement of the safety regulations is entrusted to the labour inspectors and supervisors. There is no jurisprudence on the matter.

120. Hygiene (Commerce and Offices) Convention, 1964

This Convention came into force on 29 March 1966

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 3. 1965	Norway	6. 6. 1966
Byelorussia	26. 2. 1968	Paraguay	10. 7. 1967
Congo (Kinshasa)	5. 9. 1967	Senegal	25. 4. 1966
Costa Rica	27. 1. 1966	Sweden	11. 6. 1965
Ghana	21. 11. 1966	Switzerland	18. 2. 1966
Guinea	12. 12. 1966	Syrian Arab Republic	10. 6. 1965
Jordan	11. 3. 1965	United Kingdom	21. 4. 1967
Malagasy Republic	21. 11. 1966	U.S.S.R.	22. 9. 1967

BULGARIA (First Report)

Labour Code, Ukase No. 544 of 13 November 1951 (*Izvestiya (I.)*, 13 Nov. 1951, No. 91, p. 1) (L.S. 1951—Bul. 2), as amended by Ukase No. 466 of 6 November 1957 (*I.*, 15 Nov. 1957, No. 92, p. 1) (L.S. 1957—Bul. 2), Decree No. 198 of 21 March 1963 (*D'rzhaven Vestnik (D.V.)*, 26 Mar. 1963, No. 24, p. 1) (L.S. 1963—Bul. 1 A) and Decree No. 799 of 23 November 1963 (*D.V.*, 26 Nov. 1963, No. 92, p. 1) (L.S. 1963—Bul. 1 B).

Ordinance of 28 August 1957 respecting free working clothes (*I.*, 28 Aug. 1957, No. 59).

Ordinance No. A-87 of 7 September 1958 respecting the preliminary and periodic medical examination of wage and salary earners (*I.*, 7 Oct. 1958, No. 80, p. 1) (L.S. 1958—Bul. 7), as amended in 1960 (*I.*, 28 Jan. 1960, No. 8; errata: *I.*, 1960, No. 14) and 1961 (*I.*, 10 Feb. 1961, No. 12).

Ordinance of 25 March 1960 of the Central Council of Trade Unions and of the Ministry of Public Health and Social Welfare respecting the instruction of workers in matters of occupational safety and health (*I.*, 22 Apr. 1960, No. 33, p. 3) (L.S. 1960—Bul. 1).

Ordinance of 11 July 1967 respecting the observance of the provisions relating to occupational safety and health (*D.V.*, 11 July 1967, No. 54).

Article 1 of the Convention. The provisions in force are generally applicable.

Article 2. The legislation does not provide for any exemptions.

Article 3. Since the relevant legislation is generally applicable, no doubtful case is likely to arise.

Article 4. The provisions in force are in harmony with Part II of the Convention.

Article 5. Collaboration between the legislature and the workers' organisations exists on a permanent basis.

Article 6. A system of supervision (labour inspection) has been organised; penalties are prescribed in the event of any infringement.

Articles 7 to 11, 14 to 16 and 18. Premises and workplaces must meet the requirements of the occupational safety and health regulations and standards and the sanitary regulations for industry issued by the Ministry of Public Health and Social Welfare in agreement with the Central Council of the General Confederation of Trade Unions.

Articles 12 to 15. Undertakings are required to make available to wage-earning and salaried employees drinking water, soap, rooms for eating, resting and studying, cloakrooms, washing facilities and sanitary conveniences.

Article 17. The legislation prescribes antidotes in the case of work involving the risk of poisoning. Individual protective equipment is provided for in certain cases.

Article 19. Health services, night sanatoria, prophylactic treatment and light therapy rooms, women's personal hygiene rooms, ordinary and dietetic canteens, baths, day nurseries, nursery schools, clubs, accommodation and equipment for physical culture and the like must be provided where necessary in individual undertakings, institutions and organisations.

SWEDEN (First Report)

Workers' Protection Act of 3 January 1949 (*Svensk Författningssamling (S.F.)*, 12 Jan. 1949, No. 1) (*L.S.* 1949—Swe. 1).

Workers' Protection Proclamation of 6 May 1949 (*S.F.*, 19 May 1949, No. 208, p. 397) (*L.S.* 1949—Swe. 4).

Foodstuffs Ordinance of 21 December 1951 (*S.F.*, 1951, p. 824), as amended in 1953 (*S.F.*, 1953, p. 636), 1955 (*S.F.*, 1955, p. 258), 1958 (*S.F.*, 1958, p. 195), 1960 (*S.F.*, 1960, p. 85), 1962 (*S.F.*, 1962, p. 706), 1964 (*S.F.*, 1964, p. 676) and 1965 (*S.F.*, 1965, p. 256).

Health Ordinance of 19 December 1958 (*S.F.*, 1958, p. 663), as amended in 1962 (*S.F.*, 1962, p. 705) and 1963 (*S.F.*, 1963, p. 340).

Building Ordinance of 30 December 1959 (*S.F.*, 1959, p. 612), as amended in 1962 (*S.F.*, 1962, p. 264), 1964 (*S.F.*, 1964, p. 826) and 1966 (*S.F.*, 1966, p. 175).

Article 1 of the Convention. By virtue of an amendment which came into force on 1 January 1964, the Workers' Protection Act now applies to all activities in which employees are working for the account of an employer.

Article 2. The above-mentioned Act is of general application, the only exceptions being in respect of work performed in the home of an employee and of work performed by a member of an employer's family if it takes place in the home of the employer.

Article 3. No doubtful cases, as envisaged in this Article, have so far arisen, nor is it likely that they will arise, since the above-mentioned Act is of general application.

Article 4. The provisions of the Act and the Proclamation guarantee implementation of the general principles of Part II of the Convention and of the provisions of the supplementary Recommendation.

Article 5. The Act was drafted by a committee which included representatives of the central organisations of employers and workers. Furthermore, the National Workers' Protection Board convened working parties including employers' and workers' representatives to study specific aspects of activities in private commerce and offices as well as in public administration offices (state and municipal). The studies resulted, *inter alia*, in the preparation of advisory instructions respecting, for example, furniture, staff rooms, protective and sanitary arrangements in state offices and the hygiene and safety of floors in premises where foodstuffs are handled.

Article 6. In accordance with section 47 of the Act, the Workers' Protection Board and, under its supervision, the labour inspection officers and municipal supervision officers are responsible for ensuring the observance of the Act and of the directions issued in pursuance thereof. The Workers' Protection Board, a central government agency responsible for occupational safety and health, is in charge of the labour inspection service.

The general labour inspection service is divided into 11 districts. There is a labour inspector in charge of each district who supervises the work of a number of visiting inspectors. In each district there is a social inspector and a part-time medical consultant. The visiting inspectors are assisted by municipal supervision officers entrusted with the supervision of workplaces normally employing less than ten workers

and carrying out work not involving steam boilers, other pressure vessels or complicated mechanical equipment.

Unsatisfactory conditions which do not constitute punishable offences may be remedied by corrective action within a prescribed period, or by the condemning of premises, machinery, tools, appliances, substances, materials and work methods which do not meet the prescribed standards. A prohibition on the continuation of work may take immediate effect if there exists considerable danger to the life or the health of the employees. Failure to comply with injunctions or with a prohibition is liable to a fine or to a term of imprisonment not exceeding six months, according to the seriousness of the offence. The supplying of false information to the Workers' Protection Board is punished by a fine.

Article 7. This Article is applied by section 10 of the Act, section 28 of the Proclamation and sections 10 and 11 of the Foodstuffs Ordinance.

Articles 8, 9, 10, 14 and 18. These Articles are applied by section 10 of the Act and sections 20, 21, 22, 26 and 27, respectively, of the Proclamation.

Article 11. This Article is applied by section 10 and section 11, paragraph 2, of the Act and sections 19 to 30 of the Proclamation.

Articles 12, 13 and 15. These Articles are applied by section 9 of the Act and by section 12, sections 12, 15 and 28, and sections 13 and 28, respectively, of the Proclamation.

Article 16. This Article is applied by section 8 of the Act.

Article 17. This Article is applied by section 10, paragraph 3, section 11, paragraph 2, and section 12 of the Act and by sections 24, 25, 29, 42 and 45 of the Proclamation.

Article 19. This Article is applied by section 13 of the Act and section 47 of the Proclamation.

122. Employment Policy Convention, 1964

This Convention came into force on 15 July 1966

Countries	Ratification registered on	Countries	Ratification registered on
Byelorussia	26. 2. 1968	Norway	6. 6. 1966
Canada	16. 9. 1966	Peru	27. 7. 1967
Costa Rica	27. 1. 1966	Poland	24. 11. 1966
Cyprus	28. 7. 1966	Senegal	25. 4. 1966
Guinea	12. 12. 1966	Sweden	11. 6. 1965
Ireland	20. 6. 1967	Tunisia	17. 2. 1966
Jordan	10. 3. 1966	Uganda	23. 6. 1967
Malagasy Republic	21. 11. 1966	United Kingdom	27. 6. 1966
Netherlands	9. 1. 1967	U.S.S.R.	22. 9. 1967
New Zealand	15. 7. 1965		

NEW ZEALAND (First Report)

Industrial Relations Act, No. 6 of 16 August 1949 (*The Public Acts of New Zealand* (Reprint of Statutes), 1908-31, Vol. III, p. 1175) (*L.S.* 1949—N.Z. 1).

Labour Department Act of 1 October 1954 (*Statutory Regulations*, 1954, No. 71).

Employment Information Regulations, 1954 (*ibid.*, 1954).

Article 1, paragraph 1, of the Convention. It has been the long-standing policy of successive governments to provide and maintain full, productive and freely-chosen employment. In December 1935 a government came into office with a definite policy "to organise an internal economy that would distribute the production and services . . . in a way that would guarantee to every person able and willing to work an income sufficient to provide him and his dependants with everything necessary to make a home and a home life in the best sense. . .".¹

The Employment Promotion Act, 1936, had the object of providing full-time employment and relieving distress due to unemployment. This was followed in 1945 by the Employment Act, described as "an Act to establish a national employment service for the purpose of promoting and maintaining full employment"; it declared in its section 5 that "the principal function of the Department shall be to promote and maintain full employment at all times". The Labour Department Act, 1954, laid down that one of the functions of the Department was "to promote and maintain full employment", and that one of its duties was "to do all things deemed necessary or expedient for the purpose of placing suitable and qualified persons in . . . employment on a voluntary basis".

In presenting the 1963 budget the Minister of Finance declared that "the National Government believes in full employment and a fair share of the national income for all".

Paragraph 2. The success which has attended the efforts of successive governments is shown by the very low level of registered unemployment. The lowest level reached was in March 1951 when there were only 12 registered unemployed out of a total labour force of 740,000. As at 31 March 1967, out of an estimated total labour force of 1,023,700, there were only 586 registered unemployed. In 1963-64 the index of productivity per worker was 1,201 (1954-55=1,000).

¹ *New Zealand Parliamentary Debates*, Vol. 251, p. 606.

Paragraph 3. The policy of ensuring employment for all willing and able to work is reviewed in common with other internal economic developments in the annual economic review presented to the House of Representatives before the introduction of the budget. Recent measures taken to correct the balance-of-payments situation resulted in a rise in unemployment; to counteract this the Government eased controls on the building industry and is taking other steps to promote employment opportunities.

Article 2, clause (a). Measures taken to implement this policy include the establishment of a Labour Department with the task of promoting and maintaining full employment; the provision of a complete employment service; the regulation of the volume and composition of immigration; the collection of reliable employment information and its utilisation to influence geographical mobility, training and better use of manpower; the provision of subsidised employment for the handicapped; the establishment of home-aid services and hostels; co-operation with local authorities in the planning of development programmes; the decentralisation of industry and assistance to areas affected by structural change; a social security policy which ensures against violent fluctuations in purchasing power; and farm income stabilisation schemes.

Clause (b). Employment promotion programmes were launched following the depression years and have resulted in the present state of full employment. However, the years following the Second World War have in the main been characterised by an acute shortage of labour in relation to industrial requirements so that employment programmes in recent years have been of very modest proportions and have been related mainly to ensuring off-season or winter employment for those engaged in seasonal industries and to retaining in useful work persons who for various reasons, such as failing health or advancing age, would be unable to obtain ordinary employment if the employer were required to pay full wages.

Article 3. The Labour Department Act, 1954, continues earlier provisions for the establishment of advisory councils and committees comprising representatives of workers' and employers' organisations to advise on the solution of employment problems in different industries, but under recent conditions of full employment these special councils and committees have been in recess, although able to be called upon if required. Employment matters are considered by the National Industrial Advisory Council, which includes representatives of employers and workers and which meets regularly.

SWEDEN (First Report)

Royal Proposals No. 52 of 1966 on the guiding principles of employment market policy.

Employment Market Order, No. 368 of 3 June 1966 (*Svensk Författningssamling (S.F.)*, 29 June 1966, p. 832) (*L.S.* 1966—Swe. 1), as amended by Order No. 670 of 25 November 1966 (*S.F.*, 22 Dec. 1966), and Order No. 93 of 17 March 1967 (*S.F.*, 17 Apr. 1967, p. 255).

Article 1, paragraph 1, of the Convention. All the political parties agree that the main objectives of economic policy should be rapid economic growth, full employment and price stability, and that to achieve these objectives an active and selective manpower policy is needed. The change started to take place around 1955, and in 1960 the Riksdag called for an over-all review of employment market policy. A committee consisting of representatives of the four largest political parties, the main workers' and employers' organisations and the government departments concerned was set up and presented a report to the Government early in 1965. This report was circulated for comments to a large number of organisations and public authorities. On the basis of the report and of comments put forward in the circulation procedure, the Government submitted to the Riksdag, in March 1966, its proposals on the guiding

principles for employment market policy (i.e. the above-mentioned Royal Proposals). These were adopted by the Riksdag in May 1966. The introduction to these proposals states that the aim of employment market policy shall be to create and maintain full, productive and freely chosen employment, in the interests both of society and of the individual.

Paragraph 2. Measures are continually being adjusted to the prevailing situation. They are primarily aimed at assisting adjustment to structural change and at facilitating the movement of workers into more productive jobs. They include action—which is not incompatible with this aim—to facilitate geographical mobility and to promote regional development. The placement and occupational guidance work of the employment service has been strengthened. Retraining and further training for adults are offered when there is a risk of unemployment or when the long-term employment prospects indicate a change to another occupation. Transfer grants include generous family allowances. Housing authorities are urged to reserve a proportion of new housing for transferred workers. A trial scheme exists to help householders in declining areas who are deterred from moving by difficulty in selling their houses; under this scheme the Employment Market Board purchases the house at its rateable value. Special activation measures are taken to compensate for the more limited choice available to women who return to the employment market after several years of absence; these include improved vocational training combined with active recruitment and placement efforts, supplemented by better family services and facilities for the care of children. The employment service takes the initiative in encouraging industries to extend their recruitment to both sexes and canvasses employers on behalf of women seeking only part-time employment and on behalf of other special categories. Emergency or relief work is provided for older workers bound to remain in their present locality. Attention is given to the occupational assessment, rehabilitation and employment of the handicapped.

Measures taken to counteract cyclical and seasonal fluctuations in employment include the planning of investment, additional government orders to industry and grants-in-aid for relief work.

Paragraph 3. Employment market policy is an integral part of a comprehensive economic policy and contributes to an increase or reduction in the over-all demand for goods and services as the situation may require.

Article 2. The National Employment Market Board continuously follows developments, proposes measures called for by such developments and studies the effectiveness of steps taken. As a rule the Board meets at fortnightly intervals to discuss current employment market problems and to propose solutions to these problems.

Article 3. Organisations of employers and workers are represented both on the National Employment Market Board and on the county labour committees; they are asked for written opinions on employment policies and they participate in internal working parties.

The implementation of the relevant laws and regulations is the responsibility of the National Employment Market Board and the county labour committees. To the greatest possible extent, powers of decision are delegated to the county labour committees.

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* (Convention No. 81), *Argentina, Australia, Austria, Belgium, Burma* (Conventions Nos. 2, 17, 29), *Cameroon, Canada, Central African Republic, Ceylon, Chad, China, Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cyprus, Dahomey, Denmark, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan* (Convention No. 105), *Kenya, Kuwait, Lebanon, Lesotho, Luxembourg, Malagasy Republic, Malawi, Malaysia, Mali, Malta, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Paraguay, Philippines, Portugal, Sierra Leone, Sweden, Switzerland, Syrian Arab Republic, Tunisia, 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: *Bolivia, Brazil, 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 *Cuba* has stated that copies of its reports have been communicated to the Workers' Union of Revolutionary Cuba and to the managements of industrial undertakings.

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.

List of Reports Containing Information Which Has Not Been Summarised ¹

A — reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.

B — reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.
Algeria	—	58, 68, 71, 92
Argentina	2, 6, 17, 20, 35, 36, 52, 71, 88	4, 8, 10, 12, 13, 16, 18, 19, 22, 23, 27, 29, 32, 34, 41, 42, 45, 50, 53, 68, 73, 77, 78, 79, 81, 87, 90, 95, 98, 105, 107
Australia	16	12, 19, 22, 29
Austria	6, 42, 45, 95	10, 12, 13, 18, 105
Belgium	1, 2, 6, 12, 13, 16, 17, 26, 55, 73, 89, 101, 102	10, 19, 21, 22, 23, 29, 69, 94, 96, 114
Bolivia	26, 96	14, 19
Brazil	52, 96,	6, 12, 16, 19, 22, 29, 42, 45, 53, 89, 101
Bulgaria	42, 52, 56, 78, 79, 94	6, 10, 13, 16, 18, 19, 22, 23, 34, 45, 53, 55, 69, 73, 77, 95, 113
Burma	2, 17, 42	16, 18, 19, 22, 87
Byelorussia	52, 95	10, 16, 45, 77, 78, 79, 87, 90
Cameroon	45	—
Eastern Cameroon	—	4, 6, 13, 94
Western Cameroon	—	105
Canada	63, 88	16, 22, 69, 73, 74
Ceylon	—	16, 45, 90, 96
Chad	4, 52	6, 13, 41
Chile	1, 30	32
China	45, 73	16, 22, 23
Colombia	24, 25, 52	13, 16, 17
Congo (Brazzaville)	—	4, 6, 11, 14, 33, 41, 95
Congo (Kinshasa)	—	12, 17, 19, 85
Costa Rica	45, 96, 105	81, 90, 92, 94, 96
Cuba	29, 78, 101	4, 6, 10, 12, 13, 16, 19, 22, 23, 45, 77, 79, 87, 89, 90, 92, 94, 95, 96, 104
Cyprus	2, 88, 94, 95	15, 16, 19, 29, 45, 97
Czechoslovakia	12, 17, 24, 25, 34, 88, 89, 90, 115	10, 45
Dahomey	—	4, 6, 13, 18, 41, 85, 95
Denmark	6, 29, 42, 81, 92	12, 16, 19
Finland	2, 19, 29, 53, 92, 105	12, 13, 16, 17, 22, 45, 73, 96
France	12, 45, 55, 63, 73, 81, 85, 95, 101	2, 13, 16, 22, 23, 74, 77, 92
Gabon	4, 95, 101	6, 10, 12, 13, 45, 96
Federal Republic of Germany	10, 45, 56, 63, 81, 88, 101	12, 16, 17, 19, 22, 23, 114
Ghana	92	16, 19, 58
Greece	1, 42, 90	6, 13, 17, 19, 29, 95, 105
Guatemala	30, 63, 88, 89, 94, 105, 110, 118	65, 77, 78, 79, 112, 113, 114
Guinea	5, 26	4, 6, 11, 14, 87, 95, 111, 112, 114
Guyana	2, 12, 82	10, 19, 65, 94, 95, 105
Haiti	12	14, 19, 29, 42, 45, 98, 106, 107
Hungary	16, 42, 95	2, 10, 12, 13, 17, 18, 19, 24, 52, 77, 78, 87, 101
India	81, 89, 90	4, 6, 16, 19, 22, 27, 118
Iran	—	29, 104
Iraq	29, 105	19
Ireland	10, 74, 105	16, 22, 23, 29, 45, 63, 69, 81, 92
Israel	10, 79, 81, 90	19, 29, 78, 94, 95, 96, 101, 105

¹ If some of the information provided by a country on a given Convention is already summarised elsewhere in the present volume, the relevant report is not mentioned in this list.

Country	A Conventions Nos.	B Conventions Nos.
Italy	2, 4, 42, 44, 55, 89, 95, 96	6, 13, 16, 19, 22, 23, 29, 45, 69, 73, 94, 114
Ivory Coast	9, 29	4, 6, 13, 18, 41, 85, 105
Jamaica	19	29, 65
Japan	2, 16, 18, 22, 73	10, 19, 29, 42, 45, 81
Kenya	2, 29, 81	12, 19, 45, 65, 94
Kuwait	89	—
Lesotho	—	19
Luxembourg	2, 17, 18, 42, 88	4, 6, 10, 12, 13, 16, 19, 22, 23, 25, 45, 81, 96
Malagasy Republic	19	4, 6, 12, 41, 95, 101
Malawi	65	12, 19, 45
Malaysia	29	12, 50
States of Malaya	—	19, 45, 65
Sabah	—	16, 65, 94, 95
Sarawak	—	16, 19, 65, 95
Mali	29	4, 6, 13, 41
Malta	2, 95	10, 22, 29, 81, 105
Mexico	9, 12, 13, 32, 52, 55, 105	8, 16, 22, 23, 29, 42, 45, 53, 62, 87, 90, 95, 107
Morocco	2, 45	4, 12, 13, 17, 19, 41, 65, 104
Netherlands	2, 10, 13, 33, 42, 62, 69, 71, 89, 96	16, 22, 23, 45, 63, 73, 74, 81, 90, 92, 94, 95
New Zealand	2, 44, 45, 81, 82, 88, 89	10, 12, 16, 22, 29, 63, 65, 74, 101, 104
Nicaragua	10, 18, 19, 25	4, 6, 13, 16, 22, 23, 24, 29
Niger	—	13, 18, 65, 104, 105
Nigeria	29	16, 45, 94, 104
Norway	2, 42, 63, 81, 92, 105, 115	10, 12, 13, 18, 19, 22, 25, 69, 90, 95, 96, 101
Pakistan	45, 96	4, 6, 16, 18, 19, 22, 29, 90
Peru	4, 12, 35, 36, 37, 38, 39, 40, 53	10, 19, 22, 23, 41, 45, 69, 71, 73
Philippines	89	77, 87, 90, 95
Poland	18, 42, 45	—
Portugal	1	69, 73, 74, 92, 104
Rumania	2, 16	10, 89
Rwanda	12	—
Sierra Leone	22, 88, 94, 95, 99	16, 45, 65
Singapore	12, 19, 65, 94	16, 45, 105
Spain	2, 4, 5, 6, 17, 45, 89, 95	7, 8, 10, 11, 12, 13, 14, 15, 16, 22, 23, 27, 29, 34, 114, 115
Sudan	19	—
Sweden	2, 45, 92, 105	10, 12, 16, 29, 73, 81, 96, 115
Switzerland	2, 16, 63, 88	23
Syrian Arab Republic	2	45, 53, 104
Tunisia	4	6, 12, 13, 17, 18, 19, 65, 89, 104
Uganda	94	12, 19, 45
Ukraine	52	10, 16, 29, 45, 77, 78, 79, 90
U.S.S.R.	95	10, 16, 45, 77, 78, 79, 90
United Arab Republic	2, 52, 88, 100, 101, 115	19, 45, 53, 104
United Kingdom	2, 69, 74, 82, 92, 94	10, 12, 16, 22, 24, 25, 29, 45, 63
United States	53, 74	55
Uruguay	1, 16, 42, 94, 95, 101	10, 12, 13, 24, 25, 45, 77, 78, 79
Venezuela	2, 19, 45	6, 26, 29, 41, 105
Yugoslavia	12, 17, 19, 24, 45	2, 11, 13
Zambia	19	12, 45, 65
<i>Non-Member State:</i>		
Western Samoa	—	29

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.
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 (Malvinas): 8 May 1963.
Grenada: 27 June 1963.
Antigua, St. Christopher-Nevis-Anguilla:
20 August 1963.
British Honduras, Dominica: 15 October
1963.
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.

In reply to a direct request made by the Committee of Experts in 1967, the Government has supplied the following information.

Article 1 of the Convention. No system for the regular compilation of statistical information relating to employment and unemployment is maintained. There is, however, evidence of the existence of underemployment and plans are in hand to make the colony more accessible and to improve its amenities with a view to developing a flourishing tourist industry.

Article 2, paragraph 1. There is only one employment exchange, which operates to a limited extent as part of a welfare service.

There is a Labour Advisory Board set up in accordance with section 37 of the Employment of Servants Ordinance. The Chairman of the Board is the labour officer; there are four members representing workers' organisations and four representing the employers, together with one government department representative.

Paragraph 2. There are no private employment agencies but certain trade unions endeavour to place their members in employment.

Swaziland (First Report).

A sample survey has indicated that there may be some 9,000 unemployed persons, mainly in the subsistence farmer group and among persons offering themselves for seasonal employment.

Two full-time employment offices and one part-time office are in operation.

No system of unemployment insurance exists.

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 Territory of the Afars and the Issas, St. Pierre and Miquelon: 19 March 1954; New Caledonia: 14 January 1948.

Netherlands. Ratification: 21 July 1928.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification*: Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:

Antigua, Bahamas, British Honduras, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice Islands, Hong Kong, 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.

Dominica: 17 September 1964.

¹ This Convention was revised by Convention No. 59 of 1937.

* See footnote 1 to Convention No. 2.

UNITED KINGDOM

Brunei (First Report).

Labour Enactment, No. 11 of 1954.

Labour (Amendment) Enactment, No. 15 of 1961.

Article 1 of the Convention. The definition in section 2 of the Labour Enactment is the same as that given in this Article.

Article 2. The legislation is not in conformity with this Article, since section 72 (1) of the Labour Enactment permits the employment of a child in any industrial undertaking provided that the Prime Minister publishes a notification to this effect in the *Gazette*. In practice no such notifications have been issued.

Article 4. Section 77 of the Labour Enactment enforces this Article.

The Commissioner of Labour is responsible for the enforcement of the Labour Enactment. Supervision is carried out by labour inspectors.

No court decisions have been given.

National custom is against the employment of persons under 16 years of age, except in family undertakings.

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 Territory of the Afars and the Issas, 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

Comoro Islands.

Order No. 84/IT-C of 22 January 1966 to prescribe the conditions for the performance of night work by women and children in industry.

In reply to a direct request made by the Committee of Experts concerning the measures envisaged to provide for full implementation of the Convention, the Government supplied the text of the above-mentioned order.

French Guiana, Guadeloupe, Réunion.

See under metropolitan countries, Convention No. 6, France.

Martinique.

In reply to an observation made by the Committee of Experts, the Government supplied the text of a departmental collective agreement of 25 June 1964 (authorising bakeries to begin work at 4 a.m.). The Government has stated that the agreement does not contravene the regulations in respect of children, who are not allowed to enter the bakehouses before 5 a.m.

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: 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 (Malvinas), Gibraltar, Montserrat, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 4 June 1962.
 Fiji: 26 June 1962.
 British Virgin Islands, St. Helena: 5 October 1962.
 St. Christopher-Nevis-Anguilla: 29 May 1963.
 Grenada: 27 June 1963.
 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.
 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

Brunei (First Report).

See under Convention No. 5.

Article 1 of the Convention. Section 2 of the Labour Enactment, 1954, provides a definition of the term "ship" which is equivalent to the definition of the term "vessel" contained in the Convention.

The Marine Department is entrusted with the organisation of inspection.

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.

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 (Malvinas): 18 December 1963.

Gilbert and Ellice Islands, St. Helena, Seychelles: 24 February 1964.

Grenada: 13 April 1964.

Bermuda: 21 May 1964.

Dominica, Jersey: 12 June 1964.

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:

Hong Kong, 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

Bahamas.

Employment of Children Prohibition Act, 1939.

Education Act, 1962.

Employment of Children Prohibition (Amendment) Act, No. 6 of 1966.

The above-mentioned Act No. 6 of 1966 extended the definition of "industrial undertaking" to agriculture and the Convention is now applied without modification.

Articles 1 and 2 of the Convention. Section 3 A of the 1966 Act prohibits the employment of children during school hours or during periods which may prejudice their attendance at school or render them unfit to obtain the full benefit of their school education.

Article 3. Technical schools are supervised by the Government.

The Ministry of Labour, acting through the labour inspectorate, is responsible for the supervision of the application of the relevant provisions. Section 26 of the Education Act provides for compulsory education between the ages of 5 and 14 years and section 27 of the same Act provides for officers of the Education Department to enforce this requirement.

Falkland Islands (Malvinas).

Employment of Children Ordinance of 25 May 1966 (*Falkland Islands Gazette*, 2 June 1966, No. 7, p. 105).

Article 1 of the Convention. The above-mentioned ordinance makes it clear that the employment of children is permissible only outside of school hours and that no child under 12 years of age may be employed.

Article 2. No arrangement which would reduce the compulsory annual period of school attendance is permitted or has been made under the new ordinance.

Article 3. It was intended that the provisions of this Article should be incorporated in the new legislation, but, in view of the fact that definite school hours have been specified and that there is no technical school in the territory, this would have been pointless.

Jersey.

In reply to a direct request made by the Committee of Experts, the Government has stated that a revised draft of the Children's Bill is under discussion by the interested committees and that it was hoped that the Bill would be presented to the states Parliament for approval at its Autumn session.

Seychelles.

In reply to a direct request made by the Committee of Experts, the Government has stated that a number of children under 14 years of age attending primary school receive instruction in basic agriculture under a field training programme. They are not paid for this instruction, and the type of agricultural work which they carry out under the joint sponsorship of the Departments of Education and Agriculture does not conflict with Article 2 of the Convention.

There are no new provisions concerning compulsory education.

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

This Convention came into force on 26 February 1923

Australia. Ratification: 7 June 1960.
Applicable without modification: New Guinea, Papua: 31 January 1966.

Decision reserved: Norfolk Island: 31 January 1966.

Denmark. Ratification: 26 February 1923.
Applicable without modification: Faroe Islands: 28 September 1960.

Not applicable: Greenland: 31 May 1954.

France. Ratification: 4 April 1928.
No declaration.

Netherlands. Ratification: 20 August 1926.
Applicable without modification: Netherlands Antilles: 15 December 1955.

No declaration: Surinam.

New Zealand. Ratification: 29 March 1938.
No declaration.

United Kingdom. Ratification: 6 August 1923.
Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 6 August 1923.

Applicable without modification: Antigua, British Honduras, Dominica, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice Islands, Montserrat, St. Lucia, St. Vincent, Solomon Islands: 4 June 1962.

Fiji: 26 June 1962.

British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Swaziland: 15 October 1963.

Brunei: 25 April 1965.

Bermuda: 2 May 1967.

Applicable with modifications: Bahamas: 2 May 1967.

Decision reserved:

Hong Kong: 20 August 1963.

Southern Rhodesia: 24 November 1964.

Seychelles: 5 September 1966.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

*Nauru.*¹

On 7 January 1966 the Australian Government declared this Convention inapplicable in respect of the territory of Nauru. No known employment exists in the field of agriculture. In the event of any employment in agriculture the provisions of the Workers' Compensation Ordinance would be applied.

Norfolk Island.

The Government has reserved its decision concerning the application of the Convention to this territory as there is no workers' compensation legislation in force.

New Guinea and Papua (First Report).

Workers' Compensation Ordinance, No. 58 of 25 November 1965, and Regulations.

Article 1 of the Convention. There is no special system of workers' compensation applicable to agricultural workers. No distinction is made between rural and non-rural workers under the above-mentioned legislation.

UNITED KINGDOM

Montserrat.

Workmen's Compensation Ordinance.

The provisions of the above-mentioned ordinance apply to agricultural wage earners employed in government and private estates in the same manner as they apply

¹ Report for the period ending 30 June 1967, communicated by the Government of Australia.

to wage earners in other employment; 2,000 small farmers who work on their own small holdings are not covered by the ordinance.

Seychelles.

The advice of the Labour Advisory Board on a draft Workmen's Compensation Bill has been sought. A further review of certain provisions is being undertaken before the Bill is placed before the Legislature. Agricultural workers are included in the definition of "workmen" given in the Bill.

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 Territory of the Afars and

the Issas, 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.

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 Territory of the Afars and the Issas, 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 (Malvinas), Grenada, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

Decision reserved: 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

Surinam (First Report).

A draft ordinance respecting the obligatory closing of shops has been submitted for approval to the states of Surinam and is still under discussion.

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

This Convention came into force on 20 November 1922

Australia. Ratification: 28 June 1935.
Not applicable: New Guinea, Norfolk Island, Papua: 28 June 1935.

Denmark. Ratification: 23 April 1938.
Applicable without modification:
Faroe Islands: 23 April 1938.
Greenland: 31 May 1954.

France. Ratification: 22 March 1928.
No declaration.

Japan. Ratification: 7 June 1924.
Not applicable: Pacific Islands (League of Nations mandate): 7 June 1924.

Netherlands. Ratification: 9 March 1928.
No declaration.

New Zealand. Ratification: 5 December 1961.
Not applicable: Cook Islands and Niue, Tokelau Islands: 5 December 1961.

United Kingdom. Ratification: 8 March 1926.
Applicable *ipso jure* without modification¹:

Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification²:

Bermuda, Dominica, Gambia, Gibraltar, Grenada, Hong Kong, Malta, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 27 March 1950.

Brunei²: 11 September 1961.

Montserrat²: 5 July 1962.

British Honduras²: 22 August 1966.

Applicable with modifications²: Fiji: 27 March 1950.

Decision reserved²: Antigua, Bahamas, British Virgin Islands, Falkland Islands (Malvinas), Gilbert and Ellice Islands, Nyasaland, St. Christopher-Nevis-Anguilla: 27 March 1950.

Not applicable²: Southern Rhodesia, Swaziland: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when this Convention comes into force.

FRANCE

New Caledonia.

Ministerial Order of 9 August 1961 to prescribe the age limits and standards of physical fitness required for the registration of French seafarers in the overseas territories (*Journal officiel de la République française*, 16-17 Aug. 1961).

The above-mentioned ministerial order implements the provisions of the Convention.

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

This Convention came into force on 1 April 1927

France. Ratification: 17 May 1948.
 Application without modification: Overseas
 Departments: French Guiana, Guadeloupe,
 Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
Netherlands. Ratification: 13 September 1927.
 Applicable without modification:
 Netherlands Antilles: 5 August 1957.
 Surinam: 15 April 1958.
New Zealand. Ratification: 29 March 1938.
 No declaration.
United Kingdom. Ratification: 28 June 1949.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 28 June 1949.
 Applicable without modification²:
 Gibraltar²: 29 December 1958.

Montserrat²: 5 July 1962.
 British Virgin Islands²: 17 September 1964.
 St. Lucia: 6 November 1967.
 Applicable with modifications²:
 Antigua, Bahamas, British Honduras, Domi-
 nica, Falkland Islands (Malvinas), Grenada,
 St. Christopher-Nevis-Anguilla, St. Helena,
 St. Vincent, Southern Rhodesia: 27 March 1950.
 Swaziland: 12 June 1964.
 Solomon Islands: 30 March 1965.
 Fiji: 7 January 1966.
 Bermuda: 17 June 1966.
 Gilbert and Ellice Islands: 15 August 1967.
 Decision reserved²: Hong Kong, Seychelles:
 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 17, France.

UNITED KINGDOM

Guernsey.

In reply to a direct request made by the Committee of Experts, the Government has stated that the Social Insurance (Guernsey) Law, 1964, will be reviewed and that the point raised by the Committee will be considered.

St. Helena.

Workmen's Compensation (Amendment) Ordinances, No. 12 of 24 June and No. 23 of 6 November 1965.

Bankruptcy (Amendment) Ordinance, No. 16 of 1965.

Seychelles.

See under Convention No. 12.

18. Workmen's Compensation (Occupational Diseases) Convention, 1925¹

This Convention came into force on 1 April 1927

Australia. Ratification: 22 April 1959.
Applicable without modification: New Guinea, Papua: 8 February 1961.
Decision reserved: Norfolk Island: 8 February 1961.

Denmark. Ratification: 18 June 1934.
Applicable without modification: Faroe Islands: 18 June 1934.
Not applicable: Greenland: 31 May 1954.
France. Ratification: 13 August 1931.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 15 March 1938.

No declaration: all other territories.

Netherlands. Ratification ²: 1 November 1928.
No declaration.

United Kingdom. Ratification ²: 6 October 1926.

No declaration.

¹ This Convention was revised by Convention No. 42 of 1934.

² Ratification denounced.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 42, France.

New Caledonia.

See under Convention No. 42.

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

This Convention came into force on 8 September 1926

Australia. Ratification: 12 June 1959.
Applicable without modification: New Guinea, Papua: 8 February 1961.
Decision reserved: Norfolk Island: 8 February 1961.

Denmark. Ratification: 31 March 1928.
Applicable without modification:
Faroe Islands: 31 March 1928.
Greenland: 31 May 1954.

France. Ratification: 4 April 1928.
Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 22 February 1948.
No declaration: all other territories.

Netherlands. Ratification: 13 September 1927.
Applicable without modification: Surinam: 13 July 1951.

No declaration: Netherlands Antilles.

Republic of South Africa. Ratification: 30 March 1926.

Applicable without modification: South West Africa: 15 June 1949.

United Kingdom. Ratification: 6 October 1926.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 6 October 1926.

Applicable without modification²:

Antigua, Bahamas, British Honduras, British Virgin Islands, Dominica, Falkland Islands (Malvinas), Fiji, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia, Swaziland: 27 March 1950.

Gibraltar: 29 December 1958.

Solomon Islands: 27 February 1959.

Brunei: 1 June 1960.

Applicable with modifications: Bermuda²: 5 September 1966.

Decision reserved²: Gilbert and Ellice Islands, Seychelles: 27 March 1950.

¹ See footnote¹ to Convention No. 2.

² See footnote 2 to Convention No. 16.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 19, France.

UNITED KINGDOM

Guernsey.

Social Insurance (Reciprocal Agreement with France) (Guernsey) Ordinance, 1966.

Social Insurance (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and the Island of Jersey) (Guernsey) Ordinance, 1966.

Jersey.

Insular Insurance (Reciprocal Agreement with Great Britain, Northern Ireland, the Isle of Man and Guernsey) (Jersey) Act, 1966.

Montserrat.

See under Convention No. 12.

Under section 2 of the Workmen's Compensation Ordinance a workman is a person who has entered into or works under a contract of service or apprenticeship with an employer. No distinction is made between national and foreign workers.

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Australia. Ratification: 1 April 1935.
Not applicable: 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 (Malvinas): 8 May 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, St. Vincent: 18
February 1963.

Antigua, Grenada: 20 August 1963.

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.

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

France. Ratification: 4 March 1929.
No declaration.

Netherlands. Ratification: 5 May 1948.

Applicable without modification: Netherlands
Antilles: 5 August 1957.

Decision reserved: Surinam: 5 August 1957.

24. Sickness Insurance (Industry) Convention, 1927

This Convention came into force on 15 July 1928

France. Ratification: 17 May 1948.
Not applicable: Overseas Departments:
French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 15 November 1965.
No declaration.

United Kingdom. Ratification: 20 February 1931.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 20 February 1931.

Decision reserved:

Bahamas, Solomon Islands: 15 January 1963.

Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent,
Swaziland: 18 February 1963.

Gibraltar: 7 March 1963.

Falkland Islands (Malvinas): 8 May 1963.

Grenada: 27 June 1963.

Antigua, St. Christopher-Nevis-Anguilla: 20
August 1963.

British Honduras, Dominica: 15 October 1963.

Brunei: 3 August 1964.

Seychelles: 16 October 1964.

Southern Rhodesia: 24 November 1964.

St. Helena: 8 February 1965.

British Virgin Islands: 22 August 1966.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Polynesia.

Order No. 3276/TLS of 4 October 1966.

The above-mentioned order has instituted a social insurance scheme for certain illnesses which are of long duration or involve surgery. A wage earner who fulfills the prescribed conditions is entitled, for a period of six months, which may be extended, to the following benefits from the Family Allowances and Employment Injury Insurance Fund: hospitalisation expenses (hospital tariff, third class), medical or surgical treatment, reimbursement of the cost of pharmaceutical supplies; an allowance equivalent to the guaranteed minimum inter-occupational wage after the period during which the employer has to pay an allowance equivalent to the worker's actual wage; and a monthly allowance equivalent to 10 per cent. of the guaranteed minimum inter-occupational wage for each dependent child. The worker continues to receive family allowances until his recovery, attested by a medical certificate. Some large undertakings conclude agreements with their employees guaranteeing them full coverage in respect of medical care and pharmaceutical supplies.

UNITED KINGDOM

Guernsey.

Social Insurance (Amendment) (Guernsey) Law, 1965.

Social Insurance (Limited Medical Benefit) (Guernsey) Ordinance, 1966.

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that, during the period under review, the States Insurance Authority and the States Board of Health have jointly been considering ways and means of introducing a health services scheme.

Jersey.

Health Insurance (Jersey) Law, 1967.

Insular Insurance (Hospital In-Patients) (Jersey) Order, 1967.

See also under Convention No. 19.

Montserrat.

The provisions of this Convention are voluntarily implemented. A number of insurance companies make sickness insurance policies available to all categories of workers at their own expense.

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Netherlands. Ratification: 15 November 1965.
No declaration.

United Kingdom. Ratification: 20 February 1931.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 20 February 1931:

Decision reserved:

Bahamas, Solomon Islands: 15 January 1963.
Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent,
Swaziland: 18 February 1963.

Falkland Islands (Malvinas): 8 May 1963.

Grenada: 27 June 1963.

Antigua, St. Christopher-Nevis-Anguilla: 20 August 1963.

British Honduras, Dominica: 15 October 1963.

Brunei: 3 August 1964.

Seychelles: 16 October 1964.

Southern Rhodesia: 24 November 1964.

St. Helena: 8 February 1965.

British Virgin Islands: 22 August 1966.

Not applicable: Gibraltar: 7 March 1963.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

See under Convention No. 24.

Montserrat.

See under Convention No. 24.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.
Applicable without modification: 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, Gua-
deloupe, Martinique, Réunion: 24 June 1937.¹

Overseas Territories: Comoro Islands, French
Polynesia, French Territory of the Afars and the
Issas, 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:
Antigua, Bahamas, Bermuda, British Hon-
duras, British Virgin Islands, Brunei, Dominica,
Falkland Island (Malvinas), Fiji, Gibraltar,
Gilbert and Ellice Islands, Grenada, Hong Kong,
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.

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: 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: 21 May 1964.
Solomon Islands: 11 November 1964.
Brunei: 26 April 1965.
Falkland Islands (Malvinas): 1 March 1967.
Gilbert and Ellice Islands: 7 June 1967.

Applicable with modifications:
Swaziland: 12 June 1964.
St. Christopher-Nevis-Anguilla: 17 September 1964.

Hong Kong: 30 March 1965.
Fiji: 20 July 1965.
St. Lucia: 31 March 1966.
Montserrat: 26 October 1966.
Bahamas, Bermuda: 2 May 1967.

Decision reserved:

Grenada: 21 May 1964.
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.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 42, France.

New Caledonia.

Order No. 173/CG of 6 April 1967 to supplement and amend the schedules of occupational diseases appended to Order No. 409/CG of 29 September 1958, as amended.

UNITED KINGDOM

Bahamas.

Workmen's Compensation Act.

Workmen's Compensation (Amendment) Act, 1965.

Workmen's Compensation (Declaration of Occupational Diseases) Order, Statutory Instruments No. 90 of 11 November 1966 (*Official Gazette*, 24 Nov. 1966, Supplement).

Article 1 of the Convention. Section 13 (1) of the Workmen's Compensation Act, which contains the principles and rates relating to compensation for industrial accidents, provides that compensation for an occupational disease shall be payable if the disease is a personal injury caused by an accident arising out and in the course of employment.

Article 2. The above-mentioned order omits silicosis as an occupational disease, and for this reason the Convention has been applied with this modification. However, the Ministry of Health is satisfied that there are no processes or industries which can give rise to a risk of silicosis.

The Ministry of Labour is responsible for the enforcement of the relevant legislation.

Falkland Islands (Malvinas).

Workmen's Compensation (Amendment) Ordinance, 1965.

The Government has stated that the above-mentioned ordinance fully implements Articles 1 and 2 of the Convention without any modification and that it would appear that the requirements of the International Labour Organisation have been met.

Guernsey.

Social Insurance (Guernsey) Law, 1964.

Social Insurance (Prescribed Diseases) (Guernsey) Regulations, 1964.

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

The above-mentioned regulations cover poisoning by the alloys of lead and the amalgams of mercury, poisoning by the inorganic compounds of phosphorus and sequelae of the various poisonings specified by the Convention.

The Government is satisfied that the hazard of poisoning by the halogen derivatives of hydrocarbons of the aliphatic series is fully covered by the accident provisions of the above-mentioned Law.

It is further satisfied that the joint application of the "accident" and "diseases" provisions contained in the above-mentioned Law ensures adequate cover to meet the hazard of anthrax infection.

Hong Kong.

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

The list of trades, industries and processes corresponding to poisoning by lead, mercury, phosphorus and arsenic contained in the second schedule to the Workmen's Compensation Ordinance covers amalgams, alloys and compounds of these substances.

Item 14 of the second schedule to the Workmen's Compensation Ordinance, in describing the nature of the trades, industries and processes corresponding to anthrax infection, defines absolutely the source of infection of anthrax, the reservoir of which is confined to infected animals. Any worker, therefore, who contracts anthrax as a result of the nature of his occupation, whatever his job may be, is covered by the ordinance.

As regards the qualifying period for entitlement to compensation, it is recognised that in the case of some occupational diseases the onset of incapacity may well be delayed for a period longer than one year following the employment which caused the disease. Accordingly, it is hoped to amend the ordinance when the next opportunity occurs, either by extending the time limit or by inserting an extra provision to entitle such cases to claim compensation.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

France. Ratification: 21 February 1949.
Not applicable: Overseas Departments:
French Guiana, Guadeloupe, Martinique,
Réunion: 27 April 1955.
No declaration: all other territories.
Netherlands. Ratification: 17 January 1966.
No declaration.
New Zealand. Ratification: 29 March 1938.
No declaration.
United Kingdom. Ratification: 29 April 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 29 April 1936.
Applicable with modifications: Gibraltar:
11 November 1964.
Decision reserved:
Bahamas, Solomon Islands: 15 January 1963.

Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.
Fiji, Gilbert and Ellice Islands, St. Vincent,
Seychelles, Swaziland: 18 February 1963.
Falkland Islands (Malvinas): 8 May 1963.
Grenada: 27 June 1963.
Antigua, St. Christopher-Nevis-Anguilla: 20
August 1963.
British Honduras, Dominica: 15 October 1963.
Brunei: 3 August 1964.
Southern Rhodesia: 24 November 1964.
St. Helena: 8 February 1965.
British Virgin Islands: 22 August 1966.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Guernsey.

Social Insurance (Unemployment and Sickness Benefit) (Amendment) (Guernsey) Regulations, 1966.
Social Insurance (Increase of Benefit and Miscellaneous Provisions) (Guernsey) Regulations, 1967.
Social Insurance (Increase of Contributions and Benefits and Miscellaneous Provisions) (Guernsey)
Ordinance, 1967.

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Australia. Ratification: 7 October 1953.
Applicable without modification: New Guinea,
Papua: 14 December 1954.
Not applicable: Norfolk Island: 14 December
1954.
France. Ratification: 25 January 1938.
No declaration.
Netherlands. Ratification: 20 February 1937.
Applicable without modification: Netherlands
Antilles: 5 August 1957.
Decision reserved: Surinam: 5 August 1957.
New Zealand. Ratification: 29 March 1938.
No declaration.
Republic of South Africa. Ratification:
25 June 1936.
Applicable without modification: South West
Africa: 15 June 1949.

United Kingdom. Ratification: 18 July 1936.
Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.
Applicable without modification²: Bahamas,
Falkland Islands (Malvinas), Fiji, Gibraltar,
Hong Kong, Solomon Islands, Southern
Rhodesia, Swaziland: 27 March 1950.
Decision reserved²: Brunei, Gilbert and Ellice
Islands: 27 March 1950.
Not applicable²: Antigua, Bermuda, British
Honduras, British Virgin Islands, Dominica,
Grenada, Montserrat, St. Christopher-Nevis-
Anguilla, St. Helena, St. Lucia, St. Vincent,
Seychelles: 27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 16.

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Denmark. Ratification: 22 June 1939.
 Applicable without modification: Faroe Islands: 15 June 1961.
 Not applicable: Greenland: 31 May 1954.
France. Ratification: 23 August 1939.
 No declaration.

New Zealand. Ratification: 10 November 1950.
 Decision reserved: Cook Islands and Niue: 10 November 1950.
 Not applicable: Tokelau Islands: 10 November 1950.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Denmark. Ratification: 13 July 1938.
 Applicable without modifications: Faroe Islands: 13 July 1938.
 Not applicable: Greenland: 31 May 1954.
France. Ratification: 19 June 1947.
 Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.
New Zealand. Ratification: 29 March 1938.
 No declaration.
United States. Ratification: 29 October 1938.
 Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.
 Trust Territory of Pacific Islands: 7 June 1961.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 53, France.

UNITED STATES

Trust Territory of Pacific Islands.

In reply to direct requests made by the Committee of Experts, the Government has stated that section 10 of Chapter IV of the Regulations of the Board of Maritime Inspectors was amended in April 1966 to incorporate penal provisions applicable to masters or skippers, in accordance with Article 6, paragraph 2 (b), of the Convention.

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

France. Ratification: 19 June 1947.
Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe,
Martinique, Réunion: 27 April 1955.
No declaration: all other territories.
United States. Ratification: 29 October 1938.

Applicable without modification: American
Samoa, Guam, Puerto Rico, Virgin Islands:
29 October 1938.
No declaration: Trust Territory of Pacific
Islands.

FRANCE*Comoro Islands.*

Order No. 15/IT-C of 5 January 1967.

Only seamen registered in the Comoro Islands who are serving in ships based in France receive benefits from the Seamen's Provident Fund on the same terms as French seamen.

Dhow sailors, employed on lighterage in the Comoro ports, have a special insurance scheme against occupational accidents the conditions of which are specified by the above-mentioned order. The insurance is taken out by the lighterage company, if any, or, failing this, by the secretary of the Manpower Office. The costs of insuring crews and masters are calculated on the basis of their earnings and are deducted from the amounts paid to the owner of the dhow.

UNITED STATES*American Samoa.*

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that the Tenth Legislature of American Samoa passed Public Law No. 10-15, the Workmen's Compensation Act of American Samoa, and has submitted it to the Secretary of the Interior for approval.

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

France. Ratification: 9 December 1948.
Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe,
Martinique, Réunion: 27 April 1955.
No declaration: all other territories.

United Kingdom. Ratification: 30 September
1944.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 30 September
1944.

Decision reserved: Antigua, Bahamas,
Bermuda, British Honduras, British Virgin

Islands, Brunei, Dominica, Falkland Islands
(Malvinas), Fiji, Gibraltar, Gilbert and Ellice
Islands, Grenada, Hong Kong, Montserrat,
St. Christopher-Nevis-Anguilla, St. Lucia,
St. Vincent, Seychelles, Solomon Islands: 30
September 1944.

Not applicable:
St. Helena, Swaziland: 30 September 1944.
Southern Rhodesia: 7 March 1963.

¹ See footnote 1 to Convention No. 2.

FRANCE

Comoro Islands.

See under Convention No. 55.

UNITED KINGDOM

Guernsey.

See under Convention No. 24.

In reply to a direct request made by the Committee of Experts in 1966, the Government has stated that the States Insurance Authority is considering the introduction of maternity benefit.

Hong Kong.

No sickness insurance scheme for seamen exists, but seamen landed sick or injured abroad are covered in respect of their maintenance and medical attention by the maritime laws of the country in which the ship is registered. In many cases these benefits terminate on the return of the seaman to his proper return port. However, it is customary for employers to cover themselves in respect of seamen so incapacitated and it is not unusual for owners to cover such seamen additionally in respect of wages for periods ranging from a few weeks until their return to Hong Kong. The continuance of medical treatment, maintenance or wages after the return of a seaman to Hong Kong is usually considered by owners on the merits of each particular case.

Montserrat.

See under Convention No. 24.

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification ¹: 5 September 1939.
No declaration.

Denmark. Ratification ²: 22 June 1939.

Not applicable: Greenland: 31 May 1954.

No declaration: Faroe Islands.

France. Ratification: 28 June 1951.

Not applicable: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 9 March 1940.

No declaration.

New Zealand. Ratification ¹: 18 January 1940.

Not applicable: Cook Islands and Niue, Tokelau Islands: 18 January 1940.

Republic of South Africa. Ratification ³: 8 August 1939.

Not applicable: South West Africa: 15 June 1949.

United Kingdom. Ratification: 26 May 1947.

Applicable *ipso jure* without modification ⁴:
Guernsey, Jersey, Isle of Man: 26 May 1947.

Applicable without modification:

Gilbert and Ellice Islands ²: 21 May 1964.

Brunei ³: 26 April 1965.

Applicable with modifications:

Hong Kong ²: 15 October 1963.

Gibraltar ²: 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 (Malvinas): 8 May 1963.

Antigua, St. Christopher-Nevis-Anguilla: 20 August 1963.

British Honduras, Dominica: 15 October 1963.

Grenada: 7 July 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

Hong Kong.

Article 13 of the Convention. Statistics of time rates of wages and normal hours of work in 12 industries, including building and construction, are published in the Labour Department's annual reports.

Article 21. Although this Article is excluded from acceptance, an index of wage changes, with 1958 as the base period, has been compiled to show the general movement of daily wage rates. The index is currently weighted, and account has been taken of the relative importance of the different industries.

Isle of Man.

Agricultural Wages Board Order, No. 2 of 1966.

St. Helena.

In reply to a direct request made by the Committee of Experts in 1967, the Government has stated that statistics of wages and hours of work are published in the biennial reports on St. Helena. Statistics of occupations and categories of workers are published in the decennial census reports, the most recent being that for 1966. At present there are no facilities for compiling and publishing more elaborate statistics.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

New Zealand. Ratification: 8 July 1947.
 Applicable without modification:
 Cook Islands and Niue: 8 July 1947.
 Tokelau Islands: 13 June 1956.
United Kingdom. Ratification: 24 August 1943.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 24 August 1943.
 Applicable without modification:
 Antigua, British Honduras, British Virgin

Islands, Brunei, Dominica, Fiji, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland: 24 August 1943.
 Bahamas, Bermuda: 30 September 1944.
 Not applicable: Falkland Islands (Malvinas), Gibraltar: 24 August 1943.
 No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bahamas

Contracts of Service (Amendment) Act, No. 74 of 1965.

The above-mentioned Act repealed sections 16 (2) and 18 (2) of the Contracts of Service Act, thereby abolishing all penal sanctions for any breach of contract.

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: Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 69, France.

French Territory of the Afars and the Issas.

It has not been possible to implement this Convention in the territory, although implementation is provided for under Order No. 8 of 20 March 1961. This order prescribes the minimum age for the granting of a certificate of qualification as 21 years, the minimum period of service at sea as five years and the amount of previous service as a ship's cook as three years on a merchant vessel of over 500 tons.

71. Seafarers' Pensions Convention, 1946*This Convention came into force on 10 October 1962*

France. Ratification: 9 December 1948.
 Applicable without modification: Overseas
 Departments: French Guiana, Guadeloupe,
 Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.

Netherlands. Ratification: 27 August 1957.
 Decision reserved: Netherlands Antilles,
 Surinam: 14 January 1958.

FRANCE*French Guiana, Guadeloupe, Martinique, Réunion.*

See under metropolitan countries, Convention No. 71, France.

French Territory of the Afars and the Issas.

The introduction of a seafarers' pension scheme is being studied in conjunction with the metropolitan authorities. A proposed solution would consist in their joining the Retired Seamen's Fund.

73. Medical Examination (Seafarers) Convention, 1946*This Convention came into force on 17 August 1955*

France. Ratification: 9 December 1948.
 Applicable without modification: Overseas
 Departments: French Guiana, Guadeloupe,
 Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.
 Not applicable:
 Surinam: 11 November 1958.
 Netherlands Antilles: 15 May 1959.

FRANCE*Comoro Islands.*

See under Convention No. 16, New Caledonia.

New Caledonia.

See under Convention No. 16.

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

France. Ratification: 9 December 1948.
 Applicable without modification: Overseas
 Departments: French Guiana, Guadeloupe,
 Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
Netherlands. Ratification: 14 July 1950.
 Applicable without modification: Netherlands
 Antilles: 7 September 1951.
 Not applicable: Surinam: 7 September 1951.
New Zealand. Ratification: 5 December 1961.
 Not applicable: Cook Islands and Niue,
 Tokelau Islands: 5 December 1961.
United Kingdom. Ratification: 13 May 1952.
 Applicable without modification: Guernsey,
 Jersey, Isle of Man: 3 December 1956.

Not applicable:
 Swaziland: 3 November 1958.
 Southern Rhodesia: 7 July 1959.
 Decision reserved: Antigua, Bahamas, Ber-
 muda, British Honduras, British Virgin Islands,
 Brunei, Dominica, Falkland Islands (Malvinas),
 Fiji, Gibraltar, Gilbert and Ellice Islands,
 Grenada, Hong Kong, Montserrat, St. Chris-
 topher-Nevis-Anguilla, St. Helena, St. Lucia,
 St. Vincent, Seychelles, Solomon Islands:
 8 March 1961.
United States. Ratification: 9 April 1953.
 Applicable without modification: Guam,
 Puerto Rico, Virgin Islands: 7 June 1961.
 Decision reserved: American Samoa, Trust
 Territory of Pacific Islands: 7 June 1961.

FRANCE

French Territory of the Afars and the Issas.

Provision is made for the granting of an able seaman's certificate under the order of 29 March 1956, which was promulgated in implementation of this Convention.

The prescribed minimum age for obtaining such a certificate is 25 years and the prescribed minimum period of service at sea is 45 months.

The prescribed examination comprises tests of seamanship, steering and lifeboat work, including the berthing and anchoring of ships, as well as a test in respect of safety on board. The examination is taken under the supervision of a navigation inspector.

New Caledonia.

Order No. 181/CG of 13 April 1967 respecting the setting up, organisation and running of the Maritime Apprenticeship Centre of New Caledonia and its dependencies.

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

France. Ratification: 28 June 1951

Not applicable: Overseas Departments:
French Guiana, Guadeloupe, Martinique,
Réunion: 27 April 1955.

No declaration: all other territories.

*United Kingdom.*¹

Decision reserved: Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands,

Brunei, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, 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 See footnote 1 to Convention No. 14.

FRANCE

French Guiana.

See under Guadeloupe.

French Polynesia.

Order No. 506/TLS of 25 February 1965 to organise the medical supervision of workers in French Polynesia makes it obligatory for employers to arrange for a medical examination of the fitness of the children, including apprentices, employed by them. The purpose of this examination is to ensure that the work on which such children are engaged is not beyond their strength.

French Territory of the Afars and the Issas.

Order No. 478 of 26 March 1956 to lay down the procedure for implementing Chapter II of Title VI of the Overseas Labour Code as regards industrial medical services.

The compulsory periodical medical examination of all workers complies fully with the standards established by the Convention in respect of minors.

Guadeloupe.

Act No. 465 of 4 July 1966 respecting the organisation of industrial medical services in the overseas departments.

Decree No. 175 of 22 February 1967 (*Journal officiel de la République française*, 8 Mar. 1967, No. 57, p. 2314) to lay down the procedure for implementing Act No. 465 of 4 July 1966 in the department of Guadeloupe.

The above-mentioned Act provides for the establishment of medical services in industry (other than transport and mining undertakings), commerce and offices. The above-mentioned decree was due to enter into force within one year from the date of its publication.

Martinique.

See under Guadeloupe.

**78. Medical Examination of Young Persons (Non-Industrial Occupations)
Convention, 1946**

This Convention came into force on 17 December 1950

France. Ratification: 28 June 1951.

Not applicable: Overseas Departments:

French Guiana, Guadeloupe, Martinique,
Réunion: 27 April 1955.

No declaration: all other territories.

FRANCE

French Polynesia.

See under Convention No. 77.

French Territory of the Afars and the Issas.

See under Convention No. 77.

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

Denmark. Ratification: 6 August 1958.
Not applicable:
Greenland: 6 August 1958.
Faroe Islands: 16 September 1958.
France. Ratification: 16 December 1950.
Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe,
Martinique, Réunion: 27 April 1955.
No declaration: all other territories.
Netherlands. Ratification: 15 September 1951.
Applicable without modification: Netherlands
Antilles, Surinam: 26 September 1951.
New Zealand. Ratification: 30 November
1959.¹
Not applicable: Tokelau Islands: 30 November
1959.
Decision reserved: Cook Islands and Niue:
30 November 1959.
United Kingdom. Ratification: 28 June 1949.¹

Applicable *ipso jure* without modification ²:
Guernsey¹, Jersey¹, Isle of Man¹: 28 June 1949.
Applicable without modification:
Antigua¹, Brunei¹, Gibraltar¹, Grenada¹,
St. Vincent¹: 22 March 1958.
Solomon Islands³: 26 May 1966.
Hong Kong¹: 11 July 1966.
British Honduras³: 22 August 1966.
Applicable with modifications: Southern
Rhodesia¹: 11 April 1960.
Decision reserved:
Bahamas, Bermuda, British Virgin Islands,
Falkland Islands (Malvinas), Fiji, Gilbert and
Ellice Islands, Montserrat, St. Christopher-
Nevis-Anguilla, St. Helena, St. Lucia, Seychelles,
Swaziland: 22 March 1958.
Dominica: 16 December 1958.

¹ Excluding Part II.

² See footnote 1 to Convention No. 2.

³ Including Part II.

French Guiana.

FRANCE

In reply to a direct request made by the Committee of Experts, the Government has stated that, in order to reduce the difficulties encountered by inspectors in carrying out their supervisory duties, the sums granted for travel expenses to the department of Guiana in 1967 were increased by 50 per cent. in relation to 1966.

Guernsey.

UNITED KINGDOM

In reply to a direct request made by the Committee of Experts, the Government has stated that the fourteenth annual report on the safety of employees contains information on the staff of the labour inspection service and the total number of inspection visits carried out. It has further stated that it is not possible at present to furnish full information on all the workplaces liable to inspection or on the number of workers employed therein.

Swaziland.

Factories Law, No. 15 of 20 October 1965 (not yet in force) (*Government Gazette*, 29 Oct. 1965, Supplement).

Article 1 of the Convention. The staff of the department has been considerably strengthened by the appointment of a labour commissioner, two labour officers and four labour inspectors.

The effectiveness of the inspection service will be substantially increased by the appointment of a controller of industrial vocational training (since January 1968) and a qualified factories inspector, whose advice on factories inspection will be of great value to the Government.

Article 7. A labour inspector appointed in May 1966 attended a United Kingdom Ministry of Labour course. Two of the officials most recently appointed have been nominated for a course in 1968.

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 Territory of the Afars and the Issas, 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:

Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Dominica, Gibraltar, Grenada, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia: 27 March 1950. Swaziland: 6 November 1967.

Applicable with modifications:

Brunei, Falkland Islands (Malvinas), Gilbert and Ellice Islands, Hong Kong, Seychelles, Solomon Islands: 27 March 1950.

Fiji: 11 July 1966.

No declaration: Guernsey, Jersey, Isle of Man.

FRANCE

Comoro Islands.

Measures have been taken for the gradual expansion of educational facilities (including the extension of existing schools in order to provide each of them with six compulsory classes and the opening of new schools in villages still without any) as well as to improve health services (by the extension and equipping of existing hospitals, the opening of new dispensaries and increasing the number of doctors).

French Polynesia.

A centre for accelerated vocational training in motor mechanics was opened in Papeete in 1967 and a social promotion service, also responsible for the provision of vocational training, was set up.

French Territory of the Afars and the Issas.

Act No. 521 of 3 July 1967 respecting the organisation of the French Territory of the Afars and the Issas (*Journal officiel du territoire français des Afars et des Issas*, 10 July 1967).

In reply to a direct request made by the Committee of Experts with regard to the application of Article 19, paragraph 2, of the Convention, the Government has supplied the following information.

The primary education provided in the territory is among the best and soundest French education given in Africa, thanks to the implementation of the schools' programme and the lowering of the age of admission to primary school. No date has yet been fixed with regard to the introduction of compulsory attendance.

Réunion.

Decree No. 316 of 17 April 1965 to prescribe the conditions for implementing the provisions of the Rural Code in respect of share-cropping in the overseas departments and in particular the conditions for exercising the right of pre-emption provided for in section 870-13 of the Code.

Decree No. 842 of 4 October 1965 to make regulations for the implementation of Act No. 706 of 10 July 1964 instituting a system of safeguards against agricultural disasters.

Decree No. 1005 of 26 November 1965 to introduce an employment bonus and reduce the social and fiscal charges of industrial undertakings in the overseas departments.

Act No. 1003 of 30 November 1965 respecting the fixing of rents of unhealthy premises used as dwellings in the departments of French Guiana, Guadeloupe, Martinique and Réunion.

Decree No. 1064 of 7 December 1965 respecting the implementation in the departments of French Guiana, Guadeloupe, Martinique and Réunion of certain provisions of Decree No. 610 of 14 June 1961 respecting rural development and land settlement companies.

Act No. 419 of 18 June 1966 respecting compensation for victims of employment injuries which occurred before the new provisions on this subject came into force.

Decree No. 589 of 27 July 1966 to extend to the local authorities of the overseas departments the provisions of sections 42 to 46 of the Legislative Decree of 29 July 1939 respecting the equalisation of family allowances.

Decree No. 870 of 24 November 1966 to prescribe the conditions for implementing Act No. 1236 of 17 December 1963 respecting the leasing of farms in the departments of French Guiana, Guadeloupe, Martinique and Réunion.

Articles 2 to 5 of the Convention. The effort to establish the economic infrastructure of the island has continued and has concentrated mainly on the improvement of the road communications network, the setting up of hydro-electric plants and facilities accorded to industrialists to foster the development of new activities giving rise to increased employment.

Articles 19 and 20. Adult vocational training centres have been set up. These centres train young people in the building and metal trades and in office work. New centres are expected to be opened in 1967-68, as well as vocational training sections specially intended for young persons of between 16 and 17 years of age.

UNITED KINGDOM

*Mauritius*¹

Employment and Labour (Amendment) Ordinance, No. 56 of 9 December 1966 (*Government Gazette*, 10 Dec. 1966, Legal Supplement).

Article 7 of the Convention. A team of experts of the Food and Agriculture Organisation of the United Nations (F.A.O.) is preparing a land and water resources survey. It is hoped that the Town Planning Office will be able to formulate a national development plan based on the recommendations of the F.A.O.

Article 19. In reply to an observation made by the Committee of Experts on paragraphs 2 and 3 of this Article, the Government has stated that compulsory school attendance for primary school children (from 5 to 12 years of age) has not yet been introduced. At least 89 per cent. of school-age children are estimated to go to school. As the majority of them do not leave primary school before the age of 12 years (14 years in the case of late-comers), this can be considered as the minimum school-leaving age. The organisation of instruction in primary schools is under review and appropriate provisions will be introduced into the legislation as soon as practicable with a view to giving effect to this Article of the Convention.

¹ Report for the period ending 30 June 1967, communicated by the Government of the United Kingdom.

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947¹

This Convention came into force on 26 July 1955

Australia. Ratification: 30 September 1954.
Applicable without modification: New Guinea and Papua: 20 June 1966.

Not applicable: Norfolk Island: 30 September 1954.

Decision reserved: Nauru: 30 September 1954.

France. Ratification: 26 July 1954.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, New Caledonia, St. Pierre and Miquelon: 6 December 1954.

Not applicable: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification:

Antigua, Bahamas, British Honduras, British

Virgin Islands, Dominica, Gibraltar, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia: 27 March 1950.

Swaziland: 13 April 1964.

Fiji: 15 August 1967.

Applicable with modification: Brunei: 27 March 1950.

Decision reserved: Bermuda, Falkland Islands (Malvinas), Gilbert and Ellice Islands, Solomon Islands: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Under Article 9 of this Convention its provisions cease to apply in respect of any territory to which the provisions of the Labour Inspection Convention, 1947 (No. 81), apply, by virtue of a declaration communicated in accordance with Article 30 or Article 31 of the latter Convention.

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 Territory of the Afars and the Issas, 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:
 Dominica, St. Lucia: 29 December 1958.

Bermuda: 10 January 1962.
 Swaziland: 23 March 1962.
 Falkland Islands (Malvinas): 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.
 Gilbert and Ellice Islands: 15 August 1967.

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: 21 February 1967.

Decision reserved:
 Brunei, Solomon Islands: 19 June 1958.
 Southern Rhodesia: 23 February 1959.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

St. Helena (First Report).

Trade Unions and Trade Disputes Ordinance, No. 3 of 23 July 1959.
 Trade Unions Regulations, 1959, made under Ordinance No. 3 of 1959.

Article 2 of the Convention. A trade union may be formed by any seven or more persons subject to registration with the Registrar of Trade Unions within three months of its formation. The formalities for registration are prescribed by the above-mentioned regulations, while the above-mentioned ordinance provides, in section 10 (4), for the right of appeal to the Supreme Court against a refusal by the Registrar to register a union.

Article 3. The rules of a trade union must include provision for the various aspects enumerated in the schedule to the ordinance. The funds of a union may be spent only on the objects specified in section 14 of the ordinance and are specifically precluded from being spent on fines imposed by a court on any person for a criminal offence (section 15) or for political purposes (section 16).

Article 4. Section 11 of the ordinance establishes the grounds on which the registration of a trade union may be cancelled by the Registrar—namely on the direct request of a trade union, on proof of fraud in an application for registration, on proof of non-existence. An appeal may be made to the Supreme Court against such cancellation.

Article 5. There are no legislative provisions relating to the affiliation of workers' and employers' organisations with international organisations.

Article 6. The national legislation provides no guarantees which relate to the establishment, functioning or dissolution of federations and confederations of workers' and employers' organisations.

Article 7. There exists no legislative provision whereby a trade union may acquire legal personality.

Article 8. There are no local laws regulating associations, meetings, etc. In general, the law in force in Great Britain in respect of these matters applies for the time being to St. Helena.

Article 9. There is no restriction on members of the police force belonging to a trade union. There are no armed forces.

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 modification ¹:

Guernsey, Jersey, Isle of Man: 10 August 1949.

Applicable without modification:

Gibraltar: 22 March 1958.

Bahamas: 26 October 1966.

Applicable with modifications:

British Honduras: 28 August 1964.

Swaziland: 5 September 1966.

Decision reserved:

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 (Malvinas),
St. Helena: 22 March 1958.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

New Guinea and Papua.

Employment Placement Service Ordinance.

Since June 1967 the operation of the employment service has been brought under the above-mentioned ordinance.

NETHERLANDS

Surinam.

In reply to a direct request made by the Committee of Experts in 1967, the Government has stated that no measures have yet been taken for the institution of advisory committees in accordance with Articles 4 and 5 of the Convention. However, as regards Article 6, paragraphs (c) and (e), the Research Section of the Department of Social Affairs has begun the preparatory work and the necessary investigations in connection with manpower administration.

UNITED KINGDOM

Isle of Man.

Employment Act, 1965.

The constitution of the Employment Advisory Committee was changed by the above-mentioned Act.

Article 8 of the Convention. A Youth Employment Service has been set up by the Isle of Man Education Authority and a youth employment officer who has his headquarters at the Authority's office is now available.

89. Night Work (Women) Convention (Revised), 1948¹

This Convention came into force on 27 February 1951

France. Ratification: 21 September 1953.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 22 October 1954.

Applicable without modification: Netherlands Antilles: 15 December 1955.

No declaration: Surinam.

New Zealand. Ratification: 10 November 1950.

Decision reserved: Cook Islands and Niue: 10 November 1950.

Not applicable: Tokelau Islands: 10 November 1950.

Republic of South Africa. Ratification: 2 March 1950.

Applicable without modification: South West Africa: 10 February 1958.

*United Kingdom.*²

Decision reserved: Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention revises Conventions Nos. 4 of 1919 and 41 of 1934.

² See footnote 1 to Convention No. 14.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 89, France.

92. Accommodation of Crews Convention (Revised), 1949¹

This Convention came into force on 29 January 1953

Denmark. Ratification: 30 September 1950.
Applicable without modification: Faroe Islands: 28 September 1960.

No declaration: Greenland.

France. Ratification: 26 October 1951.
Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.

Not applicable:

Surinam: 14 November 1958.

Netherlands Antilles: 15 May 1959.

United Kingdom. Ratification: 6 August 1953.
Applicable without modification: Isle of Man: 13 February 1961.

Applicable with modifications: Hong Kong: 28 August 1964.

Not applicable:

Swaziland: 3 November 1958.

Southern Rhodesia: 7 July 1959.

Decision reserved:

Guernsey, Jersey: 8 March 1960.

Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Solomon Islands: 8 March 1961.

¹This Convention revises Convention No. 75 of 1946.

FRANCE

French Territory of the Afars and the Issas.

The conditions for the application of this Convention are prescribed by the texts in force in metropolitan France, including Decree No. 1232 of 7 December 1954 respecting health and accommodation requirements on board trading and fishing vessels as well as pleasure cruisers of 500 tons or more. The main provisions of this decree also cover vessels of between 200 and 500 tons.

Safety checks are made before a vessel is put into service and annual visits, as prescribed by Decree No. 489 of 7 May 1954, are made by committees with a view to the application of the provisions of the Convention.

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:
Antigua, Bahamas, Bermuda, Brunei, Domi-

nica, Gibraltar, Gilbert and Ellice Islands, Grenada, 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 (Malvinas), Hong Kong, Montserrat, St. Helena, Seychelles: 22 March 1958.
Southern Rhodesia: 29 March 1961.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 94, France.

New Caledonia.

Order No. 640 of 9 March 1967 to enforce Decision No. 137 of 1 March 1967 of the Standing Committee of the Territorial Assembly.

The above-mentioned decision prescribes the content of the general administrative clauses to be included in public works contracts. Sections 13 to 16 contain provisions respecting the implementation of the labour legislation.

UNITED KINGDOM

*Mauritius.*¹

Labour Clauses in Public Contracts (Amendment) Ordinance, No. 57 of 9 December 1966 (*Government Gazette*, 10 Dec. 1966, Legal Supplement).

Article 4, clause (a), sub-clause (iii), of the Convention. The above-mentioned ordinance provides for the posting by contractors of notices setting out the conditions of work.

¹ Report for the period ending 30 June 1967, communicated by the Government of the United Kingdom.

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 Territory of the Afars and the Issas, 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.
Bahamas, Brunei, Dominica, Gibraltar, Grenada, 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 (Malvinas), 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.

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.

NETHERLANDS

Surinam.

In reply to a direct request made by the Committee of Experts in 1967, the Government has stated that there is only one private employment agency and that it is not run for profit. The labour inspection service carries out regular inspections and the Government is satisfied that the agency carries out its operations free of charge.

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:
 Gibraltar: 19 June 1958.
 British Honduras, Dominica, Grenada, 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 (Malvinas): 18 February 1963.
 Swaziland: 20 November 1963.
 British Virgin Islands: 12 June 1964.
 Fiji: 24 September 1965.
 St. Helena: 17 June 1966.
 Gilbert and Ellice Islands: 15 August 1967.
 Decision reserved:
 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

St. Helena (First Report).

Articles 1 to 5 of the Convention. None of the circumstances contemplated by the Convention has so far arisen and consequently no relevant legislative provision or administrative practice has yet been established.

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 (Malvinas), Fiji, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Helena, Seychelles, Solomon Islands: 9 February 1959.
Guernsey, Jersey: 8 March 1960.
Dominica: 23 February 1961.
Grenada: 13 March 1961.
Not applicable: Gibraltar: 9 February 1959.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 52, France.

Hong Kong.

UNITED KINGDOM

There are no regulations designed to implement the terms of the Convention. The 1966 census showed that, out of an active population of 1.4 million, only 21,970 persons were employed in agriculture. Most of these persons are self-employed, or members of a farmer's family, or seasonal or part-time workers. Only a small percentage are regularly employed in large agricultural undertakings.

Seychelles.

Employment Benefits Ordinance, No. 34 of 31 December 1965 (*Government Gazette*, 1 Jan. 1966, Supplement).

Section 3 of the above-mentioned ordinance, which applies to agricultural workers, authorises the granting of 14 days annual paid holiday after one year of continuous service. Absences due to sickness or maternity are not counted as part of the annual holiday.

Swaziland (First Report).

Employment Proclamation, No. 51 of 28 August 1962 (*Official Gazette of the High Commissioner for Basutoland, the Bechuanaland Protectorate, and Swaziland*, 7 Sep. 1962, No. 3323, p. 814) (*L.S.* 1962—Swa. 1), as amended by Law No. 17 of 20 October 1965 (*Government Gazette*, 29 Oct. 1965, No. 129, Supplement, p. 564) (*L.S.* 1965—Swa. 1).

Regulation of Wages (Sugar Manufacturing Industry) Order, 1967 (*Legal Notice* No. 40 of 1967).

A declaration that the Convention would be applied to Swaziland, with the modification that Articles 8 and 9 are excluded, was registered by the International Labour Office on 27 April 1966.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955*This Convention came into force on 7 June 1958*

New Zealand. Ratification: 28 June 1956.
Applicable without modification: Cook

Islands and Niue, Tokelau Islands: 28 June 1956.

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:
Antigua, Bermuda, Brunei, Dominica, Gibralt-

tar, Grenada, Montserrat, St. Helena,
St. Vincent: 10 June 1958.
British Virgin Islands, Falkland Islands
(Malvinas), 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.

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

France. Ratification: 8 June 1967.

No declaration.

United Kingdom. Ratification: 18 February 1964.

Applicable without modification:

Antigua, Bermuda, British Honduras, British Virgin Islands, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, 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.

Guernsey¹, Jersey¹: 2 May 1967.

Decision reserved: 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

Brunei (First Report).

Immigration Enactment, No. 23 of 1956.

No sea-going vessels are registered in Brunei. Passports are issued should a launch be proceeding to another country. The application of Article 6 of the Convention is ensured by sections 10, 13, 14, 16 and 18 of the Immigration Enactment. A seaman's identity card is regarded as being equivalent to a landing pass.

Seychelles (First Report).

The Convention is applied by administrative provisions. Passports are not issued in lieu of seafarers' identity documents. These documents are issued to foreign seafarers in certain cases. An identity document remains in the seafarer's possession at all times. With reference to Article 6 of the Convention, a seafarer is permitted to enter into the territory provided that he holds a valid identity document, that he enters for the purposes mentioned in the Article and that he will not be a charge on the territory.

The Principal Immigration Officer is entrusted with the application of the arrangements giving effect to the Convention.

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.

Guernsey: 7 June 1967.

Decision reserved:

Isle of Man, Southern Rhodesia: 29 May 1963.

St. Lucia: 12 June 1964.

Fiji, Montserrat: 7 July 1964.

Falkland Islands (Malvinas), Gibraltar, Solomon Islands, Swaziland: 16 October 1964.

Brunei: 11 December 1964.

Antigua: 22 January 1965.

St. Christopher-Nevis-Anguilla: 1 December 1965.

Dominica: 26 May 1966.

No declaration: all other territories.

UNITED KINGDOM

Guernsey.

Safety of Employees (Ionising Radiations) (Guernsey) Ordinance, 1967.

Jersey.

In reply to a direct request made by the Committee of Experts, the Government has stated that no provisions concerning the use of radio-active substances in respect of activities other than those connected with medical and dental services have been made with a view to giving effect to the Convention, because apart from these services there are no establishments in the island whose activities involve the regular exposure of workers to ionising radiations.

Regulations 2, 4 and 6 of the Code of Practice for the Protection of Persons against Ionising Radiations lay down that persons under 16 years of age must not in any circumstances be allowed to engage in work involving exposure to ionising radiations.

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 relating to the overseas departments have been communicated to the local employers' and workers' organisations (*French Guiana, Guadeloupe, Martinique, Réunion*). Copies of the reports relating to the overseas territories (*Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, 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. The reports relating to the *Cook Islands* have also been communicated to the local workers' organisations.

United Kingdom. Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories: *Bahamas, Bermuda, British Honduras, Falkland Islands (Malvinas), Fiji, Isle of Man, Mauritius, Montserrat, St. Lucia, 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 *Seychelles* state that at present there are no representative employers' organisations.

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *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 ¹

A — Reports containing information on the practical effect given to Conventions, or on minor changes in their implementation.

B — Reports merely repeating or referring to the information previously supplied.

Country	A Conventions Nos.	B Conventions Nos.
Australia		
Nauru ²	—	16, 19, 22, 29, 45, 85, 88, 105
New Guinea	—	10, 19, 22, 29, 45, 85, 105
Norfolk Island	—	10, 19, 22, 29, 45, 85, 88, 105
Papua	—	10, 19, 22, 29, 45, 85, 105
France		
Comoro Islands	2, 12, 24, 53, 71, 74, 88, 92	13, 16, 17, 19, 22, 23, 29, 44, 45, 52, 69, 77, 78, 81, 85, 89, 95, 96, 101
French Guiana	2, 16, 78, 88, 95	12, 13, 22, 23, 44, 45, 52, 55, 56, 73, 74, 82, 92, 96
French Polynesia	2, 16, 17, 53, 56, 73, 85, 88	6, 12, 13, 19, 22, 23, 29, 44, 45, 52, 55, 69, 71, 74, 81, 89, 92, 95, 96, 101
French Territory of the Afars and the Issas	2, 16, 17, 44, 53, 55, 56, 73, 88	6, 12, 13, 19, 22, 23, 24, 29, 45, 52, 81, 85, 89, 95, 96, 101
Guadeloupe	2, 16, 56, 78, 88	12, 13, 22, 23, 44, 45, 52, 55, 73, 74, 81, 82, 92, 95, 96
Martinique	2, 16, 44, 78, 88	12, 13, 22, 23, 45, 52, 55, 56, 73, 74, 81, 82, 92, 95, 96
New Caledonia	2, 17, 19, 53, 55, 56, 71, 77, 78, 88, 95	6, 12, 13, 22, 23, 24, 29, 44, 45, 52, 69, 81, 82, 85, 89, 92, 96, 101
Réunion	2, 16, 44, 88	12, 13, 22, 23, 45, 52, 55, 56, 73, 74, 81, 92, 95, 96
St. Pierre and Miquelon	2, 16, 17, 19, 24, 44, 55, 56, 71, 73, 88	6, 12, 13, 22, 23, 29, 45, 52, 53, 69, 74, 77, 78, 81, 82, 85, 89, 92, 95, 96, 101
Netherlands		
Surinam	—	13, 95
New Zealand		
Cook Islands	82	1, 2, 9, 11, 12, 14, 15, 16, 17, 21, 22, 26, 29, 30, 32, 44, 45, 50, 52, 53, 58, 64, 65, 74, 84, 88, 97, 99, 101, 104
Niue	82, 99	1, 2, 9, 11, 12, 14, 15, 16, 17, 21, 22, 26, 29, 30, 32, 44, 45, 50, 52, 53, 58, 64, 65, 74, 84, 88, 97, 101, 104
Tokelau Islands	82	2, 12, 16, 17, 22, 44, 45, 52, 53, 65, 74, 88, 101, 104
United Kingdom		
Aden ³	85, 95	2, 12, 16, 17, 19, 22, 24, 25, 29, 44, 45, 56, 69, 74, 81, 82, 88, 92, 101, 105
Bahamas	12, 85	2, 16, 17, 22, 24, 25, 29, 44, 56, 69, 81, 92, 101
Bermuda	12, 44	10, 16, 17, 24, 25, 45, 56, 65, 69, 74, 81, 85, 92, 94, 101

¹ If some of the information provided by a country on a given Convention is already summarised elsewhere in the present volume, the relevant report is not mentioned in this list. ² Reports for the period ending 30 June 1967, communicated by the Government of Australia. ³ Reports for the period ending 30 June 1967, communicated by the Government of the United Kingdom.

Country	A Conventions Nos.	B Conventions Nos.
British Honduras	—	10, 16, 19, 22, 24, 25, 29, 44, 45, 56, 65, 69, 74, 92, 101
Brunei	63	2, 10, 11, 12, 16, 17, 19, 22, 24, 29, 42, 44, 45, 56, 65, 69, 74, 82, 88, 92, 94, 95, 101, 105
Falkland Islands (Malvinas)	17	2, 12, 16, 19, 22, 24, 25, 29, 44, 45, 56, 69, 74, 81, 82, 85, 88, 92, 95, 101, 105
Fiji	81, 94, 95	2, 12, 16, 19, 22, 24, 25, 44, 45, 56, 65, 69, 74, 88, 92, 101
Gibraltar	81	2, 12, 16, 17, 19, 22, 24, 25, 29, 44, 45, 56, 63, 69, 74, 88, 92, 101, 105
Guernsey	2, 88	10, 12, 16, 22, 29, 45, 63, 69, 74, 82, 92, 94, 95, 101, 105
Hong Kong	2, 17, 19, 65, 81, 105	12, 16, 24, 25, 29, 44, 45, 69, 74, 88, 95, 115
Jersey	2, 56, 81, 88, 95	12, 16, 17, 22, 25, 29, 42, 44, 45, 63, 65, 69, 74, 82, 92, 94, 101, 105
Isle of Man	2, 42, 44, 56, 81, 101	10, 12, 16, 17, 19, 22, 24, 25, 29, 69, 74, 92, 94, 95, 105, 108
Mauritius ¹	12, 17, 74, 81, 88, 95, 101	16, 19, 22, 24, 25, 29, 42, 44, 45, 56, 65, 69, 92
Montserrat	2	16, 17, 29, 42, 44, 45, 65, 69, 74, 81, 88, 92, 105
St. Helena	2, 17	10, 12, 16, 19, 22, 24, 25, 29, 44, 45, 56, 65, 69, 74, 81, 82, 85, 92, 95, 101, 105
St. Lucia	—	63
St. Vincent	—	65
Seychelles	—	16, 19, 22, 24, 25, 29, 44, 45, 56, 65, 69, 74, 81, 82, 85, 88, 92, 105
Solomon Islands	—	2, 12, 16, 17, 19, 22, 24, 25, 29, 44, 45, 56, 65, 69, 74, 82, 88, 92, 101
Swaziland	—	12, 16, 17, 19, 22, 24, 25, 42, 44, 45, 56, 65, 69, 74, 92, 105
United States		
American Samoa	53, 74	—
Guam	53, 74	55
Puerto Rico	53, 74	55
Trust Territory of Pacific Islands	74	55
Virgin Islands	53, 74	55

¹ Reports for the period ending 30 June 1967, communicated by the Government of the United Kingdom.

REPORT III
(PART II)

International Labour Conference

FIFTY-SECOND SESSION

GENEVA, 1968

Third Item on the Agenda

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

**SUMMARY OF REPORTS
ON UNRATIFIED CONVENTIONS**

(Article 19 of the Constitution)

Forced Labour

GENEVA
International Labour Office
1968

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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Abolition of Forced Labour Convention, 1957 (No. 105).	
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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 two following instruments dealing with forced labour: the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).

The Governments of member States were requested to send their reports to the International Labour Office before 1 July 1967. 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 1967.

The Forced Labour Convention, 1930 (No. 29), has already twice been the subject of reports under article 19 of the Constitution, in 1949 and 1961; in the latter year reports were also requested on the Abolition of Forced Labour Convention, 1957 (No. 105).¹

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.²

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part IV), which will also be submitted to the Conference at its 52nd (1968) Session, will include the general conclusions by the Committee on the reports on the above-mentioned Conventions.

¹ The summaries of these reports are to be found in I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 33rd Session, Geneva, 1950 (Geneva, 1950), and 46th Session, Geneva, 1962 (Geneva, 1962).

² These summaries have been presented to the Conference in the case of the Forced Labour Convention, 1930 (No. 29), from the 17th Session (1933) onwards, and in the case of the Abolition of Forced Labour Convention, 1957 (No. 105), from the 45th Session (1961) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*.

INSTRUMENTS ON FORCED LABOUR

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Afghanistan

CONVENTION No. 29

Forced labour does not exist. It is prohibited under the Constitution.

Bolivia

CONVENTION No. 29

Constitution.

Compulsory Military Service Act.

No form of forced or compulsory labour may be exacted. Article 5 of the Constitution provides that no type of servitude is recognised, that no one shall be compelled to render personal services without his previous consent and without due remuneration and that personal services may be imposed only when authorised under the law.

The services which may be required of persons by virtue of the Compulsory Military Service Act are of a civic-military character. Article 208 of the Constitution provides that the armed forces have the fundamental mission to defend and preserve national independence and the security and stability of the republic; to assure the application of the Constitution; to guarantee the stability of the legally constituted government; and to co-operate in the integral development of the country.

Forced prison labour as a judicial penalty does not exist. The State supplies the food of sentenced prisoners in accordance with the provisions of the law. Prisoners may freely choose and do work for their own benefit.

In emergencies, as in the case of war, services may be required.

Minor communal services are not exacted.

Article 34 of the Constitution provides that persons who violate constitutional rights and guarantees shall be subject to proceedings in the ordinary courts.

Ratification of the Convention would not imply any improvement of the national legislation.

CONVENTION No. 105

See under Convention No. 29.

Bulgaria

CONVENTION No. 105

Constitution of 4 December 1947 (*D'rzhaven Vestnik (D.V.)*, Vol. LXIX, 6 Dec. 1947, No. 284, p. 1).

Labour Code, promulgated by Ukase No. 544 (*Izvestiya*, 13 Nov. 1951, No. 91, p. 1) (*L.S.*¹ 1951—Bul. 2), as amended.

General Regulations on works rules, as approved by Order No. 31 of 20 June 1967 (*D.V.*, No. 52, 30 June 1967).

Forced labour does not exist in the cases dealt with by Article 1 of the Convention.

As part of legislative policy with respect to the abolition of forced labour and the reform of labour law a number of enactments have gradually been repealed, viz. the Labour Mobilisation Act in 1950, the Economic and Labour Mobilisation Act in 1955, the Manpower Stability Act in 1953, sections 257, 268 and 269 of the Penal Code, defining offences and prescribing criminal penalties in cases involving breaches of labour discipline, in 1956 and section 5 of Order No. 121 of 19 November 1963 of the Council of Ministers by Decision No. 405 of 30 July 1965.

Any illegal compulsion to work makes the offender criminally liable under section 159 of the Penal Code and civilly liable under section 45 of the Obligations and Contracts Act.

Byelorussia

CONVENTION No. 105

Constitution of the Byelorussian S.S.R.

Labour Code of the Byelorussian S.S.R.

Criminal Code of the Byelorussian S.S.R.

Conditions have been created which assure everyone the optimum chance of finding work. Under article 93 of the Constitution workers enjoy the right to employment and to a wage commensurate with the quality and quantity of work done. All citizens are free to choose their place of work in accordance with their particular abilities, wishes and qualifications. They are able to acquire skills, thanks to the development of free public education and vocational training as well as the state scholarship system.

According to section 26 of the Labour Code contracts of employment are freely entered into by wage earners and salaried employees in all undertakings. The statutes of the agricultural co-operatives also ensure that the work done by members of co-operative undertakings is voluntary.

Under the Labour Code the permanent transfer of a worker to other work or his transfer to another undertaking or workplace is subject to his agreement.

Under section 46 of the Labour Code any wage earner or salaried employee is free to terminate his contract of employment by giving a fortnight's notice.

Dismissal by the management is subject to approval by the competent trade union committee, in accordance with section 10 of the Regulations governing the rights of trade union works committees, local committees, etc., as confirmed by a Ukase of 15 July 1958 of the Presidium of the Supreme Soviet of the U.S.S.R.

¹ Throughout this summary the abbreviation *L.S.* is used for the *Legislative Series* of the International Labour Office.

The guarantees laid down apply to all workers, irrespective of nationality and race (article 98 of the Constitution).

Any curtailment of a worker's right freely to choose his job is considered as a serious violation of the rights of the citizen; as such, it constitutes a criminal offence under section 134 of the Criminal Code.

Cameroon

Western Cameroon

CONVENTION NO. 105

Labour Code, Act No. 67/LF/6 of 12 June 1967.
Penal Code.

Section 2 of the Labour Code prohibits forced or compulsory labour.

Section 292 of the Penal Code prescribes penalties applicable to any person who, in his personal interest, imposes on another person work or service for which that other person has not offered himself voluntarily.

Ratification of the Convention had been deferred to permit the creation of a compulsory civic service. This question will shortly be reconsidered.

Canada

CONVENTION NO. 29

Provincial Legislation.

Manitoba.

Municipal Act (*Revised Statutes of Manitoba*, 1954, Ch. 173).

Ontario.

Fires Extinguishment Act (*Revised Statutes of Ontario (R.S.O.)*, 1960, Ch. 149).

Statute Labour Act (*R.S.O.*, 1960, Ch. 382).

Forced or compulsory labour as defined in the Convention does not exist. There is no compulsory military service. Convict labour is carried out under the supervision of the prison authorities.

Under legislation in several provinces men may be required to assist in fighting forest fires. Some provincial Civil Defence Acts permit the imposition of labour in the case of war and of emergencies due to natural disasters.

Under sections 1077 (1) to 1079 of the Manitoba Municipal Act a municipality or village may provide for levying a rate for expenditure upon highways, based on property assessment, which may be replaced by the performance of road work. Under the Ontario Statute Labour Act some adult persons may be required to perform two or more days of statute labour, which may be regulated by the council of a township.

China

CONVENTION NO. 29

Act of 4 December 1943 respecting labour service (*L.S.* 1943—Chin. 7).

Detailed measures for the enforcement of the Act respecting labour service. Promulgated on 18 April 1944; amended on 26 March 1956.

Penal Code. Promulgated on 1 January 1935; as amended up to 23 October 1954.

Citizens' Labour Conscription Law of 2 July 1937 (*National Government Gazette*, 19 Aug. 1937, No. 2409).

Detailed measures for the enforcement of the Citizens' Labour Conscription Law. Promulgated on 8 June 1938.

National General Mobilisation Act of 29 March 1942 (*L.S.* 1942—Chin. 2).

Detention Act. Promulgated on 19 January 1946; as amended up to 7 January 1957.

Act respecting the serving of prison sentences. Promulgated on 19 January 1946; as amended up to 7 January 1957.

Air Defence Act of 12 May 1948.

Regulations respecting labour services performed by convicts outside prison. Promulgated on 1 November 1947; as amended on 17 August 1955.

Regulations for the disposal of prisoners during the period of suppression of the rebellion. Promulgated on 23 August 1954 (entered into force on 1 September 1954 for Taiwan, Fukien and Chekiang provinces).

Regulations of 30 December 1955 respecting security measures for convicts involved in larceny and related crimes during the period of the suppression of the rebellion.

The Government has, with regard to the provisions of the above-mentioned legislation, supplied information corresponding to that contained in its report for the period ending 31 December 1960.¹

On 11 March 1937 the Legislative Yuan decided that ratification of this Convention should be postponed until a later date. No details about this decision are available because the relevant records were lost during the Second World War. The revision of the existing Act respecting labour service and its enforcement measures is under consideration.

Colombia

CONVENTION NO. 29

Constitution.

Labour Code, Decree No. 2663 of 5 August 1950 (*Diario Oficial (D.O.)*, 9 Sep. 1950, No. 27407, p. 929) (*L.S.* 1950—Col. 3A), as amended by Decree No. 3743 of 20 December 1950 (*D.O.*, 11 Jan. 1951, No. 27504, p. 113) (*L.S.* 1950—Col. 3B).

Penal Code.

Article 22 of the Constitution prohibits slavery. Article 39 of the Constitution and sections 8 and 11 of the Labour Code guarantee freedom to choose a profession or occupation. Section 308 of the Penal Code prescribes that penal sanctions shall be imposed on any person who, in cases not authorised by law, prevents another person from exercising his trade or occupation or forces that person to exercise it.

The armed forces have contributed, by means of military civic action, to the development of the outlying regions of the country, by constructing roads, building schools and health posts, digging wells, and reconstructing villages affected by earthquakes. In developing countries the armed forces must accomplish a social function in addition to undergoing military training. This social function is also discharged by the programmes of the National Apprenticeship Service (SENA) and of the Popular Cultural Action Service and by means of a wide variety of training courses for soldiers in technical schools and different branches of the armed forces. On discharge after 18 months soldiers may have become trained tractor drivers,

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 4.

bulldozer operators, mechanics, etc. The old concept of military service as forced bringing together of the rural classes, as a result of which the farm labourer came afterwards to swell the numbers of the unemployed urban population, has thus been abandoned.

Under Decree No. 1817 of 1964, which regulates the prison system, work is defined as the major means of social and moral rehabilitation of prisoners and detainees, and is consequently obligatory. Private entities may rent workplaces and workshops in the prisons, subject to employing the prisoners in them and paying them a daily wage equal to the wage rates established by law. The prisoners perform their work under the supervision of such prison authorities as workshop instructors, teachers and guards. The work done by prisoners is not considered as part of the penalty, but as therapy and rehabilitation.

There is no need to modify the legislation or practice in order to implement the Convention. It has been submitted to the National Congress with a view to ratification.

Ethiopia

CONVENTION No. 29

Revised Constitution of 1955.

Under the revised Constitution citizens have freedom of choice of employment, movement and association.

The Government is at present studying the legal implications with a view to issuing rules and regulations that will be in conformity with both Conventions Nos. 29 and 105. As soon as the preparatory work on such rules and regulations has been completed the question of ratification of the Conventions will be brought to the attention of the competent authorities.

CONVENTION No. 105

See under Convention No. 29.

France

CONVENTION No. 105

Forced or compulsory labour is not practised in French territory in any of the forms dealt with by the Convention.

In order to demonstrate its support for the International Year for Human Rights the Government decided to set in motion the procedure for ratification of the Convention by Parliament. This procedure has now been instituted.

Guatemala

CONVENTION No. 29

Constitution of 15 September 1965 (*El Guatemalteco* (E.G.), 15 Sep. 1965).

Labour Code, Decree No. 1441 of 5 May 1961 (E.G., 16 June 1961, No. 14, p. 145) (L.S. 1961—Gua. 1).

The legislation in force guarantees freedom of work and of contract. No form of forced labour exists, not even of the kind permitted under the exceptions provided for in the Convention. The legal system prohibits any official from overstepping his powers in this respect.

A system of vocational training has been established in penal establishments for prisoners but in no case may they perform forced labour as defined by Article 2 of the Convention.

In introducing changes in the labour legislation reference is made to the standards contained in international labour Conventions and Recommendations.

The legal system expressly prohibits forced labour instead of regulating it as in the case of Convention No. 29. As Guatemala has ratified Convention No. 105, it is not considered necessary to ratify Convention No. 29.

Hungary

CONVENTION NO. 105

Labour Code, Legislative Decree No. 7 of 1951 (*Magyar Közlöny (M.K.)*, 31 Jan. 1951, Nos. 17-18, p. 55) (*L.S.* 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953 (*M.K.*, 28 Nov. 1953, No. 62, p. 381) (*L.S.* 1953—Hun. 1) and by Legislative Decree No. 29 of 1964 (*M.K.*, 18 Dec. 1964, No. 78, p. 677) (*L.S.* 1964—Hun. 1).

Penal Code, Act No. V of 1961.

Act No. XIX of 1946.

Decree No. 53 of 28 November 1953 to implement the Labour Code, as amended.

Ordinance No. 40 of 11 February 1951 of the Council of Ministers respecting the recruitment of manpower (*M.K.*, 11 Feb. 1951).

Forced or compulsory labour does not exist in any form. Section 1 of Act No. XIX of 1946 repealed certain regulations which permitted restrictions to be imposed on freedom to work, and section 2 of Ordinance No. 40 of 11 February 1951 stipulates that the recruitment of manpower must be voluntary. Under section 14 of the Labour Code and section 18 of the decree issued thereunder a worker may, by giving notice, terminate any employment for an indefinite period. Infringements on freedom to work are punishable under sections 144 and 261 of the Penal Code.

India

CONVENTION NO. 105

Constitution of 26 November 1949 (*The Gazette of India*, Extraordinary, 26 Nov. 1949).

Article 23, paragraph (1), of the Constitution prohibits traffic in human beings, *begar* and similar forms of forced labour. However, paragraph (2) of the same article permits the State to impose compulsory service for public purposes.

Section 374 of the Penal Code prescribes penal sanctions for unlawfully compelling any person to labour.

The main obstacle to ratification of the Convention is the wording of Article 1 (*b*). While forced or compulsory labour is not normally utilised as a method of mobilising and using labour for purposes of economic development, there may be rare occasions when the Government may have to requisition labour compulsorily for such purposes under paragraph (2) of article 23 of the Constitution.

Indonesia

CONVENTION No. 105

As forced labour does not exist the formulation of regulations on this form of labour is considered to be unnecessary.

Italy

CONVENTION No. 105

Act No. 447 of 24 April 1967 (*Gazzetta Ufficiale*, 26 June 1967, No. 158).

Parliament has approved ratification of the Convention by the above-mentioned Act.

Japan

CONVENTION No. 105

Constitution.

Penal Code, Law No. 45 of 1907.

Labor Standard Law, No. 49 of 5 April 1947 (*Official Gazette (O.G.)*, 7 Apr. 1947, No. 303, p. 1) (*L.S.* 1947—Jap. 3).

Mariners' Law, No. 100 of 1 September 1947 (*O.G.*, 1 Sep. 1947, Extra (1), p. 1) (*L.S.* 1947—Jap. 5).

National Public Service Law, No. 120 of 1947.

Mail Law, No. 165 of 1947.

Public Corporation Labor Relations Law, No. 257 of 20 December 1948 (*O.G.*, 20 Dec. 1948, Extra No. 47, p. 17).

Trade Union Law, No. 174 of 1 June 1949 (*O.G.*, 1 June 1949, Extra No. 68, p. 2) (*L.S.* 1949—Jap. 3). Rule 14-7 of the National Personnel Authority (Political Activity) (1949).

Local Public Service Law, No. 261 of 1950.

Local Public Enterprise Labor Relations Law, No. 289 of 1952.

Public Telecommunication Law, No. 97 of 1953.

Article 18 of the Constitution prohibits involuntary servitude, except as a punishment for crime. Fundamental freedoms and rights bearing on the Convention are listed in articles 14, 19 to 21 and 28 of the Constitution, and procedures to secure such freedoms and rights are laid down in articles 31, 32, 34 and 36 of the Constitution.

Sections 193 to 196 of the Penal Code punish violations by a public officer of the freedom or rights of the people in the performance of his duties. Under sections 5 and 117 of the Labor Standard Law employers in private undertakings who force workers to work against their will are liable to penal sanctions. The Mariners' Law applies these provisions to seamen.

There exists no compulsion to labour except in the case of punishment as a consequence of a conviction in a court of law. In this regard the Government refers to the report on this Convention submitted in 1961.¹

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 18.

Japan ratified Convention No. 29 in 1932. The Government considers that the purport of Convention No. 105 is also given effect in Japan, as explained above. However, due to various circumstances, including the fact that the interpretation of the scope of forced labour prohibited by Convention No. 105 is not clear enough, the Government will continue to examine carefully whether or not there exists any discrepancy between the national legislation and the Convention, as well as other problems.

The provisions in the national legislation which might have some relationship to clauses (a) to (e) of Article 1 of the Convention (although, as stated above, the Government is not at present in a position to ascertain definitely the existence of any discrepancy between the national legislation and the Convention) are cited below.

Article 1, clause (a), of the Convention. The Constitution guarantees freedom of thought and conscience, freedom of assembly and association as well as of speech, secrecy of any means of communication, etc., and generally there can be no laws or regulations such as are directly prohibited under this clause. The only exception is the case of the public employees, who are prohibited from engaging in a certain range of political activities in view of their special status as public employees and in order to keep them politically neutral and to secure the confidence of the people in the fairness of the administration. Under section 102 and section 110, paragraph 1 (19), of the National Public Service Law, a national public employee who engages in any political activity as defined by the rules of the National Personnel Authority other than to exercise his right to vote is liable to penal servitude. Under Rule 14-7, paragraph 1, of the National Personnel Authority (Political Activity) these provisions apply to all personnel in regular government service, including persons given temporary or conditional appointments, on leave of absence, in temporary retirement, under suspension from duty, or not on duty temporarily for any cause whatever. However, they do not apply to advisers, consultants, committee members and similar part-time advisory personnel as designated by the National Personnel Authority.

Paragraphs 5 and 6 of the Rule define "political purpose" and "political activity" respectively. The definition of "political activity" covers, *inter alia*, the use of position or title, the power deriving therefrom, or official or non-official influence for any political purpose; soliciting or receiving, or being in any manner concerned in soliciting or receiving, levies, donations, subscriptions, membership fees or money or other things of value for political purposes; planning the formation of a political party or other political organisation, participating in such formation or assisting such activity, or becoming an officer, political adviser or member with a similar role of such an organisation; publishing, editing, or distributing any newspaper or publication which is an organ of a political party or other political organisation or assisting such activity; making such public expressions of opinion as may have a political purpose at an assembly or other place where contact may be had with a large number of people; issuing, circulating, posting, or distributing such literature, drawings, etc., as may have a political purpose.

The list of "political purposes" includes, *inter alia*, supporting or opposing any particular candidate in an election for elective public office as defined in Rule 14-5; supporting or opposing any particular political party or other political organisation; obstructing the administration of policies decided by an agency of the national Government or a public agency (including those embodied in the laws, orders, rules or by-laws of a local public entity).

Clause (c). Forced labour as a means of labour discipline does not generally exist. Certain provisions impose penalties, including penal servitude, on persons engaged in the mail service who wilfully and maliciously fail to handle mail or cause

it to be delayed (section 79, paragraph 1, of the Mail Law); on persons engaged in the public telecommunication business who fail to handle public telecommunications without justifiable reasons or handle them improperly (section 110 of the Public Telecommunication Law); on persons employed in electricity and gas undertakings who without justifiable reasons fail to handle business, in so far as they cause impediments to the supply of electricity or gas. These provisions aim at ensuring the smooth operation of services which are essential to the daily life of people in general. By virtue of section 128 of the Mariner's Law, a mariner is punishable with penal servitude if he leaves his vessel without permission in case of imminent danger, refuses to obey orders or fails to render services when necessary to save human life, the vessel, the aeroplane or the cargo, or deserts his vessel in a foreign country. This provision aims at ensuring the safety of navigation, etc., in view of the special nature of maritime labour.

Clause (d). The Constitution guarantees in article 28 the right of workers to organise and to bargain and act collectively. Trade unions' justifiable acts (including justifiable strikes) are not subject to any penal sanction (section 1, paragraph 2, of the Trade Union Law). This provision also applies to employees of public corporations and national enterprises and to employees of local public enterprises who, in view of the highly public nature of these services, are prohibited by law to go on strike (section 17 of the Public Corporation Labor Relations Law and section 11 of the Local Public Enterprise Labor Relations Law). These employees are not immune from civil liabilities if they go on strike but, when the strike is declared for the purpose of maintaining and improving conditions of work and for raising the economic status of the workers through bargaining with the employer, it is not, as a justifiable act under penal laws, subject to penal sanctions.

Public employees are prohibited to go on strike in view of the special nature of their duties and of other considerations. Those who have engaged in a strike are not subjected to a penalty but those who have conspired, instigated or incited the perpetration of a strike are liable to penal servitude under the National Public Service Law (section 110, paragraph 1, clause 17, read together with section 98, paragraph 2) and under the Local Public Service Law (section 61, clause 4, read together with section 37, paragraph 1).

Clauses (b) and (e). There are no legislative provisions relating to these clauses. Forced labour for the purposes mentioned in them does not exist.

Kuwait

CONVENTION No. 29

Convention No. 29 is still under consideration by the competent authorities. Convention No. 105 has been ratified. There is no special legislation respecting forced labour.

Lesotho

CONVENTION No. 105

Constitution.

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

Employment Act, No. 22 of 1967.

No forced or compulsory labour may be exacted in any of the cases mentioned in the Convention. Fundamental human rights bearing on Article 1 (a) and (e) are

guaranteed in articles 4, 9 and 17 of the Constitution. Section 78 (d) of the Employment Act, 1967, and section 60 of the Trade Unions and Trade Disputes Law are relevant to Article 1 (b) and (d) respectively.

Section 78 (a) to (d) of the Employment Act excludes from the definition of forced labour military service, work performed by convicted persons or in case of a natural disaster, etc., and minor communal services, in conformity with article 9 of the Constitution.

Section 80 of the Employment Act provides for the application of penal sanctions where a chief or public officer puts any constraint upon persons in his charge to work for any private individual, company or association.

The current legislation was enacted with a view to giving effect to the Convention. No difficulties prevent its ratification.

Malawi

CONVENTION No. 105

Penal Code.

Taxation Act, No. 9 of 1966.

Convicted Persons (Employment on Public Works) Ordinance.

Preservation of Public Security Ordinance.

Employment Ordinance, No. 14 of 1964 (*Nyasaland Gazette*, 20 Mar. 1964, Supplement 15 C) (*L.S.* 1964—Ny. 1).

There is no legislative provision for the imposition of forced or compulsory labour for the purposes mentioned in Article 1 (b), (c), (d) or (e) of the Convention.

On account of the political situation regulations have been issued pursuant to the Preservation of Public Security Ordinance which permit detention. Detainees may be required to work. Such work is executed under the supervision and control of public officers.

Under section 3 (1) of the Convicted Persons (Employment on Public Works) Ordinance a court, instead of imposing a sentence of imprisonment, may order the person convicted of the offence to perform public work for a period not exceeding six months.

Under section 15 of the Taxation Act, 1966, district commissioners may order tax defaulters who are unable to pay their taxes to perform public work for a period not exceeding four weeks. Aggrieved tax payers may appeal to a court of law.

The measures provided for under the Preservation of Public Security Ordinance and the Taxation Act, which are deemed necessary to preserve public security and relieve the burden on the courts, preclude acceptance of the Convention.

Mauritania

CONVENTION No. 105

Labour Code, Act No. 63-023 of 23 January 1963 (*Journal officiel (J.O.)*, 20 Feb. 1963, No. 106, p. 53; errata: *J.O.*, 15 May 1963, No. 112, p. 143) (*L.S.* 1963—Mau. 1).

Act No. 63-134 of 17 July 1963 to provide for the opening of worksites for purposes of economic and social development (*J.O.*, 7 Aug. 1963, No. 117, p. 254) (*L.S.* 1963—Mau. 2).

Section 3 of the Labour Code, which forbids forced or compulsory labour, prohibits any form of coercion for whatever reason.

Act No. 63-134 of 17 July 1963, providing for development worksites, states in section 2 that work under these schemes must be voluntary and that any person taking part may withdraw at any time and without any restriction.

Forced or compulsory labour is not permitted in the cases listed in Article 1 of the Convention.

Infringements of the prohibition on forced labour are punishable by the penalties laid down in section 56, book V, of the Labour Code. These penalties are imposed irrespective of whether the offender is public or private in character.

National legislation is in accordance with the Convention and there is no inherent difficulty in applying the instrument.

Nepal

CONVENTION No. 29

Factories and Factory Workers Act, 1959.

Factories and Factory Workers Rules, 1963.

No forced labour and no system of slavery exists. Labour legislation safeguards the basic interests of workers and is properly implemented.

CONVENTION No. 105

See under Convention No. 29.

New Zealand

CONVENTION No. 105

Police Offences Act, 1927.

Public Safety Conservation Act of 20 April 1932 (22 Geo. V, No. 3) (L.S. 1932—N.Z. 4).

Penal Institutions Act, 1954.

Industrial Conciliation and Arbitration Act of 1 October 1954.

Crimes Act, 1961.

Since forced or compulsory labour as defined in the Convention has always been foreign to the national way of life, there has been no occasion to provide in legislation for either its use or its prohibition.

Article 1, clause (a), of the Convention. Section 20 of the Penal Institutions Act provides that every inmate not awaiting trial or on remand shall be employed in such work as is directed by the superintendent of the institution. Such work is regarded as contributing to the social re-education of the inmates. There is nothing in the legislation or practice making anyone liable to imprisonment (with the consequent obligation to perform labour) as a punishment merely for the purposes mentioned in this clause of the Convention. Sections 81 to 83 of the Crimes Act, concerning sedition, are not intended to punish opposition to the established order by means of

forced labour, as was recognised by the Committee of Experts on the Application of Conventions and Recommendations in its 1962 report.¹

Clause (b). The use of forced or compulsory labour by the State as a method of mobilising labour for purposes of economic development is not practised. Any attempt to do this would infringe the basic rights of the individual under the common law, which provides him with means of redress. The Government (the largest employer of labour), when seeking labour, offers wages and conditions of work in general alignment and comparing favourably with those available for similar work elsewhere. The worker has an inherent right to accept or reject any offer of employment, and to terminate employment at will, subject to such notice as is recognised as usual and reasonable in the particular circumstances. The power to declare a state of emergency under the Public Safety Conservation Act is strictly limited to threats to life, public safety and public order, and cannot be used for purposes of economic development.

Clause (c). No forced or compulsory labour may be imposed as a means of labour discipline. The most serious disciplinary action that may be taken by the State or any other employer against a worker is dismissal. In such event the worker has the unimpeded right to seek other employment.

Clause (d). Under section 192(1) of the Industrial Conciliation and Arbitration Act a person who is bound by any award or industrial agreement, and who takes part in a strike in the industry covered by that award or agreement, is liable to a monetary penalty only, and is not subject to forced labour. Labour unions are not obliged to register under this Act, and a registered union may cancel its registration. The Police Offences Act, 1927, provides that persons may not combine to leave their employment in the gas, electric light, and water supply industries, which are regarded as essential in the national interest, without due notice (a minimum of fourteen days), subject to a penalty of fine or imprisonment. These provisions comply with the Committee of Experts' stipulation that "essential services", if not defined in too extensive terms, constitute one of the circumstances in which it was agreed that the Convention does not prohibit the imposition of penalties involving prison labour for having taken part in an illegal strike.

Regulations for conservation of public safety and order and for securing the essentials of life to the community may be made under the Public Safety Conservation Act, and may provide for imprisonment for offences against the regulations. No regulations have been made under these provisions. It is considered that any regulations that might be found necessary in the future would come within the "circumstances" in which it is accepted that the penalty may involve normal prison labour.

Clause (e). There is no possibility of forced labour as defined in this provision.

There would appear to be no obstacle to ratification of the Convention.

Tokelau Islands

CONVENTION NO. 105

Under the traditional communal organisation of the village the people always provided free labour for community projects. There is only one community on each of the three small atolls, so that the works undertaken constituted minor communal services for the direct and specific benefit of the community concerned. Since 1 April

¹ See I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19, 22 and 35 of the Constitution)*, Report III (Part IV), International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 237.

1967, by decision of the Administration, such operations have been on a wage-payment basis, in order to provide an incentive to the islanders and a stimulus to the economy.

Nicaragua

CONVENTION No. 105

Constitution of 1 November 1950 (*La Gaceta*, 6 Nov. 1950, No. 235, p. 2209).

Penal Code.

No forced or compulsory labour exists or is used for any of the purposes mentioned in Article 1 of the Convention.

Illegal exaction of forced or compulsory labour is punishable under section 272 of the Penal Code.

Neither legislation nor practice presents any obstacles to ratification of the Convention, which will shortly be submitted to the National Congress for consideration.

Philippines

CONVENTION No. 29

Constitution.

Civil Code, Republic Act No. 386.

Penal Code, as revised by Act No. 3815.

Act No. 2071 to prohibit slavery.

Forced labour is prohibited by article III, section 1 (13), of the Constitution. It is punishable under sections 272 and 286 of the revised Penal Code, under sections 1 and 2 of Act No. 2071 and under section 32 (14) of Republic Act No. 386.

The imposition of forced labour is, however, permitted as punishment for a crime (under article III, section 1 (13), of the Constitution); in the case of military or naval service; and in the interests of the general welfare; thus an ordinance requiring able-bodied male residents of the different municipalities to assist in apprehending robbers and other law breakers and to act as patrols for the protection of the municipality was held not to be a violation of the involuntary service clause of the Constitution.

The term "forced labour" as used in the Convention does not include any of the above-mentioned cases.

Rumania

CONVENTION No. 105

Constitution of 21 August 1965 (*Buletinul oficial (B.O.)*, 21 Aug. 1965, No. 1, p. 1).

Labour Code, Act of 30 May 1950 (*Scântea*, 31 May 1950), as amended by Decree No. 369 of 13 July 1956 (*B.O.*, 24 July 1956, No. 20, p. 137) (*L.S.* 1956—Rum. 1), Decree No. 90 of 18 February 1958 (*B.O.*, 22 Feb. 1958, No. 9, p. 85) (*L.S.* 1958—Rum. 1) and by Decree No. 266 of 19 July 1960 (*B.O.*, 21 July 1960, No. 12, p. 90) (*L.S.* 1960—Rum. 1).

Decree No. 31 of 1954 respecting the rights of natural persons and bodies corporate.

Article 18 of the Constitution guarantees the right to work. The State ensures that this right is freely exercised in accordance with the qualifications of each citizen.

Article 17 of the Constitution makes any attempt to impose restrictions on the exercise of this right punishable by law. In other words, citizens possess equal rights in all fields.

Since neither the former Constitution nor any other statutory measures in force at the time when the Convention was adopted permitted the employment of forced labour, it has not been necessary to amend the national legislation.

Spain

CONVENTION No. 105

Penal Code of 23 December 1944.

Basic Act of 17 May 1958 to promulgate the principles governing the National Movement (*Boletín Oficial del Estado (B.O.E.)*, 19 May 1958).

Basic Act of 10 January 1967.

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (*B.O.E.*, Year IX, 24 Feb. 1944, No. 55, pp. 1627-1634) (*L.S.* 1944—Sp. 1 A).

Order of 24 May 1962 to approve Regulations governing contracts of employment in the Equatorial Region (*B.O.E.*, 5 June 1962).

Decree No. 1885 of 3 July 1964 to promulgate the Act respecting autonomous rule for Equatorial Guinea.

Instruction of 15 April 1967 (*Boletín Oficial de la Provincia del Sáhara*, 30 Apr. 1967, No. 132).

Ordinance No. 227 of 17 April 1967 (*Boletín Oficial de la Provincia de Ifni*, 30 April 1967, No. 157).

The national legislation does not permit any form of forced or compulsory labour for any of the purposes mentioned in Article 1 of the Convention. For this reason there was no need to adopt any measures to abolish such labour in order to give effect to the Convention.

The illegal exaction of forced labour is not defined as a specific offence under the law. Title XII of the Penal Code, which punishes offences against freedom and security, would be applicable in such a case.

The Convention was ratified in 1967.

Sudan

CONVENTION No. 105

Transitional Constitution.

Penal Code.

Trade Disputes Act, 1966.

Local Government Ordinance.

Locusts Destruction Ordinance.

Trade Unions Ordinance, 1966.

Section 311 of the Penal Code prohibits the exaction of forced labour and provides for a penalty of imprisonment or fine or both in case of violation of this provision.

Article 1, clauses (a), (c) and (d), of the Convention. Forced labour is not exacted in any of these cases. Under the Transitional Constitution citizens are equal regardless of their race, colour, social origin, religion, or beliefs, and enjoy the right of free association, expression and combination, subject to the law. The Trade Unions

Ordinance and the Trade Disputes Act regulate the right of free organisation and collective bargaining.

Clause (b). The Model Local Order, issued under section 15A of the first schedule to the Local Government Ordinance, as amended in 1959, authorises the local councils to require obligatory work in case of emergency (flood, fire, epidemic, earthquakes and other local calamities) and for essential work necessary for the preservation of the community, including the maintenance of communications, under the following conditions: (a) the place of work must be as near as practicable to the place of residence; (b) the period of work may not exceed 30 days in any one period of 12 consecutive months; and (c) persons must not be paid at a rate less than the current rate of pay for similar work in the area.

This order was issued before independence in a period of labour shortage especially on the frontiers, and is not used under present conditions. The local councils are responsible for providing such services. The Community Development Division, a new division within the local government framework, aims at the mutual participation in community development of the citizens through voluntary work and of the Government through financial and technical help.

As locusts constitute a menace to crops, one of the major national income resources upon which the population depends, the Locusts Destruction Ordinance requires the assistance of able persons in the destruction of locusts and their eggs.

There is no difficulty delaying ratification of the Convention. A memorandum is intended to be submitted to the Council of Ministers with a view to ratification.

Thailand

CONVENTION No. 29

There are no laws or regulations dealing directly with forced or compulsory labour as defined in the Convention.

All work or service exacted in virtue of the Conscription for Military Service Act, B.E. 2464 (1921), and the rules and regulations issued thereunder is of a purely military character. Prison labour can be exacted only as by a consequence of a conviction in a court of law and must be carried out under the supervision and control of the prison officers in compliance with the rules and regulations established by the Department of Corrections in the Ministry of Interior and the Penitentiary Act, B.E. 2479 (1936). Work or service may be exacted in cases of emergency through proclamation of martial law by Royal Decree. Minor communal services may be exacted in accordance with the provisions of the Local Government Act, B.E. 2457 (1914), as amended.

No other form of labour may be exacted.

The illegal exaction of forced labour either by public officials or bodies, or by private individuals or associations, would be punishable under sections 309 to 321 of the Criminal Code, B.E. 2499 (1956).

With the existing legal framework and practice, no difficulty is envisaged as regards the ratification of the Convention in the near future.

CONVENTION No. 105

No forced or compulsory labour may be exacted in any of the cases mentioned in Article 1 of the Convention.

With the existing legal framework and practice, no difficulty is envisaged as regards the ratification of the Convention in the near future.

See also under Convention No. 29.

Turkey

CONVENTION No. 29

Detailed information on the measures giving effect to the Convention was supplied in the Government's previous report.¹ No change has since occurred in the relevant legislation.

Ukraine

CONVENTION No. 105

Labour Code of the Ukrainian S.S.R.

Penal Code of the Ukrainian S.S.R.

There is no forced labour. Section 5 of the Labour Code states that undertakings, etc., in the socialised sector shall engage for employment only persons freely consenting to be so employed. Under section 46 of the Labour Code, all wage earners and salaried employees may terminate their employment contract and leave their employment at their own desire, subject to two weeks' notice.

Although section 11 of the Labour Code provides that "in exceptional circumstances" (e.g. in the case of natural disasters or of shortage of manpower for the performance of tasks of national importance) all citizens of the Ukrainian S.S.R. other than those mentioned in sections 12 to 14 are liable to labour conscription . . .", this section has not been applied in practice for several decades.

The Penal Code of the Ukrainian S.S.R. does not refer specifically to the offence of imposing forced or compulsory labour, but persons in a position of authority who violate the labour legislation (for example by refusing to release a worker against his will) would be liable to punishment under section 133 of the Penal Code and may be dismissed at the demand of the trade union in accordance with section 49 of the Labour Code.

U.S.S.R.

CONVENTION No. 105

Constitution of the U.S.S.R. and Constitutions of the federated republics and autonomous republics. Labour Code of 1 May 1936 of the R.S.F.S.R. (Unified State Publishing House, Moscow, 1936) (*L.S.* 1936—Russ. 1), as amended by the Ukase of 31 January 1958 of the Presidium of the Supreme Soviet of the R.S.F.S.R. (*Vedomosti Verkhovogo Soveta R.S.F.S.R.*, 28 Feb. 1958, No. 2, Text 79) (*L.S.* 1958—U.S.S.R. 1), and Labour Codes of the other federated republics. Penal Code of the R.S.F.S.R. and Penal Codes of the other federated republics.

The very nature of the socialist system is such that forced labour cannot exist. Article 118 of the Constitution states that all citizens possess the right to work. This is bound up with their duty to work, which is laid down as a legal obligation in article 12 of the Constitution of the U.S.S.R. This obligation is not at variance with the principle of freedom of work, since citizens freely choose their own employment. This

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 9.

free choice of skill and occupation is ensured by the organisational and financial structure of the education and vocational training system.

Workers' contracts of employment are freely concluded. The national legislation entitles workers to choose their type and place of work unhindered and solely in accordance with their personal preferences.

The law makes no provision for forced or compulsory labour, which does not exist in practice in any of the forms listed in Article 1 of the Convention. Under article 125 of the Constitution of the U.S.S.R. citizens are entitled to possess and express their opinions in any manner they choose, although the expression of opinions may not involve commission of a criminal act. Article 3 of the Fundamental Principles of Criminal Legislation in the Soviet Union and its Federated Republics states: "A person shall be guilty and liable to criminal penalties only if he knowingly commits an offence, i.e. if he either deliberately or through negligence commits an act designated as socially dangerous by law." In short, Soviet criminal legislation punishes only socially dangerous acts and not opinions.

Nor is it possible to make use of forced or compulsory labour as a method of mobilising and using labour for purposes of economic development. Recruitment of workers for employment in distant regions, or in occupations or plants where working conditions are arduous or harmful, is carried out in complete freedom with reliance on both moral encouragement and material incentives.

As stated in previous reports on Convention No. 29, work is only exacted in exceptional circumstances in order to deal with emergencies and solely in accordance with the special regulations on the subject.

Forced or compulsory labour is not used as a means of labour discipline. The penalties that can be imposed on any worker who does not do his job properly are listed in paragraph 22 of the Model Code of Conduct for wage earners and salaried employees in state undertakings and institutions, and co-operative or public undertakings and institutions. This Model Code was approved by an order of 12 January 1957 issued by the State Labour and Wages Committee of the Council of Ministers of the U.S.S.R. with the agreement of the Central Council of Trade Unions of the U.S.S.R. The penalties range from warning to dismissal. A worker who has been punished in this way does not forfeit his right to terminate his contract of employment himself, provided that he gives the management the two weeks' statutory notice.

The national legislation contains no provision imposing penalties for having participated in strikes. In practice there are no strikes because the political and economic conditions giving rise to them do not exist.

It is forbidden to use forced or compulsory labour as a means of racial, social, national or religious discrimination. Equality of citizens before the law and freedom of conscience are guaranteed by articles 123 and 124 of the Constitution of the U.S.S.R.

Any infringement of the citizens' right freely to choose their employment would be punishable under section 138 of the Penal Code of the R.S.F.S.R. and the corresponding sections of the Penal Codes of the other federated republics, which impose penalties for serious and deliberate breaches of labour legislation by officials of the State or of public undertakings and institutions.

United States

CONVENTION No. 29

State Legislation.

Alabama.

Code (1960), Constitution, article 1, section 32.

Alaska.

United States Code, Title 48, Ch. II.

Arizona.

Revised Statutes Annotated (1956), article 2, sections 1, 18.

Arkansas.

Statutes Annotated (1947), Constitution, article 2, section 27.

California.

Constitution Annotated (West) (1954), article 1, sections 3, 15, 18.

Colorado.

Statutes Annotated (1963), 77-9-1; Constitution, article 2, sections 12, 26.

Florida.

Statutes Annotated (1944), Title 25, Constitution, Declaration of Rights, sections 16, 19.

Georgia.

Code (1933), Constitution, sections 2-117, 2-121.

Hawaii.

United States Code, Title 48, Ch. III.

Idaho.

Code (1949), Constitution, article 1, section 15.

Illinois.

Smith Hurd Annotated Statutes (1964), Constitution, article II, section 12.

Indiana.

Statutes (Burns) (1955), Constitution, article 1, sections 22, 37.

Iowa.

Code Annotated (1949), Constitution, article 1, sections 19, 23.

Kansas.

General Statutes of Kansas Annotated (1964), Constitution, Bill of Rights, article 6.

Kentucky.

Revised Statutes (1963), Constitution, Bill of Rights, sections 18, 25.

Maryland.

Annotated Code (Flack) (1957), Constitution, Declaration of Rights, article 24.

Michigan.

Compiled Laws (1967), Constitution, article 1, sections 9, 21.

Minnesota.

Statutes Annotated (1946), Constitution, article 1, section 12.

Mississippi.

Code Annotated (1942), Constitution, article 3, sections 15, 30.

Missouri.

Vernon's Annotated Statutes (1957), Constitution, article 2, sections 16, 31.

Montana.

Revised Code (1947), Constitution, article 3, sections 12, 28.

Nebraska.

Revised Statutes (1943), Constitution, article 1, sections 2, 20.

Nevada.

Revised Laws (1963), Constitution, article 1, section 14.

New Jersey.

Statutes Annotated, Constitution (1954), article 1, section 13.

New Mexico.

Statutes Annotated (1953), Constitution, article II, section 21.

North Carolina.

General Statutes (1955), Constitution, article 1, sections 16, 33.

North Dakota.

Century Code Annotated (1960), Constitution, article 1, sections 15, 17.

Ohio.

Page's Revised Code Annotated (1953), Constitution, article 1, sections 6, 15.

Oklahoma.

Statutes Annotated, Constitution (1952), article 2, section 13.

Oregon.

Revised Statutes, Constitution, article 1, sections 19, 34.

Pennsylvania.

Statutes Annotated, Constitution (1961), article 1, section 16.

Rhode Island.

General Laws (1956), Constitution, article 1, section 4.

South Carolina.

Code (1962), Constitution, article 1, section 24.

South Dakota.

Code (1939), Constitution, article VI, section 15.

Tennessee.

Code Annotated (1956), Constitution, article 1, sections 18, 21, 33.

Texas.

Vernon's Texas Constitution Annotated (1955), article 1, section 18.

Utah.

Code Annotated (1953), Constitution, article 1, sections 16, 21.

Vermont.

Statutes Annotated (1958), Constitution, Chapter 1, article 1.

Washington.

Revised Code (1966), Constitution, article 1, section 17.

Wisconsin.

Statutes (1957), Constitution, article 1, sections 2, 16.

Wyoming.

Statutes (1957), Constitution, article 1, section 6.

*Territorial Legislation.**American Samoa.*

Constitution, article I, section 10.

Canal Zone.

Code, Title I, section 31.

Guam.

United States Code, Title 48, section 1421b (i).

Puerto Rico.

Laws Annotated (1965), Constitution, article II, section 12.

Trust Territory of the Pacific Islands.

Code, section 2.

Virgin Islands.

United States Code, Title 48, section 1406g.

The Government refers to its report under article 19 of the Constitution for the period ending 31 December 1960.¹

CONVENTION No. 105

State and Territorial Legislation.

See under Convention No. 29.

The Government considers that the subject matter of this Convention is wholly within the federal competence.

The Government refers to the report which it submitted under article 19 of the I.L.O. Constitution for the period ending 31 December 1960.² There has been no change in the law.

In a 1966 decision the Supreme Court held that there must be a "specific intent" to further the illegal aims of the Organisation in order for laws dealing with the Communist Party to apply; otherwise there was "guilt by association", which is unconstitutional. It therefore held a state loyalty oath invalid. A state statute punishing with fine or imprisonment violations of a requirement that motor carriers segregate white and coloured passengers was held invalid in a 1962 decision on the grounds that it violated the equal protection clause of the United States Constitution and was an undue burden on interstate commerce. In a 1967 decision the Supreme Court held that a state statute which made miscegenation a felony was unconstitutional as a violation of the equal protection and due process clauses of the Constitution.

Upper Volta

CONVENTION No. 105

Labour Code, Act No. 26 of 7 July 1962 (*Journal officiel*, 18 Aug. 1962, Extraordinary).

Act No. 25 of 3 February 1960 to establish a citizen's card and organise tax collection and civil registration, as amended by Presidential Ordinance No. 43 of 3 October 1966.

Act No. 49 of 21 December 1962 respecting recruitment in the army, as amended by Presidential Ordinance No. 44 of 3 October 1966.

Act No. 6 of 29 January 1963 respecting the utilisation of persons with a view to ensuring the economic and social development of the nation, as amended by Presidential Ordinance No. 45 of 3 October 1966.

Order of 4 December 1950 respecting the utilisation of prisoners.

Forced or compulsory labour considered as a form of exploitation of one category of citizens by another is prohibited. It is considered, however, that the mobilisation of labour for economic development is not assimilable to forced labour when it affects all citizens without distinction and particularly when such mobilisation corresponds to the general will. For this reason ratification of the Convention is not contemplated.

Penalties for violation of the prohibition of forced labour laid down in section 2 of the Labour Code are specified in section 234 of the Code.

¹ See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), International Labour Conference, 46th Session, Geneva, 1962 (Geneva, 1962), p. 10.

² *Ibid.*, p. 27.

Presidential Ordinances Nos. 43, 44 and 45 of 1966 amended legislation in order to bring it into conformity with the Convention.

Uruguay

CONVENTION No. 29

Constitution of 27 November 1966.

Penal Code, Act No. 9155 of 1934.

Act No. 9943 of 20 July 1940.

Given the constitutional provisions, which are strictly observed, no form of forced or compulsory labour, as defined in the Convention, exists.

The obligations resulting from Act No. 9943 are extremely limited and of a purely military character. Article 35 of the Constitution provides that no one shall be obliged to render aid of any kind to the army.

Prison labour is provided for in sections 70, 72 and 73 of the Penal Code. Article 12 of the Constitution provides that no one may be punished or imprisoned without due process of law and legal sentence. Chapter III of Title V of the Penal Code implements the principles *nulla poena sine lege* and *nulla poena sine iudicio*.

No national provision deals with the case of *force majeure*. The duty of citizens to apply their intellectual or physical powers in a manner which will redound to the benefit of the community is subject to an express reservation with regard to freedom (articles 36 and 53 of the Constitution); it is a moral obligation, without sanction. The constitutional guarantees may be suspended only in the exceptional circumstances provided for in article 31 of the Constitution, or in order to take prompt measures of security within the meaning of article 168 (17). In the rare cases in which such measures of security have been adopted, because of national disasters (for example the floods of 1959), no compulsory labour was imposed (decrees of 15, 18 and 21 April 1959).

No provision allows for the exaction of minor communal services as defined in Article 2, paragraph 2 (e), of the Convention.

It has not been necessary to modify the national legislation or practice. Slavery in all its forms was abolished in 1842, and all forms of compulsory labour may be considered to have been suppressed about a century ago.

Nothing in the legislation or practice prevents ratification of the Convention. It has not been ratified because, in the light of the clear constitutional standards and national practice, it has not been considered necessary to adopt further measures.

The Building Society of Uruguay, in comments on the Government's report, has suggested that this Convention should be ratified.

CONVENTION No. 105

Constitution of 27 November 1966.

The basic rights and freedoms guaranteed by the Constitution include freedom of expression (article 28), freedom of work (article 36), freedom to hold meetings (article 38), the right of association (article 39) and the right to organise in trade unions and to strike (article 57). Under article 332 the provisions of the Constitution which recognise individual rights, or which confer powers and impose duties on

public authorities, shall not be without effect by reason of the lack of specific legislation, reference being made in such cases to analogous laws, general principles of law and generally accepted theory.

Forced or compulsory labour may not be imposed for any of the purposes mentioned in Article 1 of the Convention.

Illegal exaction of forced labour is punishable under sections 280 and 282 of the Penal Code. In practice, such offences do not occur.

The Building Society of Uruguay, in comments on the Government's report, has suggested that the Convention should be ratified.

Viet-Nam

CONVENTION No. 105

Labour Code.

Forced or compulsory labour is absolutely prohibited. The exceptions allowed by section 8 of the Labour Code are almost identical with those permitted by Article 2 of Convention No. 29.

Any breach of section 8 of the Labour Code is punishable under section 352 of the Code.

Active consultations about a proposed amendment to exclude the "labour exacted by virtue of tax obligations" from the list of exceptions permitted by section 8 of the Labour Code are being held with the bodies concerned.

Yugoslavia

CONVENTION No. 105

Constitution of 7 April 1963 (*Službeni List (S.L.)*, 10 Apr. 1963, No. 14, Text 209).

Penal Code of 30 June 1959 (*S.L.*, 1959, No. 30), as amended in 1962 (*S.L.*, 1962, No. 31) and in 1965 (*S.L.*, 1965, No. 15).

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

Act of 31 October 1960 respecting the press and other information media (*S.L.*, 1960, No. 40), as amended in 1965 (*S.L.*, 1965, No. 15).

Enforcement of Penalties Act of 15 February 1964 (*S.L.*, 1964, No. 9).

Act of 4 April 1965 respecting the associations formed by citizens (*S.L.*, 4 Apr. 1965, No. 16, Text 327).

Act of 4 April 1965 respecting public meetings (*S.L.*, 4 Apr. 1965, No. 16, Text 328).

Forced or compulsory labour as such does not exist as it is incompatible with the country's democratic social and political system. The Constitution guarantees the right to work and freedom to work.

Article 1, clause (a), of the Convention. The Constitution guarantees freedom of thought and choice, freedom of the press and other information media, freedom of association, freedom of speech and public expression and freedom to hold meetings and other public gatherings (articles 39 and 40). Private individuals have the right to express and publish their opinions through the information media, to obtain information through these media, to publish newspapers and issue other publications and to disseminate information through other media (article 40(2)).

Citizens have an inalienable right to social self-management. The Constitution gives them the right to take decisions on social questions at meetings and to take part in other forms of direct decision and in elections. In addition, under the Constitution citizens are entitled to convene meetings, to call for a referendum, to initiate acts of social supervision and to be informed about the work of the representative bodies and their organs, the organs of social self-government and other organisations, and to examine their activities and express opinions on their work (article 34).

The Constitution also stipulates that no one may take advantage of this freedom or these rights to undermine the bases of the democratic socialist system set up under the Constitution; or to endanger peace, international co-operation on terms of equality or the independence of the country; or to kindle hatred or national, racial, or religious intolerance; or to incite others to crime; or in any way to undermine public morality (article 40).

In accordance with these constitutional principles the basic Act respecting the associations formed by citizens guarantees the freedom of such associations and their autonomy in setting up their programmes and defining their objectives and tasks. The work of these associations is public. They, in turn, enjoy freedom of association and in accordance with their own regulations are entitled to affiliate with international organisations of a similar nature. Likewise, Yugoslav citizens are entitled to join international organisations.

The basic Act respecting public gatherings guarantees freedom of public assembly (sections 1 and 2). The Act respecting the press and other information media guarantees the freedom of the press and other information media in the exercise of citizens' democratic rights, in strengthening the role of public opinion in social matters and in improving public information on both national and international events (section 1). Furthermore, under this Act the publication of information does not require previous notification or approval; censorship of the press or other information media does not exist except in time of war or when a competent body rules that there is imminent danger of war (section 3).

Consequently, the expression of certain political opinions or ideological opposition of the type covered by Article 1(a) of the Convention cannot entail coercion, political education or punishment.

Recourse is had to compulsory labour only when the expression of a political opinion or ideological opposition involves a criminal element within the meaning of section 118 of the Penal Code, i.e. if this expression constitutes subversion of the existing social and economic order and primarily takes the form of acts of violence aimed at overthrowing the system; such acts are punishable, by virtue of a final court decision, in accordance with section 54 of the Penal Code, by penalties of rigorous imprisonment entailing compulsory labour. This labour is not imposed as a means of political education but as a general measure of corrective policy designed to promote the convicted person's social education, so that once his sentence has been served he can become a useful member of society and take part in its normal life. The conditions under which this labour is performed are prescribed by section 16 of the Enforcement of Penalties Act.

Clause (b). Forced labour may not be used as a method of mobilising labour for purposes of economic development, since this would be incompatible with the social system and the Constitution. The basic Act respecting employment relationships stipulates that workers have the right to enter employment in an organisation of their own free will (section 2).

Clause (c). Forced labour may in no circumstances be used as a means of labour discipline. This would be contrary to the law and to the principle of self-management of labour relations. The basic Act respecting employment relationships lists the penalties which may be imposed by a community of workers on one of their members for

a breach of his duties; these penalties range from warning to expulsion from the community of workers (section 90).

Clause (d). In accordance with these principles forced labour cannot be imposed as a punishment for participation in strikes. Although the law does not forbid strikes, the working class has no need to strike and has no one to strike against in order to secure settlement of its political and economic claims. The economic and political system gives the guiding role in social life to the working class, while workers' management of work organisations ensures that they themselves settle their mutual relationships and take decisions on all matters concerning the operation of their undertakings. Any occasional work stoppages are not in support of workers' claims but are merely one aspect of their protests against the inefficiency and incompetence of elected management bodies or management staff and lead to speedier and more direct improvement in the work or to the dismissal or replacement of certain holders of managerial posts.

Clause (e). Yugoslavia is a community of peoples enjoying equal rights. All citizens possess the same civic freedoms and rights irrespective of nationality, race, creed, sex, language, education or social status. Every job and function in society is accessible to every citizen in identical conditions, as is also the right to education (articles 33, 34 and 35 of the Constitution). The Constitution guarantees special protection to national minorities, ensuring their free economic development.

The freedoms and rights guaranteed by the Constitution may not be either taken away or curtailed. Any arbitrary act which impairs or curtails the rights of man is unconstitutional and punishable by law (articles 66 and 70 of the Constitution).

It is clear from the foregoing that there are no exceptions to the principles of the Convention. However, as regards acceptance of the obligations implied in the Convention, the Government cannot commit itself before knowing precisely the meaning of Article 1, clause (a), of the Convention. The national penal legislation seeks to protect the individual against acts of violence, arbitrary action and exploitation, and to safeguard the security and independence of the socialist community and the rule of law within this society. In imposing penalties on activities which are dangerous to society, it is protecting socialist relationships in all fields of social life. This is why no distinction is made between political and non-political offences. The extent to which a particular offence is dangerous determines the degree of the penalty provided for by law and also the carrying out of the measures prescribed by the Penal Code. Under section 118 of this Code a political opinion as such is not punishable if it is merely expressed without in any way involving a criminal act. This is why the Government cannot accept the criminal concept imposed in Article 1 (a) of the Convention, which makes it necessary to distinguish between so called political offences and non-political offences.

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: *Cameroon, Canada, Colombia, Ethiopia, France, Guatemala, India, Italy, Japan, Kuwait, Lesotho, Malawi, Mauritania, New Zealand, Nicaragua, Philippines, Sudan, Thailand, Turkey, United States, Upper Volta, Uruguay, Viet-Nam.*

The Governments of *Bulgaria* 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 *Hungary* has stated that copies of its reports have been communicated to the National Council of Trade Unions.

The Governments of *Indonesia* and *Nepal* have indicated that copies of their reports have been sent to the representative employers' and workers' organisations.

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.

International Labour Conference

FIFTY-SECOND SESSION

GENEVA, 1968

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
1968**

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

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the International Labour Conference before the competent authorities within a specified period. Under the same provisions the governments of member States shall inform the Director-General of the International Labour Office of the measures taken to submit the Conventions and Recommendations to the competent authorities, and also communicate particulars of the authority or authorities regarded as competent, and of the action taken by them.

In accordance with article 23 of the Constitution a summary of the information communicated in pursuance of article 19 is submitted to the Conference. The present summary contains information relating to the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference at its 50th Session, held in Geneva from 1 to 22 June 1966.

The period of one year provided for the submission to the competent authorities of these instruments expired on 22 June 1967, and the period of 18 months on 22 December 1967.

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 49th Sessions (1948 to 1965). 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 51st 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 18 to 29 March 1968, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 50th Sessions

31st Session (1948).

Freedom of Association and Protection of the Right to Organise Convention (No. 87).

Employment Service Convention (No. 88).

Night Work (Women) Convention (Revised) (No. 89).

Night Work of Young Persons (Industry) Convention (Revised) (No. 90).

Employment Service Recommendation (No. 83).

32nd Session (1949).

Paid Vacations (Seafarers) Convention (Revised) (No. 91).
Accommodation of Crews Convention (Revised) (No. 92).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
Labour Clauses (Public Contracts) Convention (No. 94).
Protection of Wages Convention (No. 95).
Fee-Charging Employment Agencies Convention (Revised) (No. 96).
Migration for Employment Convention (Revised) (No. 97).
Right to Organise and Collective Bargaining Convention (No. 98).
Labour Clauses (Public Contracts) Recommendation (No. 84).
Protection of Wages Recommendation (No. 85).
Migration for Employment Recommendation (Revised) (No. 86).
Vocational Guidance Recommendation (No. 87).

33rd Session (1950).

Vocational Training (Adults) Recommendation (No. 88).

34th Session (1951).

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).
Equal Remuneration Convention (No. 100).
Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).
Equal Remuneration Recommendation (No. 90).
Collective Agreements Recommendation (No. 91).
Voluntary Conciliation and Arbitration Recommendation (No. 92).

35th Session (1952).

Holidays with Pay (Agriculture) Convention (No. 101).
Social Security (Minimum Standards) Convention (No. 102).
Maternity Protection Convention (Revised) (No. 103).
Holidays with Pay (Agriculture) Recommendation (No. 93).
Co-operation at the Level of the Undertaking Recommendation (No. 94).
Maternity Protection Recommendation (No. 95).

36th Session (1953).

Minimum Age (Coal Mines) Recommendation (No. 96).
Protection of Workers' Health Recommendation (No. 97).

37th Session (1954).

Holidays with Pay Recommendation (No. 98).

38th Session (1955).

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).
Vocational Rehabilitation (Disabled) Recommendation (No. 99).

Protection of Migrant Workers (Underdeveloped Countries) Recommendation
(No. 100).

39th Session (1956).

Vocational Training (Agriculture) Recommendation (No. 101).
Welfare Facilities Recommendation (No. 102).

40th Session (1957).

Abolition of Forced Labour Convention (No. 105).
Weekly Rest (Commerce and Offices) Convention (No. 106).
Indigenous and Tribal Populations Convention (No. 107).
Weekly Rest (Commerce and Offices) Recommendation (No. 103).
Indigenous and Tribal Populations Recommendation (No. 104).

41st Session (1958).

Seafarers' Identity Documents Convention (No. 108).
Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 109).
Ships' Medicine Chests Recommendation (No. 105).
Medical Advice at Sea Recommendation (No. 106).
Seafarers' Engagement (Foreign Vessels) Recommendation (No. 107).
Social Conditions and Safety (Seafarers) Recommendation (No. 108).
Wages, Hours of Work and Manning (Sea) Recommendation (No. 109).

42nd Session (1958).

Plantations Convention (No. 110).
Discrimination (Employment and Occupation) Convention (No. 111).
Plantations Recommendation (No. 110).
Discrimination (Employment and Occupation) Recommendation (No. 111).

43rd Session (1959).

Minimum Age (Fishermen) Convention (No. 112).
Medical Examination (Fishermen) Convention (No. 113).
Fishermen's Articles of Agreement Convention (No. 114).
Occupational Health Services Recommendation (No. 112).

44th Session (1960).

Radiation Protection Convention (No. 115).
Consultation (Industrial and National Levels) Recommendation (No. 113).
Radiation Protection Recommendation (No. 114).

45th Session (1961).

Final Articles Revision Convention (No. 116).
Workers' Housing Recommendation (No. 115).

46th Session (1962).

Social Policy (Basic Aims and Standards) Convention (No. 117).
Equality of Treatment (Social Security) Convention (No. 118).
Reduction of Hours of Work Recommendation (No. 116).
Vocational Training Recommendation (No. 117).

47th Session (1963).

Guarding of Machinery Convention (No. 119).
Guarding of Machinery Recommendation (No. 118).
Termination of Employment Recommendation (No. 119).

48th Session (1964).

Hygiene (Commerce and Offices) Convention (No. 120).
Employment Injury Benefits Convention (No. 121).
Employment Policy Convention (No. 122).
Hygiene (Commerce and Offices) Recommendation (No. 120).
Employment Injury Benefits Recommendation (No. 121).
Employment Policy Recommendation (No. 122).

49th Session (1965).

Minimum Age (Underground Work) Convention (No. 123).
Medical Examination of Young Persons (Underground Work) Convention
(No. 124).
Employment (Women with Family Responsibilities) Recommendation (No. 123).
Minimum Age (Underground Work) Recommendation (No. 124).
Conditions of Employment of Young Persons (Underground Work) Recommen-
dation (No. 125).

50th Session (1966).

Fishermen's Competency Certificates Convention (No. 125).
Accommodation of Crews (Fishermen) Convention (No. 126).
Vocational Training (Fishermen) Recommendation (No. 126).
Co-operatives (Developing Countries) Recommendation (No. 127).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 50th Session (Geneva, 1966) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 49th Sessions (1948 to 1965)

AUSTRALIA

The texts of the instruments adopted by the Conference at its 50th Session were tabled in the Commonwealth Parliament in October 1967 as an appendix to the report of the Australian delegates to the Conference. Statements on the Conventions and Recommendations adopted at the 43rd and 46th Sessions of the Conference were also tabled in Parliament in October and November 1967 respectively. No proposal has been made for the ratification of any of the Conventions. Recommendation No. 113 is accepted as a desirable objective, while the principles embodied in Recommendations Nos. 116 and 117 are generally in accordance with the position in Australia.

AUSTRIA

The texts of Conventions Nos. 120, 125 and 126 and of Recommendations Nos. 120 and 126 have been submitted to the Council of Ministers and to the National Council. The texts of Convention No. 122 and of Recommendation No. 122 have been submitted to the Council of Ministers and will soon be transmitted to the National Council. No proposal has been made with regard to Conventions Nos. 125 and 126 or Recommendation No. 126 as they are not relevant to land-locked Austria. A further study will be made of the situation in Austria before a decision is taken on the ratification of Convention No. 120 or on the acceptance of Recommendation No. 120.

BELGIUM

The texts of the instruments adopted by the Conference at its 47th and 48th Sessions have been submitted to Parliament. It is hoped that the examination of the instruments adopted at the 49th Session will be terminated in the near future. It has been proposed that Convention No. 119 should be ratified and that Recommendations Nos. 118 and 119 should be accepted.

BRAZIL

The text of Recommendation No. 127, having been examined by the competent committee in the Ministry of Labour, is being translated and will be submitted to the National Congress. The texts of Conventions Nos. 125 and 126 and of Recommendation No. 126 are being examined by the competent committee.

BULGARIA

The Presidium of the National Assembly has taken note of the instruments adopted by the Conference at its 50th Session and has referred them to the competent authorities for consideration and possible application.

BURMA

The texts of the instruments adopted by the Conference at its 44th to 50th Sessions have been submitted to the Cabinet for consideration.

BYELORUSSIA

The texts of the instruments adopted by the Conference at its 50th Session were submitted for consideration to the Presidium of the Supreme Soviet in May 1967.

CAMEROON

The texts of the instruments adopted by the Conference at its 44th to 49th Sessions have been submitted to the competent authorities.

CANADA

The texts of the instruments adopted by the Conference at its 50th Session were laid before the House of Commons and the Senate on 25 May and 6 June 1967 respectively, together with a letter from the Deputy Attorney-General setting forth the opinion of the Minister of Justice concerning the legislative jurisdiction of the federal and the provincial authorities in respect of each of the instruments in question. The texts of the instruments, together with copies of the opinion of the Minister of Justice, were also sent to the Lieutenant-Governors of the ten provinces of Canada to be laid before the respective provincial governments for their attention and consideration.

In a statement before the House of Commons the Minister of Labour said that Conventions Nos. 125 and 126 were being studied by the department concerned. Although present practice is substantially in conformity with the standards laid down by Convention No. 126, there are still a few problems to be overcome before ratification can be considered.

CHILE

The texts of the Conventions and Recommendations adopted by the Conference at its 46th Session have been submitted to the National Congress by the Ministry of Labour and Social Welfare. In submitting these instruments the Ministry proposed that measures should be taken with a view to the ratification of Convention No. 118 and the acceptance of Recommendation No. 117 but that Convention No. 117 should not be ratified and that Recommendation No. 116 should not be accepted.

CONGO (KINSHASA)

The texts of the instruments adopted by the Conference at its 50th Session, as well as the texts of Recommendations Nos. 123, 124 and 125, have been submitted to the President of the Republic, who exercises legislative powers, as Parliament has been dissolved since June 1967.

COSTA RICA

The texts of the instruments adopted by the Conference at its 50th Session have been submitted to the Legislative Assembly.

CUBA

The texts of Conventions Nos. 108 and 123 to 126 and of Recommendations Nos. 126 and 127 have been submitted to the competent authorities. The Council of Ministers has decided not to ratify any of the above-mentioned Conventions.

CYPRUS

The texts of the instruments adopted by the Conference at its 50th Session, together with the Government's proposals concerning the action to be taken thereon, have been submitted to the House of Representatives.

The Ministry of Labour and Social Insurance is giving further consideration to the provisions of Conventions Nos. 125 and 126 and is not proposing ratification for the time being. However, it has been recommended that Recommendations Nos. 126 and 127 should be accepted.

CZECHOSLOVAKIA

The texts of the Conventions and Recommendations adopted by the Conference at its 49th Session were considered by the Government, which authorised the Prime Minister to submit them to the National Assembly. The Government has not so far proposed the ratification of either of the Conventions concerned.

DAHOMEY

When political institutions are established in the near future it will be possible to submit to the competent authorities the texts of the Conventions and Recommendations adopted by the Conference.

DENMARK

On 19 December 1966 the Minister of Labour submitted to Parliament the report of the Danish delegation to the 50th Session of the Conference containing, *inter alia*, the full texts of Conventions Nos. 125 and 126 and of Recommendations Nos. 126 and 127. In his accompanying letter the Minister stated that Conventions Nos. 125 and 126 and Recommendation No. 126 had been communicated to the Ministry of Fisheries, the Ministry of Commerce and the Ministry of Labour with a view to their examining whether the provisions were in conformity with the national law and practice and whether steps should be taken to ratify the Conventions. The text of Recommendation No. 127 was communicated to the institutions and government departments concerned.

ECUADOR

Following the adoption of the new Constitution, the Minister for Social Welfare and Labour, once he receives the texts of instruments adopted by the International Labour Conference, transmits them to the Constitutional Guarantees Tribunal. If this body approves the text of a Convention, the instrument is then sent for ratification to the President of the Republic, who notifies the I.L.O. accordingly.

ETHIOPIA

The texts of the instruments adopted by the Conference at its 50th Session, together with a statement describing the relevant national legislation and practice, as

well as proposals for the action to be taken in respect of each of the instruments, have been submitted to the competent authorities.

FINLAND

The texts of the instruments adopted by the Conference at its 48th and 49th Sessions have been submitted to the competent authorities; preparations are in hand for the submission of the texts of the instruments adopted at the 50th Session.

GABON

The texts of the instruments adopted by the Conference at its 45th, 46th, 49th and 50th Sessions have been submitted to the competent authorities, which have decided to ratify Conventions Nos. 123 and 124.

FEDERAL REPUBLIC OF GERMANY

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the competent authorities on 21 December 1967. While in principle there is no objection to the ratification of Convention No. 125, it is necessary to study beforehand whether the national legislation conforms in all respects to the requirements of the Convention. Convention No. 126 cannot be ratified. Account will be taken of the provisions of Recommendations Nos. 126 and 127 when changing or amending national legislation on the subject-matter of these instruments.

GHANA

In March 1964 and January 1965 the texts of the instruments adopted by the Conference at its 46th and 48th Sessions were submitted to the National Assembly, which considered them and approved the ratification of Conventions Nos. 117 and 120 and the acceptance of Recommendation No. 117. The instruments adopted by the Conference at its 50th Session have been submitted to the National Executive Council, which, for the time being, is the competent authority.

GREECE

The texts of the instruments adopted by the Conference at its 50th Session, together with a statement by the Minister of Labour to the effect that they will be examined by the competent authorities as to the possibility of their application and ratification, have been submitted to Parliament. Preparations have begun for the submission to the competent authorities of other instruments adopted by the Conference from its 31st to 49th Sessions and not previously submitted.

GUINEA

The texts of the instruments adopted by the Conference at its 43rd to 47th Sessions and at its 49th and 50th Sessions, together with the proposals of the Government concerning the action to be taken with respect to these instruments, were submitted to the National Assembly in November 1966 and January 1967. The ratification of Conventions Nos. 100, 118 and 121 and the acceptance of Recommendations Nos. 97 and 112 were proposed.

GUYANA

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the National Assembly on 15 December 1967.

Conventions Nos. 125 and 126 are inapplicable and no action in respect of them is envisaged for the time being. It would be an aim of policy to give effect to Recommendation No. 126. Effect has already been given to a number of the provisions of Recommendation No. 127.

HUNGARY

On 3 May 1967 the Presidential Council acknowledged that the texts of the instruments adopted by the Conference at its 49th and 50th Sessions had been submitted to it. Under the Constitution, the conclusion as well as the cancellation of international agreements falls within the competence of the Presidential Council. Having always submitted to this authority the international instruments adopted by the I.L.O., the Government has respected the provisions of the national Constitution as well as of article 19 of the Constitution of the I.L.O.

ICELAND

The texts of the instruments adopted by the Conference at its 48th and 49th Sessions were submitted to the Althing (Parliament) in January 1968.

INDIA

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the Union Parliament in August 1965 as an appendix to the report of the Government delegation to the 50th Session. A statement indicating the action taken or proposed to be taken on these instruments, which was drawn up following the circulation of the texts to the state governments and the central ministries concerned and which took into account the various comments received, was placed before the Union Parliament in November 1967. The Government does not propose to ratify either Convention No. 125 or Convention No. 126 at present. Although Recommendations Nos. 126 and 127 will provide useful guidelines, the Government does not propose to take any specific action on their individual provisions.

INDONESIA

The texts of the instruments adopted by the Conference at its 49th Session have been submitted to the Council of Ministers and to Parliament with the recommendation that no action should be taken with respect to them for the time being.

IRAQ

The texts of Conventions Nos. 87, 90, 123 and 124 and of Recommendation No. 83 were submitted to the Council of Ministers with a recommendation by the Government that no action should be taken with respect to them for the time being.

IRELAND

The texts of the instruments adopted by the Conference at its 49th Session have been submitted to Parliament together with a White Paper setting out the Government's decision on each of the instruments. The Government proposes to ratify

Conventions Nos. 123 and 124 when the necessary regulations have been brought into force. It also proposes to accept Recommendations Nos. 123 and 124. Recommendation No. 125 has been accepted with the exception of the provisions concerning holidays with pay.

JAMAICA

The texts of Convention No. 121 and Recommendation No. 121 are being studied in relation to existing legislation and their submission to the House of Representatives has been delayed.

JAPAN

The texts of the instruments adopted by the Conference at its 50th Session, together with the Government's proposals on the action to be taken thereon, were submitted to the Diet on 23 June 1967.

As there are certain provisions in Conventions Nos. 125 and 126 which it may be difficult to apply in the light of the present situation in Japan, the Government wishes to give them further consideration; it is also making further studies on the implementation of Recommendations Nos. 126 and 127.

KENYA

The texts of the instruments adopted by the Conference at its 48th, 49th and 50th Sessions, together with a paper indicating the Government's proposals respecting the action to be taken thereon, were submitted to the House of Representatives on 30 November 1967. The Government has proposed the ratification of Convention No. 123 but is unable to recommend the ratification or acceptance of any of the other instruments.

KUWAIT

The texts of the instruments adopted by the Conference at its 50th Session have been submitted for consideration to the National Assembly, which is the competent authority in this connection.

LIBERIA

The texts of the instruments adopted by the Conference at its 48th, 49th and 50th Sessions, as well as the texts of Convention No. 127 and of Recommendations Nos. 128 to 131 which were adopted at the 51st Session, have been submitted to the President of the Republic.

LIBYA

By a letter of 21 May 1967 the Prime Minister submitted to the House of Representatives and the Senate the texts of the instruments adopted by the Conference from its 35th to 49th Sessions.

LUXEMBOURG

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the Chamber of Deputies in January 1967. As the instruments are not relevant to Luxembourg, the Government has not recommended that any action should be taken thereon.

MALAWI

The texts of the instruments adopted by the Conference at its 50th Session have been submitted to the competent authorities.

MALI

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the National Assembly in September 1967.

MALTA

The texts of the instruments adopted by the Conference at its 50th Session, together with the Government's proposals concerning the action to be taken thereon, were submitted to Parliament in July 1967.

The Government has proposed the ratification of both Conventions Nos. 125 and 126 and the acceptance of Recommendations Nos. 126 and 127.

MEXICO

In reply to an observation made by the Committee of Experts in 1967, the Government communicated a list of all the Conventions (ratified and unratified) as well as of the Recommendations adopted by the Conference since its 31st Session.

MOROCCO

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the King in May 1967.

NETHERLANDS

The texts of Conventions Nos. 109, 111, 113 and 121 and of Recommendations Nos. 112 and 122 to 125 have been submitted to Parliament. Convention No. 121 has been ratified. As regards Conventions Nos. 109 and 113, notes are being prepared in which Parliament will be informed of the reasons why ratification is not possible.

NEW ZEALAND

The texts of the instruments adopted by the Conference at its 50th Session, together with a Government paper on the action proposed with respect to these instruments, have been presented to Parliament. Some minor differences between national legislation and the provisions of Convention No. 125 preclude the likelihood of its immediate ratification. However, this Convention and Convention No. 126 have been referred to the appropriate authorities for study and the Government will examine the question of their ratification at the appropriate time. Recommendations Nos. 126 and 127 are not strictly relevant to conditions in New Zealand and no proposal has been made for their formal adoption.

NICARAGUA

On 26 May 1967 the President of the Republic submitted to the National Congress all the Conventions adopted by the Conference between its 16th and 50th Sessions. The necessary steps will be taken also submit to the competent authorities Recommendations Nos. 123, 124 and 125.

NIGER

The texts of the instruments adopted by the Conference at its 50th Session, together with a proposal by the Government that Recommendation No. 127 should be studied by the appropriate authorities with a view to its adoption, have been submitted to the National Assembly.

NIGERIA

Owing to the critical circumstances which have prevailed in the country for some time, it has not been possible to convene a meeting of the Tripartite Subcommittee of the National Labour Advisory Council to consider and submit recommendations on the instruments adopted by the Conference to the Council. The deliberations of the Subcommittee and of the Council are necessary steps in the submission of the instruments to the competent authorities.

NORWAY

The texts of the instruments adopted by the Conference at its 50th Session, together with a document containing the proposals of the Government respecting the action to be taken thereon, have been submitted to the Storting (Parliament). The ratification of Convention No. 126 has been recommended. While it is not possible to ratify Convention No. 125 at the present time, consideration will be given to bringing existing legislative provisions into conformity with those of the Convention. The Government proposes the acceptance of Recommendation No. 126. Part IV of Recommendation No. 127, which directly concerns Norway, has been accepted. With regard to the other Parts of Recommendation No. 127, which concern conditions in developing countries, the Government feels that these provisions may serve as a useful guide for Norwegian authorities, organisations and individuals who participate in technical co-operation programmes with these countries.

PAKISTAN

The texts of the instruments adopted by the Conference at its 45th to 50th Sessions have been submitted to the competent authorities. The Government has decided to ratify Conventions Nos. 116 and 118 and to accept Recommendation No. 117. It is not feasible at present to ratify or accept any of the remaining instruments adopted at the above-mentioned sessions.

PHILIPPINES

The texts of the instruments adopted by the Conference at its 50th Session were submitted to Congress in May 1967 for consideration and possible adoption of appropriate legislation.

PORTUGAL

The texts of the instruments adopted by the Conference at its 50th Session have been submitted to the National Assembly.

RUMANIA

The Council of State has taken note of the instruments adopted by the Conference at its 50th Session and submitted them to the National Assembly in July 1967.

SIERRA LEONE

The texts of the instruments adopted by the Conference at its 50th Session have been submitted to the competent authorities. Conventions Nos. 125 and 126 have been ratified and present practice is in conformity with the terms of Recommendation No. 127.

SINGAPORE

The texts of the instruments adopted by the Conference at its 50th Session, together with a brief statement and proposals on the appropriate course of action to be taken on each of them, have been submitted to the Cabinet. The Government does not propose any action for the time being in respect of Conventions Nos. 125 and 126, as the fishing industry in Singapore is only in its early stages of development. The provisions of Recommendation No. 126 will be considered for implementation, where practicable, when schemes are formulated for the vocational training of fishermen. As it is considered that the provisions of Recommendation No. 127 are irrelevant and inapplicable to local conditions, no action will be taken for the time being to implement this Recommendation.

SPAIN

The texts of the instruments adopted by the Conference at its 50th Session have been transmitted to the relevant administrative departments for appropriate action.

A new practice was introduced by the decision of the Council of Ministers to send to the Cortes (Parliament) the Conventions adopted by the Conference at its 49th and 50th Sessions.

SWEDEN

In December 1966 a Government Bill transmitted the instruments adopted by the Conference at its 50th Session to the Riksdag (Parliament) for consideration. As the national legislation and practice are not fully in conformity with Conventions Nos. 125 and 126, the Government was unable to propose the ratification of these instruments. However, it proposed that Recommendations Nos. 126 and 127 should be brought to the attention of the appropriate authorities so that account might be taken of them in future action. The Government's position was supported by the Riksdag and the Government has decided to proceed accordingly.

SWITZERLAND

The texts of the instruments adopted by the Conference at its 50th Session, together with a report containing a recommendation of the Federal Council that no action should be taken on them as they were not relevant to Switzerland, were submitted to the Federal Assembly in February 1967. The Federal Assembly approved the report.

SYRIAN ARAB REPUBLIC

The texts of Recommendations Nos. 87, 99, 101 and 120 have been submitted to the competent authorities. The Government has proposed that Recommendations Nos. 87 and 120 should be accepted and that the competent authority should recommend that, in the framing of legislation concerning vocational rehabilitation and vocational training in agriculture, the provisions of Recommendation No. 99 and Recommendation No. 101, respectively, should serve as a guide.

TANZANIA

Owing to the volume and pressure of work there has been an unavoidable delay in submitting to the National Assembly the instruments adopted by the Conference at its 47th to 50th Sessions.

THAILAND

The texts of the instruments adopted by the Conference at its 48th, 49th and 50th Sessions were placed before the Constituent Assembly, which is the competent authority, in July 1967.

TRINIDAD AND TOBAGO

The texts of the instruments adopted by the Conference at its 47th, 48th and 49th Sessions were submitted to the Senate on 12 March 1968 and were due to be submitted to the House of Representatives on 15 March. The Government has prepared a document, which will be tabled in Parliament, containing its recommendations on these instruments. No proposal has been made for the ratification or acceptance of any of the instruments.

TURKEY

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the National Assembly in February 1967 by the Minister of Labour with a recommendation that the question of the ratification of Conventions Nos. 125 and 126 should be considered at a future date.

UGANDA

A draft sessional paper setting out the decisions of the Government on the instruments adopted by the Conference at its 50th Session is being printed and was due to be submitted to the National Assembly during its February-March 1968 session.

As Conventions Nos. 125 and 126 and Recommendation No. 126 are not applicable to Uganda, the Government has not ratified either of the Conventions or accepted the Recommendation. Recommendation No. 127 is in conformity with the Government's policy and has been accepted as a guiding text for the Government's action in co-operative matters.

UKRAINE

The texts of the Conventions and Recommendations adopted by the Conference at its 50th Session were submitted to the Presidium of the Supreme Soviet in May 1967.

U.S.S.R.

The texts of the instruments adopted by the Conference at its 50th Session were submitted to the Presidium of the Supreme Soviet of the U.S.S.R. in March 1967 for consideration.

UNITED KINGDOM

The texts of the instruments adopted by the Conference at its 50th Session were submitted to Parliament in January 1967. 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 supports Convention No. 126 and proposes to ratify it after making the necessary regulations. Existing standards are in conformity with the requirements of Convention No. 125 as regards skippers and mates but not as regards engineers. Ratification of this Convention is therefore not possible at present but consideration is being given, in consultation with the employers' and workers' organisations concerned, to meeting the requirements of the Convention in this latter respect. Recommendation No. 126 has been accepted subject to a reservation on the question of charges for training and with the exception that the Government does not agree that there is any need to give preferential treatment in employment placement to persons who have completed a training course. The Government fully endorses the main principles set out in Recommendation No. 127.

UNITED STATES

The texts of Convention No. 124 and of Recommendation No. 125, as well as the texts of the instruments adopted by the Conference at its 50th Session, have been submitted to Congress. In letters of transmittal relating thereto the Secretary of Labor stated that his Department was making no recommendation for legislation to implement them.

UPPER VOLTA

The texts of the instruments adopted by the Conference at its 49th Session were submitted to the Council of Ministers for examination in April 1967. The Government does not propose to ratify or accept any of the instruments concerned at the present time.

ZAMBIA

The texts of the instruments adopted by the Conference at its 50th Session, together with Government Paper No. 2 of 1967 indicating the action proposed to be taken on them, were presented to the National Assembly. The Government Paper was approved by the Cabinet on 2 August 1967. Recommendation No. 127 has been accepted as it is in line with existing Government policy. Conventions Nos. 125 and 126 and Recommendation No. 126 are not applicable to land-locked Zambia.

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¹ The roman numerals and the letters refer to sections of Part Two of this report and the arabic numerals to the numbers of the Convention.

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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 38th Session in Geneva from 18 to 29 March 1968. The Committee has the honour to present its report to the Governing Body.

2. The Committee learned with deep regret of the death of one of its former members: Baron Frederick M. VAN ASBECK. It paid tribute to his memory and would like to express here once again its gratitude for the eminent and devoted service rendered by Professor van Asbeck when he participated in the work of the Committee from 1947 to 1963.

3. Since its last session, several changes have occurred in the composition of the Committee. It learned of the resignation of Mr. Paul M. HERZOG and of Mr. S. KURIYAMA. The Committee would like to express its great appreciation for the contribution made to its work by its two former colleagues. In order to fill the vacancies created by their departure, the Governing Body appointed Mr. Archibald Cox (United States) and Mr. Kisaburo YOKOTA (Japan). The Committee was pleased to welcome these two new members at its present session.

4. In consequence, 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. Archibald Cox (United States),
Professor of Law, Harvard Law School; former Associate Solicitor, Department of Labor; former Solicitor-General of the United States.

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; Chief Delegate to the Third Session of the United Nations General Assembly (Paris, 1948); President of the Peruvian Red Cross Society.

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.

Begum Raāna 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; Emeritus 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. L. A. LUNZ (U.S.S.R.),

Scientist Emeritus of the R.S.F.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; Member of the Foreign Trade Arbitration Commission at the U.S.S.R. Chamber of Commerce.

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 Institute of Malagasy Judicial Studies.

Mr. Paul RUEGGER (Switzerland),

Ambassador; former Minister in Rome and London; President of the International Committee of the Red Cross, 1948-55; Member of the Permanent Court of Arbitration; Member of the Institute of International Law; Member of the Curatorium of the Academy of International Law.

Mr. Isidoro RUIZ MORENO (Argentina),

Professor of Public International Law at the University of Buenos Aires; Member of the Permanent Court of Arbitration; Member of the National Academy of Law.

Mr. Oscar SARAIVA (Brazil),

Judge of the Federal Court of Appeal; former Judge of the Supreme Labour Court; former Legal Adviser to the Ministry of Labour, Industry and Commerce; former President of the Permanent Commission on Labour Legislation in Brazil; Professor of Administrative Law at the University of Brasilia.

Mr. Joza VILFAN (Yugoslavia),

Member of the Permanent Court of Arbitration; former Attorney-General of Yugoslavia; former Head of the Yugoslav Mission to the United Nations; former Ambassador to India.

Mr. Kisaburo YOKOTA (Japan),

former Chief Justice, Supreme Court of Japan; Member of the Japan Academy; Member of the Permanent Court of Arbitration; Member of the Institute of International Law; former Professor of International Law and Dean of the Law Department, Tokyo University; former President of the Japanese Institute of International Law; former Member of the International Law Commission of the United Nations.

5. The Committee regretted that owing to his professional commitments Mr. GRÉGOIRE was not able to attend its present session.

6. 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.

7. In accordance with its terms of reference, the Committee was called upon to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified¹;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories¹;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action²;
- (d) reports from governments under article 19 of the Constitution on unratified Conventions and on Recommendations selected by the Governing Body.³

8. The reports and information under articles 19, 22 and 35 of the Constitution examined by the Committee this year amounted to almost 3,000.

II. General

Progress of International Labour Legislation

9. During 1967 the number of ratifications continued to increase. Over this period 106 ratifications were registered. Eighty-one of these were new ratifications

¹ I.L.O.: *Summary of Reports on Ratified Conventions*, Report III (Part 1), to the 52nd Session of the International Labour Conference (Geneva, 1968).

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 3), to the same session.

³ Idem: *Summary of Reports on Unratified Conventions*, Report III (Part 2), to the same session.

and 25 resulted from the continuance by a new State Member (Barbados) of the obligations undertaken on its behalf by the State which was responsible for its international relations before it became independent. On 31 December 1967 the total number of ratifications amounted to 3,338. Over the same period eight denunciations were also registered, of which six concerned Conventions which had been revised, the States in question having ratified the revising Conventions. Finally, two new Conventions and four new Recommendations were adopted by the Conference at its 51st Session (June 1967), thus bringing the total number to 128 Conventions and 131 Recommendations.

Methods of Work of the Committee

10. In 1967 the Committee had made suggestions concerning the possibility of entering into direct contact with governments in cases of some importance, either before making a specific observation or where repeated comments had not succeeded in solving difficulties or doubts as regards the application of Conventions. The Committee was glad to note that this suggestion had been given preliminary consideration by the Conference Committee which expressed the desire that the Committee of Experts submit more precise and detailed proposals concerning the establishment of such contacts with governments.

11. In response to the wish expressed by the Conference Committee, the Committee therefore considered somewhat more fully the principles and methods to be adopted in initiating contacts of this kind. As a result of this further exchange of views, the Committee wishes to emphasise that the contacts in question would be intended to provide an opportunity for exploring more fully with governments some of the problems previously raised in its direct requests or observations. The contacts would thus attempt to pursue and amplify orally the dialogue which had originally taken place on the basis of a government's reports, of the Committee's comments, and of a government's replies thereto. Such conversations would be conceived as an opportunity to explain the respective points of view and to increase mutual comprehension in an attempt to remove misunderstandings and deadlocks. The prior agreement and full consent of the government would moreover constitute a further precondition for the establishment and success of the contacts envisaged. Finally, it would be for the Committee itself to determine, on the basis of the account it would receive regarding the course and outcome of the discussions which had taken place, what further action was required as a result.

12. In addition to these general principles, the Committee wishes to set out somewhat more fully below some of the elements and conditions to be kept in mind in initiating these contacts with governments :

- (i) the discrepancies noted and the difficulties encountered should be sufficiently important to warrant such contacts;
- (ii) the Committee of Experts would suggest this possibility, whereupon the Director-General would explore the matter with the government concerned ; the Conference Committee might also make such a suggestion, following its discussion of a case ; if it so desired, a government could itself take the initiative ;
- (iii) the contacts should in all cases take place with the full consent of the governments concerned ;
- (iv) the points to be dealt with should be clearly specified in advance ;

- (v) while these contacts are taking place, the supervisory bodies would suspend their examination of the case for a reasonable period so as to be able to take account of the outcome of these contacts ;
- (vi) the form which the contacts would take should be determined in the light of their purpose, which is to enable the government to explain all the elements of the case, so as to permit the Committee to assess fully all the facts involved ;
- (vii) the contacts would bring together persons thoroughly acquainted with all aspects of the case, including government representatives with sufficient responsibility and experience to speak with authority about the position in their country and about their own government's attitudes and intentions in the matter ;
- (viii) it would be for the Director-General to designate the representative on behalf of the International Labour Organisation, who would be either an independent person or an I.L.O. official fully conversant with the case ; normally, it would not appear appropriate that this representative be a member of the Committee itself, but this possibility might be left open in certain special cases ;
- (ix) the representative of the Director-General might, in agreement with the government concerned, visit the country to hold discussions on the matter with government representatives, in order to explain the point of view of the supervisory bodies, acquaint himself in detail with the government's position and the exact nature of the difficulties in question, and make available to the Committee any relevant information supplied to him by the government.

13. The Committee wishes to emphasise, in conclusion, that the scope of the contacts envisaged and the mandate given to the persons selected for the purpose by the Director-General should not in any way be construed as limiting the functions and responsibilities of the Committee of Experts and the Conference Committee for examining the extent to which national law and practice conform to Conventions that have been ratified. The contacts would help to clarify the situation and dispel uncertainty, with the ultimate aim of enabling both the government concerned and the supervisory bodies to review the situation and find a solution compatible with the observance of a particular Convention or with the fulfilment of the obligations under the Constitution of the I.L.O.

14. As regards other methods for improving the procedures of reporting and examination, the Committee noted that in 1967 certain members of the Conference Committee referred to the possibility of adopting a triennial cycle for the supply of detailed reports but that reservations were expressed regarding this suggestion. While conscious of the continued increase of the workload involved, the Committee of Experts feels that it would be premature at the present stage to envisage a further spacing out of detailed reporting which might jeopardise the effectiveness of supervision, and that it would be preferable to consider in the first instance the results obtained through other methods such as the contacts with governments referred to above.

15. Finally, the Committee decided to examine at its next session the more general questions regarding its procedure which have given rise to discussion in the Conference Committee from time to time.

Seminars on National and International Labour Standards

16. The Committee noted with great interest that in November 1967 a further seminar was held, in Bangkok (Thailand), as part of the series organised since 1964 in various parts of the world, for the purpose of acquainting labour administration officials more fully with the obligations and procedures of the I.L.O. concerning Conventions and Recommendations. The Committee noted that officials from 16 countries in Asia and the Far East participated in this session and welcomed the Office's intention to pursue this series of seminars, by rotation, for other groups of countries, so as to provide practical training for national officials responsible for the preparation of reports and information on international labour standards.

*Collaboration with Other Organisations in the
Implementation of International Standards*

17. The Committee's attention was drawn to the machinery established by the United Nations Educational, Scientific and Cultural Organisation for the purpose of examining reports from governments on the Convention and Recommendation against Discrimination in Education, adopted by the General Conference of that Organisation in December 1960. In view of the relationship between these instruments and Convention No. 111 and Recommendation No. 111 concerning discrimination in respect of employment and occupation, 1958, the Committee welcomed the suggestion that the United Nations Educational, Scientific and Cultural Organisation might in future be invited to send representatives to the sittings which the Committee devotes to the examination of reports on instruments concerning discrimination in respect of employment and occupation. In this connection, the Committee noted that the United Nations Educational, Scientific and Cultural Organisation, with the agreement of the competent supervisory bodies of that Organisation, is considering the possibility of extending a similar invitation to the International Labour Office.

18. As regards collaboration with the Council of Europe, the Committee noted with interest that the arrangements for I.L.O. participation, in a consultative capacity, in the committee of independent experts on the European Social Charter continued to function in 1967. The Committee was also informed of the recent entry into force of the European Code of Social Security. Since this instrument provides for the communication of the reports on its application to the Director-General of the I.L.O., in order to permit consultation with the appropriate body of the Organisation, the Committee recalls that during the early stages of preparation of the Code, in 1956, it had signified its readiness to collaborate in the task of examination of such reports. The Committee noted moreover in this connection that the provisions of the European Code of Social Security and the form of report on its application, while calling for higher standards, are modelled on those of the Social Security (Minimum Standards) Convention, 1952 (No. 102).

III. Supply of Reports on the Application of Ratified Conventions

19. 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 each year only on a specified group of Conventions. Those before the Committee this year related to the period 1 July

1965 to 30 June 1967 and concerned 52 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 the first report was due after ratification or because important divergencies had previously been noted between the national law or practice and the Convention in question, or again because reports due for the previous period had not been received. These reports usually covered the period 1 July 1966 to 30 June 1967. Finally, the Committee also examined a number of reports received too late last year for examination at its previous session.

20. The number of reports requested from governments on the situation with regard to States Members amounted to 1,833.² At the end of the present session of the Committee 1,550 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 meeting of the Committee and in time for the session of the International Labour Conference.

21. 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 in a given year. The general reports furnished in this way by a number of countries³ were particularly full and dealt with important questions such as changes in national law or practice. These reports enable the Committee to take note of such changes without undue delay despite the two-yearly nature of the procedure.

22. The proportion of detailed reports received, as will be noted from the statistical appendices, is 84.5 per cent. The proportion of reports received thus remains, as a whole, very satisfactory, i.e. at the same high level as in recent years, despite the fact that the total number of reports requested has appreciably increased.

23. Of the 117 States from which such reports had been requested, 78 have supplied all those which were due. On the other hand, the Committee deeply regrets that once again a certain number of countries did not discharge the fundamental obligation to send reports on the Conventions which they have ratified. Thus, none of the reports due have been received from the following 17 countries: Albania, Burundi, Dominican Republic, Ecuador, Honduras, Iceland, Indonesia, Laos, Liberia, Mauritania, Panama, El Salvador, Republic of South Africa, Tanzania, Togo, Turkey, Viet-Nam. Furthermore, the Committee must point out that a number of countries have failed to send reports for several years in succession, as indicated in the General Observations to be found below in Part Two (section I.A) of the report.

24. It should also be emphasised once again that the supply of reports by the specified date (15 October) is of particular importance for the normal working of

¹ Conventions Nos. 2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 41, 42, 44, 45, 48, 52, 53, 55, 56, 63, 65, 69, 71, 73, 74, 77, 78, 79, 81, 82, 85, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 113, 114, 115, 117, 118.

² The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in para. 31 below.

³ Belgium, Bolivia, Cyprus, Denmark, Malaysia, Portugal, Sierra Leone.

the examination procedure, in view of the necessary time required for translation, the study of reports and legislation, etc. In this connection the Committee noted that, despite a slight improvement, the majority of reports continue to arrive after the specified date. The Committee must therefore repeat its request that in the future governments supply all reports due by the date indicated.

25. While the delay in the supply of reports has not, in most cases, been such as to prevent them being examined by the Committee, in several cases reports and sometimes the information supplied in reply to letters of reminder from the Office were received only very shortly before and even during the Committee's session. The Committee was thus obliged to postpone the examination of a certain number of these reports until its next session. This is all the more regrettable in cases where the application of a Convention has previously been the subject of comment by the Committee and where information or measures concerning the implementation of the Convention are expected.

26. The Committee has always attached particular importance to the examination of first reports following the ratification of a Convention, as this constitutes the basis of the assessment of the situation in the case in question. It therefore regrets that certain of the first reports due have not yet been received. In some cases, these reports have been due since 1966 : Albania (Convention No. 112), Honduras (Conventions Nos. 32, 42, 62), Jordan (Convention No. 119) ; since 1965 : Tunisia (Conventions Nos. 112, 113, 114) ; and, in one case, since 1964 : Ecuador (Conventions Nos. 37, 39, 103, 105, 111). The Committee urges the governments concerned to make every effort to supply the reports in question so that they can be examined at its next session.

27. The satisfactory 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 this respect the Committee must note first of all that generally speaking a certain number of reports are drawn up in a very summary manner and do not take sufficient account of the forms adopted by the Governing Body of the I.L.O. In addition, as regards more particularly replies to its previous comments, the Committee had requested the International Labour Office, in its capacity as the Secretariat of the Committee, to ascertain upon receipt of governments' reports whether these reports took account of the comments in question, and, if they did not, to write immediately to the governments concerned and to request them to supply the necessary information without delay in order to enable the Committee to fulfil its task. This procedure makes it possible to avoid delays in the examination of the application of Conventions and to facilitate the work both of governments and of the Committee.

28. Under this procedure the International Labour Office communicated with 26 governments, 13 of which subsequently supplied all or some of the requested replies. When no report is supplied on Conventions on which observations or requests had previously been made, or when subsequently the government has not in fact communicated the information promised in previous correspondence, the supervisory task is just as seriously jeopardised. In such a situation, in the absence of information on points previously raised, the Committee can only repeat its earlier observations or requests. Thus, as a result of this failure to reply, or even to report, the Committee has received no information from 23 countries as regards the majority or even all of the observations or requests concerning which a reply was

requested this year.¹ The Committee therefore wishes once again to draw the attention of the governments concerned to the necessity of supplying reports, and replies to earlier comments, so that both the Committee of Experts and the Conference Committee may continue to perform their task and so as to prevent excessive delays in the supervision of the application of Conventions.

IV. Application of Conventions in Non-Metropolitan Territories

Declarations concerning the Applicability of Conventions

29. Since the Committee's last session 42 declarations concerning the applicability of Conventions to non-metropolitan territories have been registered by the Director-General of the International Labour Office. Nineteen of these were declarations of application or acceptance, including six with modifications, and all related to territories for whose international relations the United Kingdom is responsible.

30. At present the total number of declarations registered concerning the applicability of Conventions to non-metropolitan territories is 1,004 declarations of application or acceptance without modification and 129 declarations of application or acceptance with modifications. As the Committee already had the opportunity to point out last year, the average number of declarations per territory continues to rise and is now 23.1 as against 14.5 in 1962. The number of territories in question is now 49.

Supply of Reports

31. Of a total of 1,426 detailed reports due for the period in question in respect of the application of Conventions in non-metropolitan territories, 1,195 (or 83.1 per cent.) have been supplied. Australia, France and the United States have supplied all the reports requested. Moreover, Denmark has communicated this year all the reports requested concerning Greenland and a certain number of reports concerning the Faroe Islands. A list of the reports received, classified by territory and Convention, is to be found in Part Two of this report (section II, Appendix).

32. The Committee has noted that 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 States Members are responsible) has now been ratified or accepted by 51 States, but that the number of ratifications or acceptances required for its entry into force has still not been reached.

¹ Albania: Conventions Nos. 6, 11, 29, 52, 77, 79, 98; Argentina: Nos. 8, 13, 22, 23, 32, 35, 36, 42, 50, 68, 71, 73, 79, 81, 87, 88, 90, 95, 98, 105, 107; Burundi: Nos. 4, 17, 19, 29, 42, 89, 94; Central African Republic: Nos. 4, 13, 18, 29, 33, 41, 88, 95, 105, 117; Dominican Republic: Nos. 29, 52, 79, 88, 90, 105, 106; Ecuador: Nos. 2, 24, 29, 95, 98, 100; El Salvador: Nos. 104, 105, 107; Honduras: Nos. 29, 78, 95, 105; Iceland: Nos. 29, 105; Indonesia: Nos. 27, 100; Jordan: Nos. 119, 120; Laos: Nos. 6, 13, 29; Liberia: Nos. 29, 55, 58, 87, 98, 105, 110, 111, 113, 114; Libya: Nos. 29, 52, 89, 95, 100, 105; Mauritania: Nos. 6, 13, 18, 19, 22, 29, 52, 53, 81, 90, 94, 95, 96, 114; Panama: Nos. 12, 17, 29, 42, 45, 52, 81, 105; Republic of South Africa: Nos. 42, 89; Senegal: Nos. 6, 18, 29, 52, 81, 96, 101; Tanzania: Nos. 17, 29, 63, 65, 105; (Tanganyika): No. 81; (Zanzibar): Nos. 5, 7, 15, 26, 50, 58, 97, 98; Togo: No. 29; Turkey: Nos. 42, 81, 94, 95, 96, 105; Uganda: Nos. 17, 29, 95, 105; Viet-Nam: Nos. 6, 14, 29.

V. Examination of Reports

33. 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 (sections I and II) of this report, together with a reference to the cases where requests for additional information 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.

34. In accordance with the practice of recent years, the Committee has listed the cases in which it was able to express its satisfaction at the measures taken by governments to introduce the necessary modifications in their legislation or practice, following earlier comments made by the Committee. The relevant details concerning 51 countries (40 States Members and 11 non-metropolitan territories) are to be found in Part Two of this report. The Committee is glad to note that the number of such cases has increased appreciably compared with previous years and amounts to a total of close to 100, the list of which is as follows:

Countries	Conventions Nos.
Argentina	27
Austria	63
Belgium	113
Brazil	88, 92, 95
Cameroon	29, 65, 81, 95
Chile	2, 11
Colombia	4
Congo (Kinshasa)	4, 42, 89
Cyprus	81
Czechoslovakia	29, 35, 63
Denmark	42
France	6, 69, 78
Gabon	3
Ghana	29, 81, 88, 90
Greece	16, 52
Haiti	24, 25, 81
Hungary	45, 52
India	29, 88
Iraq	42
Ireland	2, 89
Italy	77, 78, 79, 90
Malaysia	95, 98
Mali	18
Malta	42, 88
Morocco	29
Netherlands	48
Nicaragua	17
Niger	29
Pakistan	89
Philippines	95
Portugal	17, 68
Sierra Leone	17
Singapore	22, 88
Spain	3, and

in respect of the Provinces of Ifni and Sahara.
several Conventions

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Countries	Conventions Nos.
Sweden	63
Switzerland	105
Syrian Arab Republic	17, 18, 29, 89
Tunisia	52, 81, 90, 95
United Arab Republic	63
Uruguay	16, 22, 23, 27, 43, 52, 62, 73, 89, 90

* * *

France:

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion)	69
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Netherlands:

Netherlands Antilles	42, 81
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United Kingdom:

Bahamas	82
Dominica	94
Falkland Islands (Malvinas)	10
Fiji	29
Gibraltar	82, 95
Jersey	24
Solomon Islands	81
Swaziland	29

United States:

Trust Territory of Pacific Islands	53
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35. The Committee wishes to stress once again its special appreciation of the positive action thus taken by governments with a view to ensuring fuller compliance with their obligations under ratified Conventions. It was found, moreover, that in many other instances similar measures are sufficiently advanced to hold concrete promise of further progress of this kind in future.

VI. Practical Application

36. The Committee's principal task is to examine the conformity of national legislation with ratified Conventions. However, the Committee of Experts as well as the Conference Committee have given attention since the beginning to the question of the effective application of Conventions in practice, and while only limited means are available to assess the extent to which effect is given to Conventions in everyday practice, the Committee of Experts has made an attempt in recent years to obtain as much information as possible in this respect. For this purpose the Committee has mainly relied on the information which governments are asked to supply in their reports in response to the various questions included in the report forms adopted by the Governing Body. Depending on the nature of the instruments, the information requested relates to such matters as the results of labour inspection, the number of workers protected, statistics of industrial accidents and occupational diseases, minimum wage rates, the amount of social security benefit granted, etc.

37. The Committee found this year that, of the reports supplied on the Conventions for which such particulars are specifically requested by the Governing Body, only about 30 per cent. actually contained data of this nature. This proportion constitutes a decrease as compared with that in previous years, and the Committee must emphasise that, while some governments have made an effort to provide very full information as to the manner in which Conventions are applied in practice, a

certain number of countries have failed to supply any information of this kind in the reports examined this year : Afghanistan, Barbados, Brazil, Cameroon, China, Congo (Kinshasa), Cuba, Dahomey, Gabon, Israel, Lebanon, Liberia, Malawi, Malaysia (Sarawak), Pakistan, Peru, Rumania, Uganda. Similarly, the reports on the following non-metropolitan territories contained no such information : Australia (New Guinea, Norfolk Island, Papua), Denmark (Greenland), France (Comoro Islands, St. Pierre and Miquelon), Netherlands (Netherlands Antilles, Surinam), United Kingdom (Antigua, Bahamas, Bermuda, Brunei, Dominica, Gibraltar, Grenada, St. Helena, Seychelles, Swaziland). The Committee must again draw the attention of governments to the importance of replying as fully as possible to the various points on practical application which appear in the report forms.

38. The Committee has again this year examined with interest decisions of courts of law involving questions of principle relating to the application of ratified Conventions, to which a certain number of governments have referred in their reports. Some 20 reports contained information of this kind, thus enabling the Committee to appreciate in concrete terms the problems and difficulties encountered in giving effect to certain Conventions.

39. Another source of information of this nature, which is also potentially useful to the Committee, consists of the comments presented by representative organisations of workers and employers on the application of Conventions in their countries, to which the Committee has always attached particular importance. On several occasions, the Committee has indicated the value which it attaches to the possibility given to national organisations of workers and employers, in accordance with the report forms adopted by the Governing Body, to communicate to their governments and to the supervisory organs of the I.L.O. their observations on difficulties encountered in their countries in giving effect to ratified Conventions. It notes that this year the number of such comments is smaller than in previous years. These comments referred to the following cases : Austria (Conventions Nos. 89 and 94), Greece (No. 88), Lebanon (No. 14) and Norway (No. 29).

VII. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

40. 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 50th (1966) Session, namely : the Fishermen's Competency Certificates Convention, 1966 (No. 125), the Accommodation of Crews (Fishermen) Convention, 1966 (No. 126), the Vocational Training (Fishermen) Recommendation, 1966 (No. 126), and the Co-operatives (Developing Countries) Recommendation, 1966 (No. 127) ;
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to its 49th (1965) Sessions (Conventions Nos. 87 to 124 and Recommendations Nos. 83 to 125) ;

(c) replies to the observations and direct requests made by the Committee at its 1967 session.

50th Session

41. The Committee has noted with interest that the governments of the 53 member States listed below have stated that they have submitted to the competent authorities all the instruments adopted by the Conference at its 50th Session : Argentina, Australia, Bulgaria, Burma, Byelorussia, Canada, China, Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Denmark, Ethiopia, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guinea, Guyana, Haiti, Hungary, India, Japan, Kenya, Kuwait, Liberia, Luxembourg, Malawi, Mali, Malta, Morocco, New Zealand, Niger, Norway, Pakistan, Philippines, Portugal, Rumania, Sierra Leone, Singapore, Spain, Sweden, Switzerland, Thailand, Trinidad and Tobago, Turkey, Ukraine, U.S.S.R., United Kingdom, United States, Venezuela, Zambia.

42. The governments of two countries have submitted to the competent authorities only some of the instruments adopted at the 50th Session of the Conference : Austria, Nicaragua.

43. In the majority of cases the procedure for submission has been completed either within the normal time limit of 12 months or within the exceptional time limit of 18 months, as required by article 19 of the Constitution of the International Labour Organisation.

31st to 49th Sessions

44. The Committee has noted with satisfaction that since its last session the following 22 countries have submitted the instruments adopted at the 49th Session of the Conference, bringing the total number of countries having fulfilled this obligation in regard to the said instruments to 71 : Burma, Cameroon, China, Czechoslovakia, Finland, Gabon, Hungary, Iceland, Indonesia, Ireland, Italy, Japan, Kenya, Liberia, Libya, Malawi, Malaysia, Pakistan, Spain, Thailand, Trinidad and Tobago, Upper Volta.

45. 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 Burma (the instruments adopted from the 44th to the 50th Sessions), Ethiopia (all the instruments adopted between the 31st and the 40th Sessions), Libya (the instruments adopted at the 35th to the 49th Sessions) and Nicaragua (all the Conventions adopted from the 31st to the 50th Sessions).

46. The table in Appendix I to section III of Part Two of the Committee's report shows the position of each State Member with regard to the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference.

General Assessment

47. 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 I.L.O. 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 Com-

mittee notes with regret that, although it has repeatedly stressed the importance of governments replying to the observations and requests made, a great number of member States concerned have again failed to respond to these comments.

48. In this regard the Committee recalls that, in order to have available on time the replies to the observations and requests addressed to governments concerning submission to the competent authorities, it has requested the International Labour Office since 1965 to examine the information supplied by governments immediately and to contact the governments concerned if the information requested has not been supplied.

49. The Committee has noted with interest that, with a view to ensuring that this procedure works effectively, the Office has followed in this case the practice already in existence 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. The Committee was glad to note that, in pursuance of this procedure, replies were received from 17 governments. However, a considerable number of governments have not yet responded to the Office's letter of reminder and the Committee hopes that the governments concerned will make every effort to supply full information in time in reply to its previous comments.

50. Although some progress may thus be observed this year with regard to the obligation of member States to submit to the competent authorities the instruments adopted by the Conference, the Committee considers that the over-all situation is still far from satisfactory. Out of a total of 115 States which were Members of the Organisation at the time of the 50th Session, only 53 have submitted to the competent authorities, within the prescribed time limits, all the instruments adopted at that session. In addition, two States have indicated that they have submitted some of the instruments adopted at that session to the competent authorities.

51. The Committee cannot overemphasise the fundamental importance of the obligation incumbent upon member States, by virtue of article 19 of the Constitution of the I.L.O., to submit *in all cases* to the competent authorities, within the prescribed time limits, the Conventions and Recommendations adopted by the Conference. The information and explanations supplied by governments to the Conference Committee in 1967 and the discussions which took place in that Committee would seem to indicate in fact that governments now have a better understanding of the importance of the obligation under article 19 of the Constitution. It is therefore regrettable that so many governments continue to neglect the 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 measures as soon as possible to submit to the competent authorities the instruments in respect of which such action has not yet been taken.

52. On the other hand, the Committee is pleased to note that certain governments (Burma, Cameroon, Ethiopia, Gabon, Libya, Malaysia and Pakistan) have made considerable progress in submitting to the competent authorities several instruments adopted by the Conference at previous sessions.

53. Moreover, perusal of the information supplied by governments leads the Committee to believe that it may be useful to clarify further certain aspects of the obligation imposed by article 19 of the Constitution of the I.L.O.

54. As regards the nature of the competent authorities, the Committee notes with concern that some governments still do not consider it necessary to submit the

Conventions and Recommendations adopted by the Conference to the national bodies invested with the legislative power in this respect. As was pointed out by the Conference Committee in 1967, "the purpose of the submission procedure is to bring all the instruments to the notice of the national legislative bodies, together with appropriate comments on the action envisaged, in order to ensure that the possibilities of 'enactment of legislation or other action', in accordance with the terms of article 19 of the Constitution, may be fully examined in all cases". In this connection, the Committee is pleased to recall that following its previous comments several countries have in recent years introduced procedures involving progress in the submission of Conventions and Recommendations to their national legislative authorities (Congo (Brazzaville), Czechoslovakia, Thailand, Rumania, Yugoslavia). In addition, the Government of Ethiopia supplied information to the Conference Committee in 1967 indicating that it had been decided to submit Conventions and Recommendations to Parliament also, for information, while the Government of Spain has stated that a new practice has now been introduced to submit to the Cortes the instruments adopted at the 49th and 50th Sessions. In these circumstances, the Committee hopes that the countries which have not considered it necessary to submit Conventions and Recommendations to the competent national legislative authorities will similarly re-examine their practice in this matter.

55. The lack of precise data on the way in which the obligation to submit Conventions and Recommendations to the competent authorities has been carried out continues to give the Committee serious cause for concern. The Committee notes that a very large number of governments continue merely to indicate that the instruments adopted by the Conference have been submitted to the competent authorities or to the departments concerned, without specifying the authorities to which the instruments were submitted and without supplying the information and documents specified in the Memorandum adopted in this connection by the Governing Body. The Committee deems it necessary once more to emphasise the importance of governments supplying such information and documents, since it is impossible, in the absence of such data, to make a full assessment of the extent to which and the manner in which the obligations under article 19 of the Constitution have been discharged.

56. The Committee trusts that, in the light of the foregoing considerations, the governments concerned will introduce the improvements required in order to give early and full effect to their basic obligation as regards submission to the competent authorities.

VIII. Reports Submitted by Governments on Unratified Conventions

57. In pursuance of a decision taken by the Governing Body, the reports requested under article 19 of the Constitution this year related to two Conventions concerning forced labour: the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).

58. Due to the large number of ratifications of these instruments, a relatively limited number of reports on unratified Conventions was requested from States Members under article 19 of the Constitution. Out of a total of 62 reports thus requested, 47 had been received, i.e. 76 per cent. In addition, 11 reports were supplied in respect of non-metropolitan territories. A table showing the reports

supplied by various governments is appended to the general survey on forced labour.

59. Part Three of the present report contains this general survey by the Committee. As usual, the general survey takes account not only of the reports supplied under article 19 of the Constitution, but also of the reports supplied under article 22 by countries which have ratified the Conventions.

60. In accordance with the practice followed in previous years, this general survey was prepared on the basis of a preliminary examination by a Working Party comprising four members of the Committee chosen by it at its previous session.

* * *

61. 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 once again earned the appreciation of the members of the Committee.

Geneva, 29 March 1968.

(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. For a number of years, the Government has referred to a draft Labour Law designed to give effect to ratified Conventions. The Committee notes that the reports submitted this year in connection with a number of Conventions refer once again to this Labour Law but give no information concerning its adoption.

In these circumstances, the Committee can only draw the Government's attention once again to the situation which arises from the non-adoption of the Labour Law, and trusts that the Government will take the necessary steps without delay to ensure the application of the ratified Conventions which are the subject of various observations and direct requests by the Committee.

Albania. In a communication received on 5 August 1965, the Government of Albania notified the Director-General of its decision to withdraw from the International Labour Organisation.

In acknowledging receipt of this notification, the Director-General informed the Albanian Government (cf. *Official Bulletin*, Vol. L, No. 4, October 1967, p. 385) that it would continue to be bound by the obligations arising under the Conventions which it had ratified, or relating thereto, after the date from which its withdrawal from the Organisation became effective and for the period provided for in each of the said Conventions, in conformity with article 1, paragraph 5, of the I.L.O. Constitution which stipulates that: "No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto."

In these circumstances, the Committee notes with regret that for the third year in succession the reports due, including a first report (Convention No. 112), have not been received.

The Committee therefore draws the Government's attention to its obligation to supply the required reports on the application of Conventions ratified by Albania (Conventions Nos. 5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112) and to the observations made in the present report in connection with the application of a number of these Conventions (Conventions Nos. 6, 11, 29, 52, 77, 87, 98).

Argentina. The Committee notes with regret that the reports supplied by the Government contain no information on its observations and requests in connection

with Conventions Nos. 13, 17, 22, 23, 32, 35, 36, 42, 50, 68, 71, 73, 79, 81, 87, 88, 90, 95, 105 and 107. The Committee also notes that, in connection with certain of these Conventions, government representatives submitted information to the Conference Committee in 1966 and 1967, but that the reports in question contain no mention of more recent developments in this respect. The Committee is unable to discharge its functions if the Government's reports do not contain detailed and up-to-date replies to the matters raised by the Committee in its comments.

The Committee trusts, therefore, that in the near future the Government will take all the necessary measures to give full effect to the Conventions which it has ratified and that it will not fail to reply in detail, in its future reports, to the various observations and direct requests addressed to it.

Burma. The Committee notes that most of 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 that for the third year in succession the reports due have not been received. The Committee can only express its grave concern over this situation in view of the fundamental nature of the obligation to report on the application of ratified Conventions.

Dominican Republic. The Committee notes with regret that the reports due, including one first report (Convention No. 119), have not been received. The Committee hopes that in the future the Government will not fail to discharge the obligation of reporting on the application of ratified Conventions.

Ecuador. The Committee notes with regret that for the fourth year in succession the reports due have not been received, including five first reports (Conventions Nos. 37, 39, 103, 105, 111).

As this is thus the fifth occasion in seven years that the Government has failed to discharge the fundamental obligation of submitting reports in accordance with article 22 of the Constitution, the Committee is bound to draw attention to the fact that this lack of information makes it impossible for the Committee to examine whether Ecuador is securing the adequate observance of the Conventions it has ratified.

Honduras. The Committee notes with regret that the reports due have not been received, including three first reports (Conventions Nos. 32, 42, 62) which have been requested for the second year in succession.

As this is the fourth occasion in five years that the Government has failed to discharge the fundamental obligation of submitting reports in accordance with article 22 of the Constitution, the Committee is bound to draw attention to the fact that this lack of information makes it impossible for the Committee to examine whether Honduras is securing the adequate observance of the Conventions it has ratified.

Iceland. 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 the obligation of reporting on the application of ratified Conventions.

Indonesia. The Committee notes that for the third year in succession the reports due have not been received. The Committee can only express its concern over this failure to comply with the fundamental obligation of reporting on the application of ratified Conventions.

Laos. 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 the obligation of reporting on the application of ratified Conventions.

Liberia. 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 the obligation of reporting on the application of ratified Conventions.

Mauritania. 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 the obligation of reporting on the application of ratified Conventions.

Mexico. Further to its previous general observation concerning the application of certain self-executing provisions in pursuance of the effect which the Mexican Constitution confers on ratified Conventions, the Committee has noted with interest the information supplied by the Government in its reports on Conventions Nos. 8, 13, 42, 52 and 90. According to this information, a committee has been set up to consider the advisability of making certain amendments to the Federal Labour Act. The Relations and Publications Department of the Secretariat of Labour and Social Welfare has suggested that when the committee prepares its preliminary draft it should draw attention to the points in the Act itself which, in the opinion of the Committee of Experts, are not in conformity with certain provisions of the international labour Conventions ratified by Mexico. The Committee considers that it would be most useful to proceed in this way, and trusts that the amendments to the Federal Labour Act now under consideration will also take into account the discrepancies already pointed out between section 146 of the said Act and paragraph 1 of Article 9 of Convention No. 22, and between section 75 of the Act and Articles 2 and 3 of Conventions Nos. 43 and 49.

The Committee requests the Government to be good enough to supply in its future reports on the Conventions mentioned above any information concerning the proposed amendments to the Federal Labour Act now under consideration.

Nicaragua. In reply to various observations previously made by the Committee concerning, *inter alia*, Conventions Nos. 2, 4, 6, 13, 16, 18 and 22, the Government had been referring since 1965 to a proposed revision of the Labour Code intended to remove the discrepancies between the national legislation and the Conventions in question to which the Committee has been drawing attention for a number of years.

In these circumstances, the Committee must note with regret that none of the reports submitted this year by the Government in connection with the aforementioned Conventions refers to the said revision, despite the statements made by a Government representative to the Conference Committee in 1967 that the President of the Republic had instructed the competent authorities to hasten the preparation of all the legislative texts necessary to give full effect to all ratified Conventions. The Committee trusts that the Government will take all appropriate steps to ensure that the necessary enactments are adopted in the very near future.

Panama. The Committee notes that the reports due have not been received.

As, during the last eight years, the Government has only discharged once—in 1966—the fundamental obligation of submitting reports in accordance with article 22 of the Constitution, the Committee regrets once more that this lack of information makes it impossible for the Committee to examine whether Panama is securing the adequate observance of the Conventions it has ratified.

Peru. The Committee notes that, with regard to the divergencies between national legislation and Conventions Nos. 4, 12, 41, 44, 69, 71, 73 and 87 to which

the Committee has drawn attention, the Government has referred on several occasions to the fact that a Labour Code was being prepared and that most of the comments of the Committee of Experts were being brought to the attention of the committee responsible for preparing it. In this connection, a Government representative indicated in the Conference Committee in 1967 that it was expected that the committee responsible for preparing the Labour Code would complete its work in 1967 and that, under Act No. 15060, the Executive Branch was authorised to bring the Code into force without previously submitting it to Congress. The Committee notes that in its reports on the above-mentioned Conventions this year, the Government either makes no reference to the work of this committee or merely points out that its task is not yet completed. In these circumstances, the Committee would be grateful if the Government would be good enough to state exactly what stage has been reached in the preparation of the Labour Code in question.

The Committee further notes that while five reports state that copies have been communicated to the representative organisations of employers and workers, as required by article 23, paragraph 2, of the Constitution, eight reports merely state that copies will be communicated and 13 reports make no reference to the point. The Committee hopes that in future all reports will state that the communication in question has been effected.

El Salvador. The Committee notes with regret that the reports due have not been received.

As this is the fourth consecutive occasion on which the Government has failed to discharge the fundamental obligation of submitting reports in accordance with article 22 of the Constitution, the Committee is bound to draw attention to the fact that this lack of information makes it impossible for the Committee to examine whether El Salvador is securing the adequate observance of the Conventions it has ratified.

Singapore. 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.

Republic of South Africa. The Committee notes with regret that the reports due have not been received. It must point out once again that under article 1, paragraph 5, of the I.L.O. Constitution, States, even after their withdrawal from the Organisation, are bound to secure observance of the provisions of ratified Conventions for the periods provided for in such Conventions and to report on their application.

Spain—African Provinces. The Committee notes with interest the information supplied by the Government to the Conference Committee in 1967 in connection with the previous general observation on the application of Conventions ratified by Spain in these provinces.

Ifni and Sahara. The Committee notes with satisfaction that the General Government Ordinance No. 227 of 17 April 1967, enacted in accordance with the Order of 20 October 1966, provides for the entry into force, in Ifni, of the legislative provisions of a social character designed to give effect to the Conventions ratified by Spain. The Committee also notes that, with regard to the province of Sahara, on 30 April 1967 the Official Bulletin of this province published instructions dated 15 April whereby the application of this social legislation is extended to this province. Finally, the Committee notes that the above-mentioned legislative provisions include a list of the laws, decrees and ministerial orders applying the provisions of the Conventions in question.

Fernando Po and Rio Muni. In its previous general observation, the Committee noted that on 25 October 1966 the Spanish Government sent a communication to the General Commissioner for Equatorial Guinea (Fernando Po and Rio Muni) in order to request the autonomous bodies (Assembly and Council of Government) to study the social provisions of Spanish law and adapt them to the territories of these provinces, along the same lines as in Ifni and Sahara. The Committee notes the information subsequently supplied by the Government, according to which repeated requests have been made through the General Commissioner for Equatorial Guinea to the President of the Government Council for the possible adoption of provisions necessary to attain the objective sought by the communication of 25 October 1966. The Committee also notes that the autonomous authorities of Guinea are examining how to give effect to the suggestion made to them, that they have already begun to study a considerable number of provisions and that the delay in attending to the matter is due to the fact that the Assembly was considering the principles of future policy in Equatorial Guinea.

In these circumstances, the Committee hopes that detailed information will continue to be supplied on any steps taken with a view to applying fully the Conventions ratified by Spain in the provinces in question, taking into account all the comments made by the Committee.

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. The Committee notes with regret that the reports due have not been received. It recalls that as regards Zanzibar this is the fourth consecutive year that reports have not been supplied and trusts that the Government will make every effort to comply with its obligations in accordance with article 22 of the Constitution, and that in future all reports, including those concerning Zanzibar, will be submitted.

Togo. 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 the obligation of reporting on the application of ratified Conventions.

Turkey. 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 the obligation of reporting on the application of ratified Conventions.

U.S.S.R. For several years, the Committee has expressed the wish that the Government provide the texts of the new Labour Codes of the various republics of the Union as soon as they have been adopted, and, pending their adoption, the texts of Codes currently in force. In the absence of any further information in this connection, 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 was limited to a statement that it was studying the Committee's previous comments with a view to amending the legislation and to bringing it into full conformity with ratified Conventions. The reports examined in 1967 merely referred to previous reports, stating that no changes had occurred. The Committee notes that the reports supplied this year arrived only on the opening day of the Committee's session. In addition, most of these reports again merely contained a reference to the previous reports.

The Committee trusts that the Government will in future be able to send the reports in due time and that they will contain all the information requested.

Viet-Nam. The Committee notes with regret that the reports due, including one first report (Convention No. 89), have not been received. The Committee hopes that in future the Government will not fail to discharge the obligation of reporting on the application of ratified Conventions.

Western Samoa. The Committee wishes to express its appreciation of the Government's action in continuing to supply regularly reports on Conventions which had been declared applicable on behalf of Western Samoa prior to the latter's accession to independence.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Bolivia, Brazil, Iraq, Tunisia.*

B. INDIVIDUAL OBSERVATIONS

Convention No. 1 : Hours of Work (Industry), 1919

Haiti (ratification : 1952). The Committee notes the information supplied by the Government in reply to its previous observations and requests.

Article 1 of the Convention. Section 104 of the Labour Code excludes certain establishments, in particular land transport undertakings which are covered by the Convention. In its 1963-64 report, the Government stated that in practice the interpretation given to this section was that the provisions on normal working hours also applied to these undertakings, but at the same time recognised the need for amending section 104 of the Code. The Committee notes with regret that no provision has been enacted in this respect and hopes that steps will be taken without delay with a view to bringing legislation into line with this Article of the Convention.

Article 6. The Government points out in its reply that the supervision of overtime provided by the labour inspection service under section 100 of the Labour Code prevents any possible abuse and enables the inspection service to act in accordance with instructions which require them to ensure that the standards established by ratified Conventions are strictly enforced. The Committee notes in this connection that Article 6, paragraph 2, of the Convention (as well as Article 7, paragraph 3, of Convention No. 30) specifically requires that regulations be laid down by the public authorities in order to determine the maximum number of additional hours which may be allowed in each particular case. As the Committee had pointed out, section 100 of the Labour Code, which allows up to 20 hours of overtime per week, does not constitute an adequate safeguard against an excessive recourse to overtime. The Committee therefore notes with regret that no action has been taken towards establishing a further limitation by fixing a maximum amount of overtime which may be authorised either over a period of several months or in a year. Such action should not give rise to any problems, since, according to the Government, because of high endemic unemployment, shift systems are more frequent than the use of overtime.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Greece, Paraguay, Uruguay.*

Convention No. 2 : Unemployment, 1919

Austria (ratification : 1924). Further to its previous observations, the Committee notes from the Government's reply that the Placement Bill referred to since 1956 has not been promulgated, but that a Bill for the reorganisation of the employment service has been drafted which will take into account Article 2 of the Convention.

The Committee trusts that this Bill will be adopted in the very near future and will ensure co-ordination of the operation of public and private employment agencies on a national scale, as provided for in Article 2, paragraph 2, of the Convention.

Chile (ratification : 1933). Article 2 of the Convention. Further to its previous observations, the Committee notes with satisfaction, from the statement by a Government representative in the Conference Committee in 1967 and from the information supplied in the report, that Decree No. 5 has been promulgated on 30 May 1967, establishing a national employment service with regional offices which are to begin functioning in June 1968. The Committee hopes that the Government will indicate in its next report whether advisory committees have been established and whether any measures have been taken to co-ordinate the operations of the employment service with those of private free employment agencies.

The Committee hopes that the Government will supply detailed information in future reports on the progress made, including, in particular, the number of employment offices set up, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such offices, as requested in the form of report.

Colombia (ratification : 1933). Article 2 of the Convention. Further to its previous observations, the Committee notes with interest that the Government is taking steps within the framework of structural reorganisation of the Ministry of Labour to establish an Employment and Human Resources Division which is being organised with the assistance of I.L.O. experts.

In the circumstances the Committee can only reiterate the hope that the reorganisation envisaged will be completed soon and that the Government will establish without delay a system of free public employment agencies as required by the Convention, and will also appoint appropriate advisory committees and arrange for the co-ordination of the operations of these agencies and of any free private agencies.

Ireland (ratification : 1925). Article 2, paragraph 1, of the Convention. The Committee notes with satisfaction that, following its previous observation and requests, a Manpower Advisory Committee, consisting of representatives from the Federated Union of Employers and the Irish Congress of Trade Unions under the chairmanship of an officer of the Department of Labour, has now been established.

Nicaragua (ratification: 1934). Article 2 of the Convention. The Committee notes that the Government's reply no longer refers to the proposed amendment of section 12 of the Labour Code, by which advisory committees were to be set up, but refers to a proposed draft relating to the reorganisation of the Ministry of Labour and of the employment service and to the setting up of a National Council on Human Resources. The Committee also notes the information regarding the number of employment offices and the statement that there are no private employment agencies.

The Committee hopes that the Government's next report will contain information on the progress made in regard to the proposed legislation, particularly on the

appointment of advisory committees and the new organisation of the employment service.

Sudan (ratification : 1957). The Committee notes with interest that a number of new employment agencies have been set up. However, further to its previous comments, the Committee regrets that the proposed establishment of the Manpower Council to act as an advisory body on employment matters, and the proposed amendment to the Employment Exchange Ordinance, 1955, to permit the employment agencies to register all persons seeking employment including those not covered by the Ordinance, are still under consideration. As the Committee has had occasion to refer to these matters since 1959, it hopes that the appropriate action will be taken to implement these proposals as soon as possible, so as to give effect in particular to Article 2, paragraph 1, of the Convention.

Uruguay (ratification : 1933). Article 2 of the Convention. The Committee notes the information communicated by the Government, in reply to the previous observation, to the Conference Committee in 1967 indicating that it would stimulate and develop to the maximum extent possible the National Employment Service which was established by Decree No. 157/964 of 30 April 1964. The Committee notes also that a number of employment offices have been created for different occupations. It hopes that the Government will indicate in its next report whether the employment offices functioning in Uruguay are established as "a system of free public employment agencies under the control of a central authority" as required by this Article. If so, the Committee hopes that the Government will supply in the next report : (a) a general account of the working of this system, stating how the committees referred to in paragraph 1 of this Article are constituted and appointed ; (b) the number of free employment agencies set up ; (c) if free private employment agencies exist, the steps which have been taken to co-ordinate their operations with those of the public agencies on a national scale.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Ecuador, Ethiopia, Spain, Syrian Arab Republic, Venezuela.*

Convention No. 3 : Maternity Protection, 1919

Gabon (ratification : 1961). Following its previous requests, the Committee notes with satisfaction that Act No. 5/67 of 30 May 1967 has amended section 115 of the Labour Code, making post-natal leave compulsory, in conformity with Article 3 (a) of the Convention.

Spain (ratification : 1923). Referring to its previous observations, the Committee notes with satisfaction that, under a Ministerial Instruction of 13 May 1967, the National Institute of Social Welfare and the Service of Labour Insurance have been directed to place foreign workers of all nationalities on an equal footing with Spanish workers in respect of the medical aid and cash benefits provided for by maternity insurance. The Committee also notes, from the information supplied by the Government at the Conference in 1967, that these instructions should be considered as an initial step until such time as the above principle is formally confirmed by additional legislation ensuring the application of the existing social security system.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Greece, Guinea.*

Convention No. 4 : Night Work (Women), 1919

Afghanistan (ratification : 1939). The Committee notes with regret that no legislative provisions have been adopted to give effect to Conventions Nos. 4, 41 and 45 on night and underground work for women, although the three Conventions were ratified a number of years ago.

As stated in its general observation, the Committee hopes that the provisions envisaged within the framework of the new Labour Law will be adopted shortly and that they will give full effect to the Conventions in question.

Austria (ratification : 1924). See under Convention No. 89.

Central African Republic (ratification : 1960). The Committee notes that the Government has failed to reply to the direct requests previously addressed to it on the application of this Convention. It must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the necessary information and take the necessary measures.

Colombia (ratification : 1933). Further to its previous observations, the Committee notes with satisfaction that Decree No. 13 of 4 January 1967 has, *inter alia*, amended section 242 of the Labour Code so as to prohibit the employment of women during the night in industrial undertakings, as provided for in Article 3 of the Convention.

Congo (Kinshasa) (ratification : 1960). See under Convention No. 89.

Guinea (ratification : 1959). The Government states in its reports on Conventions Nos. 4 and 6 that, following the ratification of the revised Conventions Nos. 89 and 90, the former Conventions "are no longer in force for the Republic of Guinea".

In these circumstances, the Government will doubtless wish to consider the possibility of communicating to the Director-General of the I.L.O. the formal denunciation of Conventions Nos. 4 and 6 in order to terminate, at the international level, the obligations arising therefrom.

Nicaragua (ratification : 1934). In reply to the Committee's observations, the Government had referred in its previous reports to a draft amendment of the Labour Code which was to give effect to the basic requirements of Conventions Nos. 4 and 6, which prohibit night work by women and young persons in industrial undertakings. The Committee notes with regret that the report for 1966-67 contains no information on the progress made in adopting this amendment and draws attention to its general observation in this respect.¹

Peru (ratification : 1945). As the Labour Code to which the Government has made reference since 1964 has not yet been adopted, the Committee must draw the Government's attention once again to the need for eliminating the discrepancy between section 10 of Act No. 2851 of 1918 and Article 6 of the Convention. The extension of the working day for women to ten hours per day, as permitted by section 10 of Act No. 2851, may imply a reduction in the night rest period to less than the minimum of ten hours, which is permitted by Article 6 of the Convention only in undertakings influenced by the seasons and in exceptional circumstances.

See also under General Observations.

* * *

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

In addition, requests regarding certain other points are being addressed directly to the following States : *Burundi, Central African Republic, Chad, Congo (Brazzaville), Congo (Kinshasa), Morocco, Portugal, Rwanda, Spain, Tunisia.*

Convention No. 5 : Minimum Age (Industry), 1919

Bolivia (ratification : 1954). Article 2 of the Convention. In its report for 1964-66, the Government had stated that the recently approved Minors' Code fixed 14 years as the minimum age for employing children as apprentices, and that the Labour Code, which was being adopted, contained the same provision. The Committee, however, notes from the Government's last report that the Minors' Code is still being revised ; it also notes that the report supplies no information on the adoption of the Labour Code.

In these circumstances, and since section 58 of the General Labour Act, which authorises the employment of children under the age of 14 years as apprentices, appears to be still in force, the Committee trusts that the employment of children under the age of 14 years in industrial undertakings, even as apprentices, will be expressly prohibited, in conformity with Article 2 of the Convention. It would be grateful if the Government would supply the text of the adopted provisions with its next report.

* * *

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

Information supplied by *Upper Volta* in answer to a direct request 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 1966-67 has not been received and that, therefore, no information is available in reply to its previous observations concerning the definition of the term " industrial trades ", employed in Decree No. 3489 of 9 April 1962, on which the Labour Code gave no indications, as well as on the practical application of the Convention.

Burma (ratification : 1921). The Committee notes that the Government has failed to reply to the direct requests previously addressed to it on the application of this Convention. It must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the information requested and take the necessary measures.

France (ratification : 1925). Further to its previous comments, the Committee takes note with satisfaction of Ordinance No. 67-830 dated 27 September 1967 dealing, *inter alia*, with the employment of young persons. This Ordinance ensures conformity with Article 3, paragraph 2, of the Convention, by repealing the provisions of sections 27 and 28 of Book II of the Labour Code (which had permitted exceptions authorising young persons to start work underground at 4 a.m. in mines and quarries operated on two shifts and to work from 4 a.m. and until midnight in certain specified mines), and with Article 7 of the Convention, by repealing the provisions of section 22 (a) of the same Book (which had empowered labour inspectors to authorise exceptions from the night work prohibition of young persons in respect of undertakings connected with national defence).

Guinea (ratification : 1959). See under Convention No. 4.

Hungary (ratification : 1928). In the observations it has made since 1955, the Committee has drawn the Government's attention to the absence of legislation to prohibit the night work of young persons between the ages of 16 and 18 years in industry, in accordance with Article 2 of the Convention. The Government states in its report for 1966-67 that, in conjunction with the codification currently under way, it is considering the possibility of introducing legislative measures to implement the Convention.

In these circumstances, the Committee trusts that the measures in question will ensure the application of the Convention to all young industrial workers under 18 years of age, and not only to those under 16 years.

Nicaragua (ratification : 1934). See under Convention No. 4.¹

Venezuela (ratification : 1933). Since 1963, the Committee has drawn attention to section 108 of the Labour Act Regulations, which permits young persons to work exceptionally until midnight, whereas, under Articles 4 and 7 of the Convention, such exceptions are authorised only in cases of *force majeure* or of serious emergency when the public interest demands it and only in respect of young persons over 16 years of age. In reply, the Government's report states that the Social Affairs Committee of the National Congress, to which the Government had submitted the question of the above discrepancy, has not approved the necessary measures in this respect.

The Committee notes this development with regret and can only point out once again that, in the absence of legislative measures, the above-mentioned provisions of the Convention are not complied with in Venezuela.

Viet-Nam (ratification : 1953). In its previous observations the Committee had noted that section 171 of the Labour Code, as amended by the Order of 4 January 1964, provides for exceptions from the prohibition of night work for children which are more extensive than those authorised by Article 2, paragraph 2, of the Convention, and that section 168 of the Code only prohibits night work for young workers or apprentices, whereas Article 1 of the Convention covers all young persons employed on manual or non-manual tasks in industrial undertakings.

The Committee notes from the Government's reply in its report for 1962-66 that the revision of the Labour Code with a view to bringing the relevant provisions thereof into conformity with the Convention has not yet taken place, but that, pursuant to section 171 of the Code, the Minister of Labour reserves the right to restrict the list of industries authorised to make temporary exceptions to the prohibition of night work to those set out in Article 2 of the Convention.

The Committee hopes that the Government will be in a position to take the necessary measures and that its next report will contain information on this point.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Burma, Dahomey, Laos, Niger, Portugal, Spain, Switzerland, Tunisia*.

Convention No. 7 : Minimum Age (Sea), 1920

Requests regarding certain points are being addressed directly to *Spain* and *Tanzania* (Zanzibar).

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920

Argentina (ratification : 1933). The Committee notes the statement of a Government representative at the Conference Committee in 1967, in reply to the previous observations, that approval was imminent for a Bill relating to the merchant navy which had been drafted recently and that this would permit the relevant sections of the Commercial Code to be amended so as to give effect to the provisions of the Convention.

The Committee regrets, however, that no information has been supplied in this respect in the Government's report. It must therefore recall 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 urges the Government to make every effort to take the necessary action without delay.¹

Mexico (ratification : 1937). In connection with the divergencies between section 126, subsection XII, of the Federal Labour Act and Article 2 of the Convention, see under General Observations—Mexico.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Iraq, Spain*.

Convention No. 9 : Placing of Seamen, 1920

Colombia (ratification : 1933). Further to its previous observations, the Committee notes with interest from the Government's report that the Government is taking steps—previously announced within the framework of structural reorganisation of the Ministry of Labour—to establish an Employment Division, which is being organised with the assistance of I.L.O. experts and which would include a special section charged with the placing of seamen.

The Committee hopes that the Government will be able to carry out the reorganisation envisaged in the near future, so as to give full effect to the provisions of this Convention, ratified 35 years ago.

Mexico (ratification : 1939). Articles 4 and 5 of the Convention. Following its previous comments, the Committee notes that consultations are being held with the competent authorities to consider the possibility of establishing joint advisory committees of shipowners and seamen in all the major ports of the country. As the Committee has had occasion to refer to this matter since 1957, it trusts that the above-mentioned committees will be set up without delay, and that information thereon will be supplied in the next report.

Convention No. 10 : Minimum Age (Agriculture), 1921

Requests regarding certain points are being addressed directly to the following States : *Guinea, Spain*.

Information supplied by *Algeria* in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

Convention No. 11 : Right of Association (Agriculture), 1921

Albania (ratification : 1957). See under Convention No. 87 in respect of workers in agricultural co-operatives.

Chile (ratification : 1925). Further to its previous observations, the Committee notes with satisfaction that Law No. 16625 on agricultural trade unions, giving effect to the provisions of the Convention, was promulgated on 26 April 1967.

* * *

In addition, a request regarding certain other points is being addressed directly to *Spain*.

Convention No. 12 : Workmen's Compensation (Agriculture), 1921

Colombia (ratification : 1933). Referring to its previous requests, the Committee notes that the regulations provided for by section 7 of Decree 3170 of 21 December 1964 in order to extend insurance against occupational hazards to agricultural workers employed in non-industrialised undertakings have not yet been adopted. The Committee trusts that the Government will take the necessary measures in the near future and will be able to indicate in its next report the progress achieved in this connection.

Nicaragua (ratification : 1934). In reply to the Committee's requests of 1964 and 1966 concerning the incompatibility between the Convention and the provisions of section 103 of the Labour Code (reduction of compensation to one-eighth of the amount in the case of accidents that have occurred in small commercial, *agricultural or stock-raising* undertakings or in domestic service), the Government states that it is considering the possibility of extending the social security scheme (which provides for no such restrictions) to agricultural workers and that through gradually extending the scheme it will replace the existing one established by the Labour Code. The Government adds that it will, however, take into account the Committee's comments. The Committee takes note of these statements and hopes that, in extending the social security scheme to agricultural workers, the necessary measures will be taken to ensure that, in conformity with the Convention, these workers are placed on the same footing as other workers, in respect of the rate of compensation for industrial injuries.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Panama, Peru*.

Convention No. 13 : White Lead (Painting), 1921

Afghanistan (ratification : 1939). The Government states that the use of white lead is permitted only in circumstances which conform to the terms of Article 1 of the Convention and with the approval of government engineers.

The Committee hopes that effect will shortly be given to the Convention by express legislative provisions or regulations, in the context of the new labour legislation to which the Committee refers in its general observations.

Argentina (ratification : 1936). The Committee notes with regret that the Government's report contains no information in reply to its previous comments. The

Committee is bound, therefore, to repeat its previous observation which was as follows :

Further to its numerous observations, the Committee regrets to note . . . 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 that the Ministry of Labour has approached the Ministry of Public Health with a view to ensuring that, within the framework of regulations governing the use of toxic substances, the Ministry of Public Health takes into account the provisions of the Convention which prohibit the use of white lead and sulphate of lead and regulate its use in certain cases.

The Committee is bound to urge once again that appropriate measures be taken in the near future in order to give full effect to the provisions of the Convention.

Mexico (ratification : 1938). With regard to the divergencies between section 111, G.V. of the Federal Labour Act and Article 3, paragraph 1, of the Convention, see under General Observations—Mexico.

Article 2, paragraph 2, and Article 5 of the Convention. In reply to the observation of 1967, the Government indicates that a Ministerial Circular which is being drawn up is to give effect to the various provisions of the Convention and, in particular, to the above-mentioned Articles, which provide that the limits of the different forms of painting shall be defined and that the use of products containing white lead in operations in which their use is not prohibited shall be regulated.

The Committee recalls that these provisions have already given rise to several observations, and it trusts that the text referred to will be issued in the very near future. It also requests the Government to indicate what binding force this Circular will have with regard to the employers and workers concerned, and what measures will be taken to make known the terms thereof.

Nicaragua (ratification : 1934). Decree No. 3 of 22 October 1966 concerning the use of white lead and other pigments in painting operations refers to a new subsection 9 of section 16 of the Labour Code. This new subsection is designed to prohibit, in the internal painting of buildings, the use of white lead, making an exception for white pigments containing a maximum of 2 per cent. of lead, expressed in terms of metallic lead (Article 1 of the Convention). This new subsection is part of a draft revision of the Labour Code which the Government mentioned on several occasions in previous reports.

The Committee notes with regret, however, that the 1965-67 report makes no further mention of this draft amendment. The scope of the 1966 decree thus does not appear to have the desired effect, in view of the fact that the basic prohibition for which it provides exceptions has, as yet, not been enacted in conformity with Article 1 of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

The Committee is, therefore, bound to insist once again that a text giving effect to Article 1 of the Convention be adopted, this matter having been a subject for comments since 1936.

See also General Observations.

Venezuela (ratification : 1933). Article 5.III (b) of the Convention. Further to its previous observations, the Committee has taken due note of the Government's reply which states that although there exists no specific legal provision authorising the competent authority to require a medical examination of workers engaged in painting work, as laid down in the present Article, in practice an examination is carried out when the competent authorities deem it necessary. In view of the fact that the application of the present Article of the Convention has given rise to comments since 1960, the Committee trusts that the Government will be able to take the necessary action in order to give effect to this practice through specific legal provisions which would guarantee full application of the Convention in this particular respect.

Article 7 of the Convention. The Committee notes with regret that once again no statistical data on morbidity and mortality have been supplied. The Committee trusts that this information will be supplied with the Government's next report.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Argentina, Bulgaria, Cameroon* (Eastern Cameroon), *Central African Republic, Chad, Colombia, Congo (Brazzaville), Czechoslovakia, Dahomey, Gabon, Guinea, Iraq, Laos, Malagasy Republic, Morocco, Nicaragua, Poland, Spain, Tunisia, Upper Volta, Yugoslavia*.

Convention No. 14 : Weekly Rest (Industry), 1921

Requests regarding certain points are being addressed directly to the following States : *Algeria, Lebanon, Netherlands, Paraguay, Portugal, Spain, Tunisia*.

Information supplied by *Upper Volta* and *Viet-Nam* in answer to direct requests has been noted by the Committee.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921

Requests regarding certain points are being addressed directly to the following States : *Iraq, Spain, Tanzania* (Zanzibar).

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

Ceylon (ratification : 1951). Articles 2 and 3 of the Convention. In reply to observations made over a period of several years, the Government has merely repeated the information supplied in its reports since 1961. The Committee must, therefore, note with regret that no progress seems to have been achieved in giving effect to the above-mentioned Articles of the Convention, which make the employment on board ship of persons under 18 years of age subject to a medical examination and lay down that the medical certificate attesting to the fitness of such persons for work at sea shall be valid for a maximum period of one year.

The Committee trusts that the necessary measures will be taken without delay with a view to the early promulgation of the proposed amendments to the Merchant Shipping Act and the issue of regulations under the Act to ensure the application of Articles 2 and 3 of the Convention, which was ratified 17 years ago.

Greece (ratification : 1930). Further to its previous request, the Committee notes with satisfaction that Ministerial Circular No. 102690/8821 of 25 February 1967 makes provision for the annual renewal of the medical examination attesting to the fitness of young persons for employment, in conformity with Article 3 of the Convention.

Nicaragua (ratification : 1934). In reply to the Committee's observations, the Government had referred in earlier reports to a draft reform of the Labour Code which was designed to supplement section 151 of this Code in order to bring it into line with Articles 2 and 3 of the Convention concerning the medical examination at the time of admission to employment and re-examination during employment, respectively.

The Committee notes with regret that the last report contains no information as to the progress made towards adopting this draft and therefore asks the Government to refer to its General Observation.

Somali Republic (former Trust Territory) (ratification : 1960). Referring to its previous requests, the Committee notes with regret that Legislative Decree No. 7 of 1 November 1966, which amends the Maritime Code of Somalia of 1959, makes no provision for the renewal of the medical examination attesting to physical fitness at intervals not exceeding one year (Article 3 of the Convention).

In these circumstances, the Committee trusts that the Government will be able to take the necessary measures to give effect to this Article of the Convention, either by adopting regulations in pursuance of section 61 of the above-mentioned Legislative Decree or within the framework of the new Labour Code which, according to the Government's report, also applies to seafarers.

Uruguay (ratification : 1933). In connection with its previous requests and observations, the Committee notes with satisfaction that the new Law governing sickness and disability insurance and other medical and pharmaceutical care for seamen employed on private vessels (Law No. 13560 of 1966) applies also to young persons employed as seamen and thus gives effect to Articles 2 and 3 of the Convention (medical examination at the time of admission to employment and renewal of this examination during employment).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon* (Western Cameroon), *Guinea*, *Spain*, *Uruguay*.

Information supplied by *Jamaica* and *Malta* in answer to direct requests has been noted by the Committee.

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Argentina (ratification : 1950). The Committee notes with regret that, although the Government had reiterated (in its previous report and in the information supplied in June 1966) its intention to adopt legislation in conformity with the Convention, no such measures appear to have been taken. The Committee therefore urges the Government to take early measures to ensure full conformity with the Convention, and more particularly with regard to Article 6 (waiting periods) and Article 7 (cases where the constant help of another person is required).

Burma (ratification : 1956). The Committee notes the information supplied by the Government both at the Conference Committee and in its report in reply to previous observations. It notes with interest that sections 137 and 139 of the draft

Regulations to be issued in pursuance of the Law defining the Fundamental Rights and Responsibilities of the People's Workers take into account the standards prescribed by Articles 10 and 11 of the Convention, on the one hand, by removing the limits on the refund of expenses for artificial limbs and surgical appliances and, on the other, by guaranteeing payment of compensation in the event of the insolvency of the employer. The Government also indicates that steps will be taken to bring the provisions of the Workmen's Compensation Act into line with Article 5 of the Convention (the payment of compensation in the form of periodical payments).

The Committee trusts that these new legislative measures will be adopted in the very near future.

Chile (ratification : 1932). The Committee notes the information supplied by the Government at the Conference and in its report in reply to observations made in previous years, and notes in particular the new measures contained in Act No. 16425 of 1966 (sections 22 and 23), which require that an invalidity pension be granted to workers employed in copper mines, when they are suffering from pneumoconiosis. However, the Committee notes that the Bill concerning social security, which is designed to amend the provisions of the Labour Code so as to bring them into conformity, *inter alia*, with Article 5 of the Convention (compensation in the form of periodical payments in case of permanent incapacity), has not yet been adopted by the National Congress. The Committee trusts that the Government will make every effort to hasten the adoption of this Bill.

Congo (Kinshasa) (ratification : 1960). Referring to its previous requests, the Committee notes that the question of extending the social security system to include apprentices who are victims of industrial injuries is still being studied. It hopes that the Government will adopt shortly the proposed measures for bringing national legislation into line with Article 2 of the Convention and that, at the same time, injured workmen will be guaranteed the right to medical, surgical and pharmaceutical aid, without time limits, in conformity with Article 9 of the Convention. The Committee hopes that the next report will contain information concerning the progress accomplished in this respect.

Cuba (ratification : 1928). The Committee notes with regret that the Government's reply supplies no new information in connection with the questions dealt with in its observation of 1966 and in previous requests concerning : (1) certain cases where benefits are withheld, authorised by Law No. 1100 on social security (section 63 (f) : the withholding of benefits for the total duration of a prison sentence when the sentence lasts for more than 30 days ; and section 64 (g) : when the beneficiary has been sentenced for a counter-revolutionary offence), but which are not covered by the Convention ; and (2) the fact that national legislation contains no provisions corresponding to Article 7 of the Convention, under which additional compensation shall be paid to injured workmen who must have the constant help of another person.

In these circumstances, the Committee must again express the hope that the Government will take the necessary measures to give full effect to the Convention with respect to these points.

Malaysia (States of Malaya) (ratification : 1957). The Committee takes note of the information supplied in reply to its previous observations concerning the following points : the provision of compensation in the form of periodical payments (Article 5), the supply and renewal of artificial limbs and appliances (Article 10), and a guarantee of payment of compensation in all circumstances in the event of the insolvency of the employer or insurer (Article 11). The Committee notes with

interest that the draft legislation providing for the establishment of a social security scheme will probably be completed early in 1968 and that its provisions will give effect to the above-mentioned Articles of the Convention. The Committee hopes that this draft legislation will be adopted in the near future and that the Government will indicate in its next report the progress achieved in this respect.

New Zealand (ratification : 1938). Referring to its previous observations, the Committee takes note of the information supplied in the Government's report, according to which the Royal Commission which is responsible for reviewing workers' compensation is continuing its work and will shortly submit its conclusions. The report also points out that the question of bringing national legislation into harmony with the Convention, in particular with Article 5 (periodical payments in the case of permanent incapacity or death), will engage the attention of the Royal Commission. The Committee hopes that a revision of the national legislation in accordance with the Convention will take place in the near future, and that the Government will be able to indicate the progress achieved in this connection in its next report.

Nicaragua (ratification : 1934). Further to its previous observations, the Committee notes with satisfaction that Decree No. 2 of 8 April 1967 has amended sections 61 and 88 of the Organic Social Security Act by making provision for the admission of persons of 60 years of age to insurance against occupational hazards and for the granting of additional compensation to injured workmen whose incapacity necessitates the constant help of another person (Articles 2 and 7 of the Convention).

Furthermore, the Committee notes that compulsory insurance has been extended to wage earners in the town of León. The Committee hopes that the Government will continue its efforts in extending the social security system over the whole of the national territory in the very near future, especially as the Labour Code, whose provisions on protection against industrial accidents apply throughout the country, diverges considerably from the following Articles of the Convention : 5 (periodical payment of benefits), 7 (additional compensation to injured workmen whose incapacity necessitates the constant help of another person), 10 (supply and renewal of artificial limbs and surgical appliances) and 11 (guarantee of payment of compensation in the event of the insolvency of the employer or the insurer).

Philippines (ratification : 1960). The Committee has noted the information supplied by the Government in reply to the observation and requests made during the previous years concerning the following Articles of the Convention : 5 (compensation in the form of periodical payments without any limit of duration) and 7 (payment of additional compensation to injured workmen whose incapacity necessitates the constant help of another person).

The Committee takes note of the Government's assurances that the necessary measures will be taken with a view to bringing the legislation into full harmony with the Convention in respect of these matters as soon as economic circumstances make this possible, and trusts that the Government will indicate in its next report the progress achieved in this connection.

Portugal (ratification : 1929). Further to its previous observation and requests, the Committee notes with satisfaction that section 248 of the Rural Labour Code has been amended by Decree No. 47590 of 16 March 1967 so as to guarantee, in accordance with Article 7 of the Convention, the payment of an additional compensation in cases where the injury results in total incapacity, either permanent or temporary, of such a nature that the injured workman must have the constant help of another person.

Sierra Leone (ratification : 1961). Following its previous comments, the Committee notes with satisfaction that the Workmen's Compensation Act of 1954 has been modified by Decree No. 37 of 1967 which abolishes the limits on recovering medical and pharmaceutical costs as well as the limits on the supply and renewal of artificial limbs and surgical appliances, thereby bringing the national legislation into harmony with Articles 9 and 10 of the Convention.

Syrian Arab Republic (ratification : 1960). Further to its previous requests, the Committee notes with satisfaction that Order No. 1248 of 30 December 1967 provides, in conformity with Article 7 of the Convention, for the allocation of additional compensation in cases where the injury results in incapacity of such a nature that the constant help of another person is necessitated.

Uruguay (ratification : 1933). Further to its previous comments, the Committee notes with interest the measures taken by the Government in order to extend the application of the Act of 23 November 1961 (No. 12949) which provides for compulsory insurance for industrial injuries and occupational diseases, thus, *inter alia*, giving effect to Article 11 of the Convention (payment of compensation in all circumstances to workmen who suffer personal injury due to industrial accidents, and safeguards against the insolvency of the employer or insurer). The Committee notes in particular that the State Insurance Bank intends to establish a special fund to guarantee the payment of compensation in the event of the insolvency of an uninsured employer and that this fund will come into service during 1968. The Committee hopes that the Government will continue its action in this field and that, in future reports, it will indicate (a) if the application of the above-mentioned Act of 1961 has been extended to other areas apart from Montevideo, and (b) if the fund in question has in fact been established.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Barbados, Burundi, Colombia, Guinea, Iraq, Kenya, Mexico, Panama, Poland, Rwanda, Sierra Leone, Spain, Sweden, Tanzania (Tanganyika), Uganda.*

Information supplied by *Zambia* in answer to a direct request has been noted by the Committee.

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925

Ceylon (ratification : 1952). In reply to observations and direct requests made by the Committee for several years, the Government states in its report that, contrary to the information supplied in the report for 1963-65, the Bill designed to bring national legislation into line with the Convention has not been submitted to Parliament, but that a committee appointed to report on a social insurance scheme is at present studying the revision of the Workmen's Compensation Ordinance, which will take into account the amendments suggested by the Committee of Experts.

The Committee takes note of this information and trusts that the national legislation, which does not mention, among the activities likely to cause anthrax infection, the loading, unloading and transport of merchandise in general, and, among diseases and toxic substances, poisoning by the amalgams and compounds of mercury, will be brought into conformity with the Convention without further delay, in accordance with the hope expressed by the Government.

Colombia (ratification : 1933). Further to its previous observations, the Committee has noted the list of occupational diseases drawn up in Agreement No. 191 of 1965.

The Committee notes that, while this list mentions the poisonings caused by compounds of lead and mercury, in conformity with the provisions of the Convention, it is not in conformity with the Convention on the following points: (a) it makes no mention of the activities likely to cause poisoning by lead, and its alloys and compounds, nor of activities likely to cause poisoning by mercury, and its amalgams and compounds (items Nos. IV (1) and IV (2) of the list), and (b) in respect of the activities likely to cause anthrax infection it gives an enumeration which limits the compensation provided as regards this disease to certain persons who, by reason of their occupation, work in contact with infected animals or animal products, while the Convention covers in a more general way "work in connection with animals infected with anthrax"—without specifying the occupations exercised, as does the national legislation—the "handling of animal carcasses or parts of such carcasses including hides, hoofs and horns"—without specifying that such animal carcasses or parts be infected, as does the national legislation—and the "loading and unloading or transport of merchandise" in general—which the national legislation does not mention.

The Committee hopes that the Government will take the necessary measures to bring the national legislation into full conformity with the Convention on these points also and that it will indicate in its next report the progress made in this connection.

Dahomey (ratification : 1960). The Committee notes that the report refers once again to the adoption of the new Labour Code and of texts for its implementation, designed, according to the Government's replies to direct requests made since 1962, to bring the national legislation into conformity with Article 2 of the Convention.

In fact, the list of occupational diseases appended to Ordinance No. 10/SLM of 21 March 1959 does not correspond to the schedule of Article 2 of the Convention, as regards poisoning by lead, its alloys and compounds (the Ordinance contains a limitative list of pathological manifestations due to these infections), poisoning by mercury, its amalgams and compounds (the Ordinance makes no mention of these cases of poisoning or of the corresponding activities) and activities likely to cause anthrax infection (the Ordinance does not mention the loading, unloading and transport of merchandise in general).

The Committee hopes that the new Labour Code, as well as the texts for its implementation, will in the near future ensure the full application of the Convention and requests the Government to supply in its next report information on the progress made in this connection.

Mali (ratification : 1960). Further to its previous comments, the Committee notes with satisfaction that Act No. 67 ANRM of 30 January 1967 gives an indicative character to the list of occupational diseases caused by mercury and lead poisoning, and mentions the "loading and unloading or transport of merchandise" among the activities likely to cause anthrax infection, in conformity with Article 2 of the Convention.

Nicaragua (ratification : 1934). Referring to its previous observations, the Committee notes the new extensions of the social security scheme mentioned in its report in 1966.

As, however, this scheme is not applicable to the whole of the national territory and thus only the provisions of the Labour Code concerning compensation for occupational diseases are considered to ensure the general application of the Convention, the Committee requests the Government to refer to the general observation on the question of the draft revision of the Code, which was to include a list of occupational diseases corresponding to I.L.O. standards.

Syrian Arab Republic (ratification : 1960). Further to its previous requests, the Committee notes with satisfaction that Ministerial Order No. 748 of 28 August 1967 has supplemented the list of occupational diseases so as to include among the activities corresponding to anthrax infection the loading, unloading or transport of merchandise, in conformity with the Convention.

Tunisia (ratification : 1959). Referring to its previous requests and observations, the Committee notes with regret that the draft amendment to the schedule of occupational diseases appended to Act No. 57/73 of 11 December 1957—a draft mentioned by the Government in 1966—has still not been adopted. This draft was to bring the national legislation into harmony with Article 2 of the Convention by supplementing the list of pathological manifestations due to poisoning by lead, its alloys or its compounds and by mercury, its amalgams and its compounds, and by including “the loading, unloading and transport of merchandise” among the activities likely to cause anthrax infection.

The Committee hopes that the draft in question will be adopted in the near future and that the Government will not fail to indicate in its next report the progress achieved in this connection.

Upper Volta (ratification : 1960). The Committee notes with regret that the Government has not replied in its report to the direct requests addressed to it since 1960 on the application of this Convention. It must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the information requested and to take the necessary measures.

Yugoslavia (ratification : 1927). The Committee notes from the Government's reply to its previous request, concerning the addition of the processes of “loading and unloading or transport of merchandise” in general to the list of activities likely to cause anthrax infection, that the new Law on Invalidity Insurance which will contain a revised list of occupational diseases will shortly be adopted.

The Committee hopes that this list will be drawn up in conformity with the schedule in Article 2 of the Convention and that it will take into account the points raised by the Committee as concerns the activities corresponding to anthrax infection. The Committee trusts that the next report will contain information on the progress made in this connection.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Central African Republic, Colombia, Guinea, Mauritania, Portugal, Senegal, Switzerland, Upper Volta, Zambia*.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925

China (ratification : 1934). Further to its previous requests and observations, the Committee notes from the information supplied by the Government in its report and from the statement made by the Government representative at the Conference Committee in 1967 that the draft amendment to section 9 of the regulations on social insurance, which was to ensure the application of the Convention by including foreign workers of various occupational categories in the insurance scheme, has not yet been adopted. The Committee trusts that this draft, to which the Government had already referred in 1964, will be adopted without delay and that it will guarantee the same treatment as regards workmen's compensation for accidents to national workers and to nationals of other countries which have ratified the Convention, as prescribed by Article 1 of the Convention.

Rwanda (ratification : 1962). In reply to previous requests, the Government repeats its statements that, despite the absence of express legal provisions guaranteeing equality of treatment for nationals and foreigners in respect of workmen's compensation for accidents, there exists in reality no discrimination in this field. In these circumstances the Committee trusts that the Government will be able to consider the possibility, already contemplated in 1965, of amending the Law of 15 November 1962 on social security, so as to bring it into line both with national practice and with the provisions of the Convention, which provides for equality of treatment for national workers and those of any other country which has ratified the Convention, without any condition as to residence.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Australia, Barbados, Cameroon, Cuba, Czechoslovakia, France, Gabon, Guyana, Haiti, Lesotho, Malagasy Republic, Mauritania, Morocco, Netherlands, Portugal, Senegal, Spain, United Arab Republic.*

Information supplied by *Colombia, Sudan, Trinidad and Tobago* and *Uruguay* in answer to a direct request has been noted by the Committee.

Convention No. 20 : Night Work (Bakeries), 1925

A direct request regarding certain points is being addressed directly to *Argentina*.

Convention No. 22 : Seamen's Articles of Agreement, 1926

Argentina (ratification : 1950). The Committee notes the statement of a Government representative at the Conference Committee in 1967, in reply to the previous observations, that approval was imminent for a Bill relating to the merchant navy which had been drafted recently and that this would permit the relevant sections of the Commercial Code to be amended so as to give effect to the provisions of the Convention.

The Committee regrets that no information has been supplied in this respect in the Government's report. It must therefore recall that the divergencies which it had noted refer to the following provisions of the Convention : 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 delay and that the next report will contain the information which is again being asked for in a direct request.

Colombia (ratification : 1933). In connection with its previous observations indicating that legislation giving full effect to this Convention should be adopted, the Committee takes note with interest of Bill No. 131 of 20 June 1967 which was submitted by the Government.

Article 9, paragraph 1, of the Convention. Since the provisions of paragraph 3 of section 3 of the Bill are not in conformity with the terms of this Article of the Convention (which stipulates 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 should not be less than 24 hours), the Committee notes with interest that the Minister of Labour will urge the Seventh Commission of the Senate, which is at present studying the Bill, that this section be amended so as to give effect to the Convention.

On the other hand, the Committee notes that the following provisions of the Convention have not been reflected in the Bill : Article 3, paragraphs 1 (*in fine*), 2, 3, 4 and 6 (conditions under which the articles of agreement must be signed) ; Article 4 (prohibiting the parties from contracting in advance to depart from the ordinary rules as to jurisdiction over the agreement) ; and Article 8 (facilities given to a seaman for obtaining clear information on board as to the conditions of employment). The Committee trusts that it will be possible to include equivalent provisions in the Bill and that the latter will shortly be adopted.

Federal Republic of Germany (ratification : 1930). Following previous observations in connection with Article 9, paragraph 1, of the Convention, the Committee notes from the report that, in the course of negotiations between the Government and the competent social partners in the field of German maritime navigation, the question of the compatibility of section 63, paragraph 3, of the Seamen's Act with Article 9 of the Convention was the subject of proposals concerning a possible amendment to German law and that these proposals make further and more detailed consultation necessary.

The Committee trusts that this consultation will make it possible to bring section 63, paragraph 3, of the Seamen's Act into line with the provisions of Article 9, paragraph 1, of the Convention, which lays down 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, which shall not be less than 24 hours, shall be given.

Mexico (ratification : 1934). In connection with the divergencies between section 146 of the Federal Labour Act and Article 9, paragraph 1, of the Convention, see under General Observations—Mexico.

Article 5, paragraph 2, of the Convention. With regard to the application of this Article, the Committee notes that the Ministry of the Marine proposes to examine the question of modifying the seamen's booklet, in order to decide whether it is desirable to remove from this booklet statements as to the quality of the work and the wages of the seamen in question. The Committee trusts that this examination will result in the elimination of the present divergencies between national legislation and paragraph 2 of this Article, according to which the said booklet shall contain no statement as to the quality of the seaman's work or as to his wages.

Article 9, paragraph 2. The Committee notes that the Government makes no mention of the measures to be adopted with a view to applying this provision of the Convention (conditions under which notice shall be given in terminating an agreement of an indefinite period) and trusts that these measures will be adopted in the near future so as to bring the legislation into line with the Convention in this connection.

Morocco (ratification : 1952). Article 9, paragraph 1, of the Convention. The Committee notes with regret that in reply to its previous observations the Government stands by its viewpoint that the second paragraph of section 201*bis* of the Merchant Shipping Code, which makes the termination, in a foreign port, of an agreement for an indefinite period subject to the previous authorisation of the maritime or consular authority, is designed to protect seamen. The Committee can only repeat that this provision of Moroccan legislation constitutes a restriction of the freedom of a seaman, specifically provided for in the Convention, to terminate an agreement for an indefinite period "in any port where the vessel loads or unloads", subject only to the condition that the notice specified in the agreement must be given.

In these circumstances the maritime or consular authority may intervene only to take note of the termination of the agreement, which according to the Government's last report is what it does in the majority of cases, but it may not, as permitted under the legislation and as stated by the Government to happen in certain exceptional circumstances, refuse to allow the agreement to be terminated.

The Committee therefore trusts that the Government will look into this matter again with a view to bringing its legislation and practice into conformity with Article 9, paragraph 1, which is one of the fundamental provisions of the Convention.¹

Nicaragua (ratification : 1934). In reply to the Committee's observations, the Government had referred in past reports to a draft reform of the Labour Code designed to give effect to Article 6, paragraph 3 (3), and Articles 13 and 14 of the Convention. In its 1966 observation, the Committee drew the Government's attention to the need for bringing this Code into conformity with the following provisions of the Convention also : Article 3, paragraphs 3, 4 and 6, and Articles 4, 5 and 9, paragraphs 1 and 3.

The Committee notes with regret that the latest report contains no information as to the progress made towards adopting the above-mentioned draft, and in this connection, therefore, would ask the Government to refer to the General Observations.¹

Pakistan (ratification : 1932). Following previous observations, the Committee notes from the Government's report that the Merchant Shipping Act of 1923, in the amended form intended to give effect to Article 1 of the Convention, will be submitted to the National Assembly for approval during the November-December 1967 session.

The Committee hopes that the draft reform will receive final approval so that Article 1 of the Convention will henceforth apply to seamen engaged on board Pakistani ships in countries which have not ratified the Convention.

Peru (ratification : 1962). The Committee notes that although the Government refers in its report to the direct requests previously addressed to it on the application of this Convention, it does not reply to the substance thereof. The Committee must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the necessary information and take the necessary measures.

Singapore (ratification : 1964). The Committee notes with satisfaction that, following its previous direct request concerning the application of Article 13 of the Convention, the Board of Trade Instructions have been reviewed and that the new paragraph 73, submitted with the report for the period 1965-67, reproduces the above-mentioned Article.

Somali Republic (former Trust Territory) (ratification : 1960). Further to its previous requests, the Committee notes with regret from the Government's report that the department responsible for revising the Shipping Code and broadening the scope of its provisions has not taken into consideration the remarks the Committee made with regard to the application of certain Articles of the Convention. In these circumstances, the Committee takes note of the statement in the report to the effect that most of the standards laid down in the Convention will be embodied in the Labour Code, which also applies to work at sea. The Committee therefore reminds the Government that its earlier remarks concerned the following points :

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Article 6, paragraph 3 (10) (c), of the Convention. National legislation does not stipulate that an agreement for an indefinite period must specify the conditions entitling either party to rescind it, as well as the required period of notice for rescission, which may not be less for the shipowner than for the seaman.

Article 9, paragraph 1. The Shipping Code provides that an agreement of indefinite duration may be terminated by the seaman only in the vessel's port of destination, whereas the Convention provides that the agreement may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement has been given.

Article 9, paragraph 2. National law does not stipulate that notice must be given in writing.

Articles 4, 8, 13 and 14. There are no provisions in national law to give effect to these Articles of the Convention.

The Committee trusts that the Labour Code will be adopted in the near future and that it will take account of the various points raised above.

Uruguay (ratification : 1933). Further to its previous observations, the Committee notes with satisfaction that on 5 October 1967 a decree was adopted giving effect to the provisions of Article 3, paragraph 2, and to Articles 8 and 13 of the Convention.

Venezuela (ratification : 1944). Further to the comments it made in 1967, the Committee notes with interest that a Bill which is being prepared at the present time will eliminate the discrepancies between legislation and Articles 8 and 9, paragraph 1, of the Convention. The Committee trusts that the Government will take full advantage of the opportunity afforded by the preparation of this new law and will eliminate other discrepancies between national legislation and the provisions of the Convention which are referred to once again this year in a direct request.

Yugoslavia (ratification : 1929). The Committee observes that, according to the information supplied by the Government in reply to its direct request of 1967, when seafarers are engaged for employment no written articles of agreement are entered into, but the seaman concerned is simply informed in writing of the decision taken by the community of workers in respect of his engagement. According to the Government's own statement, this notification is not deemed to be a contract specifying the rights and obligations of seafarers, but serves as a basis for the admission to employment, the establishment of rights and the assignment to work of the seaman, the latter remaining free, even after receiving this notification, not to accept the work.

The Committee must point out that the Convention specifically stipulates that articles of agreement must be signed both by the shipowner or his representative and by the seaman, and that reasonable facilities to examine the articles of agreement before they are signed must be given to the seaman and also to his adviser (Article 3, paragraph 1). Paragraph 4 of Article 3 adds that national law must make adequate provision to ensure that the seaman has understood the agreement. Article 6 of the Convention, in its turn, lists the particulars which must compulsorily be contained in the agreement.

Since the Convention thus requires a written agreement between the seaman and the person or organisation employing him, the Committee considers that it cannot be complied with unless such an agreement has been entered into in the manner and in the terms prescribed. In these circumstances, so long as the Convention is in force in Yugoslavia, the Committee requests the Government to be good enough to

indicate what measures it proposes to take to comply with the obligations imposed on it by this Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Barbados, Brazil, China, Ghana, Mauritania, Morocco, Peru, Sierra Leone, Spain, Venezuela.*

Convention No. 23 : Repatriation of Seamen, 1926

Argentina (ratification : 1950). The Committee notes the statement of a Government representative at the Conference Committee in 1967 in reply to the previous observations that approval was imminent for a Bill relating to the merchant navy which had been drafted recently and that this would permit the relevant sections of the Commercial Code to be amended so as to give effect to the provisions of the Convention.

The Committee regrets that no information has been supplied in this respect in the Government's report. It must therefore recall that the divergencies which it had noted refer to the following provisions of the Convention : Article 3, paragraph 4 (conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated) ; Article 4, 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).

The Committee trusts that the necessary provisions will be adopted in the near future.

Colombia (ratification : 1933). Further to its previous observations, the Committee takes note with interest of Bill No. 131 of 20 June 1967, a copy of which was forwarded by the Government. The Committee trusts that the Bill in question will soon be adopted.

Peru (ratification : 1962). The Committee notes that although the Government refers in its report to the direct requests previously addressed to it on the application of this Convention, it does not reply to the substance thereof. The Committee must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and to supply the necessary information.

Uruguay (ratification : 1933). Further to its previous observations concerning Article 5 of the Convention, the Committee notes with satisfaction the adoption of the decree of 5 October 1967 which gives effect to certain of the provisions of the aforementioned Article—definition of the " expenses of repatriation " and the obligation to remunerate the seaman for work done during the voyage when he is repatriated as member of a crew.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Ireland, Peru, Philippines, Spain, Uruguay, Yugoslavia.*

Convention No. 24 : Sickness Insurance (Industry), 1927

Algeria (ratification : 1962). The Committee notes that the Government has failed to reply to the direct requests previously addressed to it on the application of this Convention. It must therefore take up the matter once again in a new direct

request and it hopes that the Government will make every effort to take the necessary measures.

Chile (ratification : 1931). Article 4 of the Convention. Referring to its previous observations and requests, the Committee notes with regret that the Bill which the Government had already mentioned in its report for 1958-59 and which had been submitted to the National Congress for consideration, has not yet been adopted. This Bill was to extend the grant of medical benefits, medicines and adequate medical treatment to the salaried employees of private undertakings who are subject to various schemes which neither cover all these salaried employees nor grant the benefits required by the Convention. The Committee trusts that this Bill will be adopted in the near future.

Colombia (ratification : 1933). Following its previous observations, the Committee notes with interest the new extensions of the sickness insurance scheme indicated in the report. It hopes that the Government will continue its efforts to ensure the application of the Convention throughout the country. The Committee requests the Government to supply in its next report information on the progress achieved in this connection.

Haiti (ratification : 1955). Referring to its previous observations, the Committee notes with satisfaction that the Act of 18 September 1967, which contains provisions relating to sickness insurance of workers in industry and commerce, has amended section 602 of the Labour Code so as to abolish the qualifying period hitherto required for the grant of medical benefits (Article 4 of the Convention). The Committee also notes that section 24 of the above-mentioned Act provides for the introduction of a system of sickness insurance by stages, taking into account national conditions.

The Committee trusts that the Government will make every effort to put into effect the system of sickness insurance provided for by this Act and by the Labour Code, and to ensure the effective application of this Convention. The Committee requests the Government to supply in its next report information on the progress achieved in this connection.

Nicaragua (ratification : 1934). Further to its previous observations, the Committee notes with interest the new extensions to the sickness insurance scheme. It hopes that the Government will continue its efforts to extend this scheme progressively so as to cover all the categories of workers referred to in Conventions Nos. 24 and 25 throughout the national territory. It would be grateful if the Government would indicate the progress achieved in this connection.

Moreover, the Committee notes the statistical information contained in the report and requests the Government to continue supplying such information on the progress made in this connection.

Peru (ratification : 1945). The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

The Committee notes that its previous observations and requests will be borne in mind by the commission set up for the reform of the social security scheme.

The Committee trusts that this reform will be carried out in the near future, and will extend the scope of sickness insurance, in accordance with Article 2 of the Convention, to the entire country, also including domestic workers.

The Committee hopes that the Government will make every effort to take the necessary action without delay.

Spain (ratification : 1932). Article 2 of the Convention. Referring to its previous observations and requests, the Committee notes with interest the Government's

statement that the Ministry of Labour has sent to the National Social Welfare Institute instructions requesting it to grant to foreign workers, whatever their nationality (and not only to nationals of Latin American countries, of Portugal, the Philippines, Andorra and Brazil, as has been the case hitherto), the same rights as are awarded to nationals in respect of sickness insurance. The Committee would be grateful if the Government would append to its next report a copy of these instructions.

Article 3. With respect to previous requests and observations, the Committee notes that the Government has adopted no measures for eliminating the seven-day minimum period of incapacity at present required for entitlement to sickness benefit or for reducing the four-day waiting period before payment of the said benefit is made. It trusts that the Government will reconsider the matter and will take the necessary measures with a view to bringing section 129 of the Act of 21 April 1966 on social security into full conformity with the Convention, which makes no provisions for a minimum period of incapacity for entitlement to sickness benefit and which fixes a maximum waiting period of three days.

With regard to the application of the Convention to the provinces of Fernando Po and Rio Muni, see General Observations.

Uruguay (ratification : 1933). The Committee notes with interest, from the Government's reply to its previous observations, that a Bill providing for a general health insurance scheme has been drafted by a special commission of the Chamber of Representatives, and was communicated on 13 September 1967 to the Ministry of Labour and Social Security.

The Committee hopes that this Bill, when enacted, will be such as to ensure full conformity with the various requirements of the Convention, including such provisions as the coverage of apprentices (Article 2, paragraph 1, of the Convention), a maximum waiting period of three days (Article 3, paragraph 2, of the Convention and section 19 of the Bill), cash benefits only to be withheld in certain specific cases (Article 3, paragraph 3, of the Convention and section 18F of the Bill), and the right to medical and pharmaceutical benefits to continue until at least the period prescribed for the grant of sickness benefit (Article 4, paragraph 1, of the Convention and section 10 of the Bill).

The Committee trusts that, as indicated by the Government, the above-mentioned Bill will soon be enacted and that the sickness scheme to be set up will ensure full compliance with the various provisions of Conventions Nos. 24 and 25.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Colombia, Ecuador, Netherlands, Peru, Rumania.*

Convention No. 25 : Sickness Insurance (Agriculture), 1927

Chile (ratification : 1931). See under Convention No. 24.

Colombia (ratification : 1933). See under Convention No. 24.

Haiti (ratification : 1955). See under Convention No. 24.

Nicaragua (ratification : 1934). See under Convention No. 24.

Peru (ratification : 1945). See under Convention No. 24.

Spain (ratification : 1932). See under Convention No. 24.

Uruguay (ratification : 1933). See under Convention No. 24.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Colombia, Netherlands, Peru.*

Convention No. 26 : Minimum Wage Fixing Machinery, 1928

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 has taken note of the Government's report for 1966-67. It notes with regret that minimum wage boards provided for in the Labour Act have still not been established, and that the report does not supply the information which the Committee has requested since 1965 concerning the minimum wage fixing machinery now in operation : (a) in commerce ; (b) respecting homeworkers.

As the report once again only refers to wage fixing by collective agreement, the Committee urges the Government to take the necessary measures to give effect to the Convention, which was ratified 24 years ago, particularly with regard to workers employed in commerce and home working trades, and in any other trade or part of a trade in which no arrangements exist for the effective regulation of wages.

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

Information supplied by *Guinea* and *Upper Volta* in answer to a direct request has been noted by the Committee.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929

Argentina (ratification : 1950). Further to its previous observations, the Committee has taken note with satisfaction of Decree No. 391 of 24 January 1967 which gives effect to paragraph 4 of Article 1 of the Convention.

Indonesia (ratification : 1933). The Committee notes with regret that for the second time in succession the Government's report 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 kilograms 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 trusts that the Government will make every effort to take the necessary action in the near future.

Uruguay (ratification : 1933). The Committee notes with satisfaction that, in response to its previous observations, a decree dated 28 September 1967 has been

adopted. By virtue of this decree the text of section 21 of the decree of 10 August 1938 is replaced by another text which provides that the obligation of marking the weight plainly and durably on packages and objects of 1,000 kilogrammes or more is incumbent upon the consignor.

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In addition, a request regarding certain other points is being addressed directly to *Spain*.

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.

Argentina (ratification : 1950). The Committee notes that, under section 47 of the National Defence Act (Act No. 16970) of 6 October 1966 and sections 2 and 8 of Act No. 17192 of 2 March 1967 on civil defence service, all inhabitants over 14 years of age, of either sex, other than those performing military service, may be

called up to satisfy the needs of national defence. According to sections 2 and 3 of Act No. 16970, national defence comprises all measures taken by the State to protect the vital interests of the nation from substantial interference and disturbance. The memorandum accompanying this Act explained the need for new legislation, *inter alia*, on the ground that earlier legislation had been applicable only in case of war and did not take account of the interdependence of the security and the development of the nation. Under section 2 of Act No. 17192, compulsory service may be imposed, *inter alia*, to preserve the welfare of the community, and the normal and full development of activities and services which ensure the development of the nation. Penal sanctions for failure to perform compulsory service are laid down in section 14 of Act No. 17192.

The Committee notes that compulsory service under the above-mentioned Acts is distinct from compulsory military service within the meaning of Article 2, paragraph 2 (a), of the Convention, and is not confined to cases of emergency as defined in Article 2, paragraph 2 (d). The legislation accordingly permits the imposition of a form of forced or compulsory labour prohibited by the Convention.

The Committee trusts that the necessary measures will be taken to bring national legislation into conformity with the Convention.

Burundi (ratification : 1963). The Committee regrets to note that, for the fourth consecutive time, no report has been supplied on the application of this Convention, and that, as a result, no information is available in reply to the questions raised in the previous direct requests. It is therefore obliged to raise these questions once more in a new direct request and it hopes that the Government will not fail to supply the information requested.

Cameroon (ratification : 1960). Following previous direct requests, the Committee notes with satisfaction that the Labour Code of 12 June 1967 has repealed the Labour Code Ordinance formerly in force in Western Cameroon, section 117 of which allowed regulations to be made for the performance of compulsory services for Chiefs.

Central African Republic (ratification : 1960). The Committee notes with regret that the Government's report does not indicate the measures taken or contemplated to bring the legislation referred to in its observation of 1966 into conformity with the Convention. It observes that, on the contrary, the legislation in question has been supplemented by provisions adopted in June 1966.

By virtue of Ordinance No. 4 of 8 January 1966 and Ordinance No. 66/38 of 3 June 1966, all persons, of either sex, aged between 18 and 55 years, who are not incapacitated from work or registered at an educational establishment and who are unable to prove that they belong to one of eight specified categories of the active population, are liable to penal sanctions and can be directed to work of general interest, particularly the cultivation of land. Compulsory cultivation may also be imposed under section 28 of Act No. 60-109 of 27 June 1960 concerning the development of the rural economy.

These provisions, which grant the authorities extensive powers to impose forced or compulsory labour, are incompatible with the Government's obligations under the Convention. The Committee hopes that they will be repealed at an early date.

Czechoslovakia (ratification : 1957). In its previous direct request, the Committee had referred to Government Ordinance No. 16 of 8 February 1963, as amended by Government Ordinance No. 74 of 7 June 1965, under which persons completing studies at universities, conservatoires and vocational schools were required to enter employment in a basic workplace prescribed by the competent authorities, might not leave such employment without the consent of the competent

authorities for a period of three years, and during that period might not be employed by any other undertaking.

The Committee notes with satisfaction from the Government's report that the above-mentioned legislation has been repealed and replaced by Government Ordinance No. 38 of 29 March 1967, under which placement of persons completing studies or vocational training is carried out by mutual agreement between them and undertakings and the termination of the resulting employment relationship is subject to the general provisions of the Labour Code.

Dahomey (ratification : 1960). The Committee notes that, under sections 1 and 2 of Ordinance No. 62 P.R./M.D.R.C. of 29 December 1966, all able-bodied men are required to work full time in the zones designated as priority zones in each village, sub-prefecture and prefecture, with a view to attaining the production targets fixed by the Five Year Plan of Economic and Social Development. Penal sanctions for failure to comply with this obligation are laid down in section 6 of the Ordinance.

This legislation, which provides for compulsory labour affecting the entire adult male population, is contrary to the Convention. The Committee accordingly hopes that measures will be taken to repeal Ordinance No. 62 P.R./M.D.R.C. of 29 December 1966.

The Committee trusts that the Government will also take measures formally to repeal the following legislation to which the Committee has referred in previous direct requests and which, according to the Government, is not applied in practice : Act No. 62-21 of 14 May 1962 to provide for the call-up of the unemployed, and Decree No. 239 of 1 June 1962 concerning collective village fields.

Ecuador (ratification : 1954). For the sixth 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). In its previous observations the Committee had drawn attention to the incompatibility with the Convention of Ordinance No. 50/62 of 21 September 1962, under which any physically fit citizen over 18 years of age who does not prove that he has an occupation or is registered at an educational establishment may be required, subject to penal sanctions, to take up employment to which he is directed by the authorities. In its report for 1964-66 the Government stated that this legislation had never been applied in practice, and was to be repealed.

The Committee regrets that, in the absence of the report due for the period ending 30 June 1967, no further information is available on the measures taken to repeal the Ordinance of 1962. It hopes that this repeal will be effected at an early date.

Ghana (ratification : 1957). The Committee notes with satisfaction, from the Government's reply to previous direct requests concerning any labour which might be exacted from detainees under the Preventive Detention Act, 1964, that this Act has been repealed by the Preventive Detention Act, 1964 (Repeal) Decree, 1966.

India (ratification : 1954). The Committee has noted with interest the information supplied by the Government, in answer to its previous observation, concerning the results of the general review of relevant legislation by state governments and recent legislative measures taken with a view to bringing the legislation into conformity with the Convention. It notes with satisfaction that section 84 of the Assam

Panchayat Act, 1959 (permitting imposition of a labour tax) was repealed by Assam Act No. IV of 1960, that the provisions for compulsory portage previously contained in the Tripura Ghar Chuktikar Ain 1329 TE were repealed by the Tripura Tribal Inhabitants (House Tax) Act, 1965, and that, according to the Government's report, section 87 of the Hyderabad Gram Panchayat Act, 1956, and section 69 of the Orissa Gram Panchayat Act, 1964, which permitted compulsory labour for local public works, were repealed respectively by the Andhra Pradesh Gram Panchayats Act, 1964, and the Orissa Gram Panchayat (Second Amendment) Act, 1967.

Liberia (ratification : 1931). In 1967, in reviewing the measures taken to implement the recommendations made in 1963 by the Commission of Inquiry appointed under article 26 of the I.L.O. Constitution, the Committee of Experts noted that, 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 had remained irregular, both as regards timing and the contents of the reports supplied. The Committee notes with regret that this year no report at all has been supplied, and that accordingly no information is available on any measures which may have been taken in regard to the various matters mentioned in its previous observation.

In these circumstances, the Committee can only draw attention once more to the matters on which—so far as can be judged from the information previously supplied—action remains necessary to ensure the full implementation of the recommendations of the Commission of Inquiry.

1. Action to eliminate all legislative anomalies affecting the implementation of the Convention needs to be completed. Following repeal of Chapter 16 (Recruitment of Labour) of the Labour Practices Law on 18 February 1966 and its replacement by a new Chapter (Employment in General) by an Act of 30 May 1966, the requirements of Article 25 of the Convention, concerning penal sanctions for the illegal exaction of forced or compulsory labour, are no longer met. Under the new provisions, the prohibition of improper payments in connection with recruiting is more restricted in scope than before 1966, no longer covering payments to government officials. Lastly, indications remain to be supplied concerning the entry into effect of the amendment to section 346 of the Penal Law (vagrancy) recommended by the Commission of Inquiry.

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. The Committee of Experts had noted in this respect that, under 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 materials,

equipment and tools. It had also recalled the evidence given to the Commission of Inquiry 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.

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.

The Committee once more expresses the hope that appropriate action will be taken without further delay to implement fully the recommendations of the Commission of Inquiry, and that detailed information on the measures taken will be supplied.

Since the Committee of Experts' previous session, certain further legislative texts which appear to affect the implementation of the Convention have become available, namely several Acts granting emergency powers for 12-month periods (approved respectively on 9 October 1963, 11 February 1966, and 21 March 1967). It observes that these Acts—which were stated to have been adopted on account of conditions prevailing in the world (Acts of 1963 and 1967) or the infiltration into the country of certain subversive elements (Act of 1966)—granted extensive powers to impose forced or compulsory labour, namely to mobilise labour, male and female, for economic, social and industrial services for defence purposes (section 1 (d) and (g) of the respective Acts). Referring to paragraph 54 of the general survey concerning forced labour in Part Three of the present report, the Committee hopes that the possibility of recourse to compulsory call-up of labour will in future be limited to circumstances in which it is strictly required to meet an emergency as defined in Article 2, paragraph 2 (d), of the Convention.

Finally, the Committee regrets that, in the absence of a report, no information is available on certain matters raised in direct requests since 1964, relating to the employment of prison labour and labour required from inmates of poorhouses. It trusts that the necessary information will be available at its next session.¹

Malagasy Republic (ratification : 1960). The Committee regrets to note that the report for 1965-67 has not been received. The Committee recalls that in 1966, while deferring further comment on the national civic service scheme in view of the proposed Conference discussion on special youth training and employment programmes, it had asked the Government to review legislation dealing with certain other matters going beyond the questions to be considered by the Conference. In particular, it drew attention to the following points :

1. By virtue of Ordinance No. 62-062 of 25 September 1962 on the repression of idleness (as amended by Act No. 65-006 of 7 July 1965) and Decree No. 63-268 of 15 May 1963 issued thereunder, all men between 18 and 55 years who cannot prove that they have a regular occupation and do not cultivate minimum areas of land, fixed annually for each rural commune by prefectural order, are deemed idle persons. They can thereupon be required to cultivate a minimum area of land, under conditions laid down by prefectural order, disobedience of these orders being punishable by imprisonment. Decrees issued in 1965 institute attestations or certificates intended to give proof of regular employment or the cultivation of a pre-

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

scribed minimum area, which must be presented to the administrative authority, the *gendarmérie* or the police, on demand.

2. Section 2 (b) of the Labour Code and Ordinance No. 62-065 of 27 September 1962 provide for the exaction of forced or compulsory labour on work of public interest as a means of recovery of taxes, and Ordinance No. 62-065 provides for the exaction of such work by administrative decision also as a punishment for failure to pay taxes.

3. By virtue of section 70 of Decree No. 59-121 of 27 October 1959 to organise the prison services, prison labour may be hired out to private undertakings or individuals for public works or economic works included in a plan approved by the economic services ; furthermore, subject to special authorisation, prison labour may be hired out to private individuals even in other cases if it is impossible to obtain labour on the open market.

As the Committee has previously pointed out, the above-mentioned provisions are incompatible respectively with Article 1, Article 10 and Article 2, paragraph 2 (c), of the Convention. It once more expresses the hope that the Government will review these matters and will be able to adopt appropriate measures to bring the legislation into conformity with the Convention.

Malaysia (State of Sarawak) (ratification : 1964). The Committee regrets to note that the Government's report for 1965-67 did not supply information on matters which have been the subject of direct requests since 1963, concerning the abolition of compulsory portage and cultivation. The Committee trusts that the Government will not fail to supply the necessary information in the next report.

Morocco (ratification : 1957). The Committee notes with satisfaction from the Government's report that, following earlier direct requests, Royal Decree No. 206-65 of 11 December 1965 has amended the Dahir of 2 January 1940 and repealed the Dahir of 24 June 1942 so as to eliminate the liability to compulsory labour of persons placed in compulsory residence by administrative decision.

Niger (ratification : 1961). Referring to its previous direct requests, the Committee notes with satisfaction that Act No. 62-010 of 16 March 1962 relating to the organisation of the recruitment of the national armed forces has been amended by Act No. 67-005 of 11 February 1967 to delete a provision which permitted recruits to be employed on work of national interest or in operation of undertakings of national interest.

Portugal (ratification : 1956). In previous direct requests, the Committee has drawn attention to a number of cases in which labour may be exacted from persons under decisions of deprivation of liberty although they have not been the subject of a conviction in a court of law, within the meaning of Article 2, paragraph 2 (c), of the Convention. These cases are as follows :

- (a) Under Decree No. 34,553 of 30 April 1945, security measures may be imposed by the Tribunal for the Execution of Sentences even in the absence of any conviction (sections 3 and 25). According to the preamble to this decree, " security measures are not always applied in proceedings aimed at establishing the commission of an offence. This is the case when the dangerous character of the person concerned is established independently of the commission of any offence or is discovered only after judgment has been given in criminal proceedings." By virtue of section 70 of the Penal Code, security measures may take the form, *inter alia*, of internment in a workhouse or agricultural settlement and of conditional liberty, which may include a condition requiring the person concerned to work in a specified place. The Government has confirmed

in its reports that persons deprived of their liberty pursuant to security measures are, during their period of confinement, subject to penal labour.

- (b) Under sections 67 to 69, 72 and 73 of the Penal Code, sections 41 to 46 of Decree No. 34,553 of 30 April 1945, and section 7 of Legislative Decree No. 40,550 of 12 March 1956, prison sentences and security measures may be extended for successive periods of three years by decision of the Tribunal for the Execution of Sentences, even though (in the case of security measures) there may never have been a conviction or (in other cases) there has been no further conviction.

The Government has recognised in its reports that security measures may be imposed on persons who have committed no specific criminal offence, provided that it is considered that there is a danger or a serious likelihood that they will commit acts forbidden by the criminal law. The Government has, however, maintained that, as the Tribunals for the Execution of Sentences constitute part of the judicial system, are composed of judges appointed on the same terms as those of other courts, and follow normal judicial procedures, any labour exacted as a consequence of decisions taken by them should be considered to fall within the exception from the scope of the Convention laid down in Article 2, paragraph 2(c).

The Committee must point out that this exception applies only to work or service exacted as a consequence of a *conviction*, that is, a finding of guilt of a criminal offence. As the Committee has indicated in its general survey on forced labour in Part Three of its report (paragraph 77), in the absence of a finding of guilt, a person should not be required to perform forced or compulsory labour, even as a result of a decision by a court of law.

The Committee hopes that the Government will reconsider the above-mentioned legislation in the light of these explanations and take appropriate measures to bring it into conformity with the Convention.

Syrian Arab Republic (ratification : 1960). The Committee notes with satisfaction, from the Government's reply to its previous direct request, that Act No. 94 of 18 March 1960 (under section 2 of which doctors, dentists and pharmacists employed by the Government or by the public authorities were prohibited from leaving their employment for a period of five years, subject to penal sanctions) has been repealed by Legislative Decree No. 15 of 22 January 1967.

Upper Volta (ratification : 1960). With reference to its previous comments, the Committee notes that, following amendment by Ordinance No. 44/PRES/DN of 3 October 1966 of section 5 of Act No. 49/62/AN of 21 December 1962 on recruitment for the army, works of national interest may no longer be executed by conscripts as a normal part of compulsory military service, but only where required by exceptional circumstances.

The Committee also notes certain minor amendments which were made in 1966 to the legislation mentioned in its previous observations. These amendments, however, appear not to have eliminated the discrepancies between the legislation and the Convention previously noted, as follows :

- (a) Under Act No. 6/63/AN of 12 February 1963 respecting the utilisation of persons to ensure the economic and social progress of the nation (as amended by Ordinance No. 45/PRES of 30 October 1966), all men and women over 18 years of age may be called up, for successive periods of two years, to do work of national interest, contrary to Articles 1 and 4 of the Convention.
- (b) Under section 2 of the Labour Code and sections 91 and 99 of the order of 4 December 1950 to issue prison regulations, prisoners may be hired out to

private persons or undertakings, contrary to Article 2, paragraph 2 (c), of the Convention.

- (c) Under section 14 of Act No. 25-60 of 3 February 1960 (as amended by Ordinance No. 43/PRES of 3 October 1960), forced labour may be imposed for the recovery of taxes, contrary to Article 10 of the Convention.

The Committee hopes that measures will be taken at an early date to bring national legislation into conformity with the Convention.

Venezuela (ratification : 1944). The Committee notes with regret that the Government's report for 1966-67 contains no information in answer to the direct requests made repeatedly since 1960 concerning Article 2, paragraph 2, and Article 25 of the Convention. The Committee has noted, however, that sections 175 to 177 of the Penal Code lay down penalties for various offences against liberty and appear to meet the requirements of Article 25. With regard to Article 2, paragraph 2, the Committee must emphasise once again that, in the absence of the information requested, it cannot be satisfied that the conditions laid down in the Convention are being effectively observed. It urges the Government to supply the necessary information.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Austria, Bulgaria, Burma, Burundi, Byelorussia, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, Finland, Federal Republic of Germany, Greece, Guinea, Haiti, Honduras, Iceland, India, Iraq, Ivory Coast, Kenya, Laos, Lesotho, Liberia, Luxembourg, Malagasy Republic, Malaysia, Mali, Mauritania, Morocco, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Panama, Peru, Poland, Portugal, Rumania, Senegal, Sierra Leone, Sudan, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika and Zanzibar), Togo, Tunisia, Uganda, Ukraine, U.S.S.R., United Arab Republic, Venezuela, Viet-Nam, Yugoslavia, Zambia.*

Information supplied by *Cuba* and *Singapore* in answer to direct requests has been noted by the Committee.

Convention No. 30 : Hours of Work (Commerce and Offices), 1930

Haiti (ratification : 1952). 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 : *Guatemala, Haiti, Uruguay.*

Convention No. 32 : Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification : 1950). The Committee notes with regret that the Government's report contains no information in reply to its previous observations. The Committee is bound, therefore, to repeat its previous observation, which was as follows :

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.¹

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

Mexico (ratification : 1934). In reply to previous observations, the Government stated before the Conference Committee in 1967 and subsequently confirmed in its report that in actual fact the small craft used by dockers present the necessary conditions for safety, that hatchways satisfy the requirements of the Convention, that a load is only left suspended from a hoisting machine under the supervision of a competent person and that there does exist equipment for first-aid and quick transport for injured persons when accidents occur.

In these circumstances, the Committee trusts that the Government will see fit to take the necessary legislative or statutory steps in order to give full effect to Articles 4, 6, 11 and 13 of the Convention. The Committee draws the Government's attention to the fact that these issues have given rise to direct requests and observations for a number of years and that as yet no action has been taken, despite repeated assurances from the Government, to give full effect to the provisions of a Convention which was ratified 34 years ago.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Algeria*.

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932

Central African Republic (ratification : 1960). The Committee notes that the Government has failed for the third consecutive time to reply to the direct requests addressed to it on the application of this Convention. It must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to take the necessary measures and supply the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Central African Republic, Guinea, Upper Volta*.

Convention No. 34 : Fee-Charging Employment Agencies, 1933

Chile (ratification : 1935). In reply to the previous observation, the Government informed the Conference Committee in 1967 that Decree No. 5, which created the employment service, and the regulations which would be issued will terminate the activities of existing fee-charging employment agencies, that the Labour Code prohibited these agencies and that they only existed due to a certain degree of tolerance on the part of the municipalities. The Committee therefore notes with regret from the Government's report that a Bill to prohibit the municipalities from allowing the operation of fee-charging employment agencies conducted with a view to profit has not yet been submitted to the National Congress.

The Committee trusts that the regulations in question will soon be adopted and that the Government will take the necessary measures to ensure the application of this Convention in the near future.

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In addition, a request regarding certain other points is being addressed directly to *Spain*.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

Information supplied by *Mexico* in answer to a direct request has been noted by the Committee.

Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933

Argentina (ratification : 1955). The Committee notes with regret that the Government's report contains no information in reply to the previous observations and requests on the application of Article 9, paragraph 4, of the Convention, which provides for a contribution of public authorities to the financial resources or to the benefits of insurance schemes. As the Government had indicated in 1958 that a reform of the social security system was under study, the Committee trusts that the Government will, in its next report, supply information on the measures taken or contemplated in this respect.

Czechoslovakia (ratification : 1949). Article 8, paragraph 2 (*b*), of the Convention. The Committee notes with satisfaction that, following its previous requests, Act No. 40 of 1958, which provided for the possibility of suspending benefits for persons condemned for any offence directed against the State, the national economy or socialist property, was repealed by Act No. 59 of 1965. The Committee was also informed that Notification No. 120 of 1964, issued under section 141 of Social Insurance Act No. 101 of 1964, authorising the national committees to suspend in part the benefits (if they considered them too high) of persons who played an important role in the former political and economic régime, was repealed by Government Notification No. 52 of 1967. As the Government indicates that it intends to repeal the above-mentioned section 141 of Act No. 101 when amending this Act in the near future, the Committee hopes that the next report will indicate the progress made in this respect.

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In addition, a request regarding certain points is being addressed directly to *Peru*.

Convention No. 36 : Old-Age Insurance (Agriculture), 1933

Argentina (ratification : 1955). See under Convention No. 35.

Czechoslovakia (ratification : 1949). See under Convention No. 35.

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In addition, a request regarding certain points is being addressed directly to *Peru*.

Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933

Czechoslovakia (ratification : 1949). See under Convention No. 35.

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In addition, a request regarding certain points is being addressed directly to *Peru*.

Convention No. 38 : Invalidity Insurance (Agriculture), 1933

Czechoslovakia (ratification : 1949). See under Convention No. 35.

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In addition, a request regarding certain points is being addressed directly to *Peru*.

Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933

Czechoslovakia (ratification : 1949). See under Convention No. 35.

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In addition, a request regarding certain points is being addressed directly to *Peru*.

Convention No. 40 : Survivors' Insurance (Agriculture), 1933

Czechoslovakia (ratification : 1949). See under Convention No. 35.

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In addition, a request regarding certain points is being addressed directly to *Peru*.

Convention No. 41 : Night Work (Women) (Revised), 1934

Afghanistan (ratification : 1939). See under Convention No. 4 and General Observations.

Burma (ratification : 1935). Further to its previous observations, the Committee notes that the Convention was denounced in 1967.

Hungary (ratification : 1936). The Committee notes, from the information supplied by the Government to the Conference Committee in 1967 and in its report for 1966-67 in reply to the Committee's previous observation, that although it has not as yet been possible to modify the legislation constant efforts are being made to introduce measures to limit in practice night work by women. Thus, the Government's report states that in the textile industry women employed on the 48-hour per week system perform night work only during 16 weeks in the year, whereas women employed on the 40-hour per week system perform night work only for a period of 12 weeks during the year.

While taking note of the Government's continued efforts to improve the conditions of women workers, the Committee is bound to reiterate the hope expressed on numerous previous occasions that action will be taken to extend the night work prohibition, which at present applies only to pregnant women and nursing mothers, to all women workers, as required by the Convention.¹

Peru (ratification : 1945). See under Convention No. 4.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Central African Republic, Congo (Brazzaville), Iraq*.

Information supplied by *Ceylon* in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in full for the period ending 30 June 1968.

**Convention No. 42 : Workmen's Compensation
(Occupational Diseases) (Revised), 1934**

Algeria (ratification : 1962). The Committee notes from the information supplied by the Government to the Conference Committee in 1967, and in its report for 1966-67, that a committee on occupational diseases has been established in order to draw up the list of occupational diseases provided for by section 128 of the Workmen's Compensation (Industrial Accidents and Occupational Diseases) Ordinance No. 66-183 of 21 June 1966, and that this Committee will take into account the points raised by the Committee of Experts in connection with the application of Article 2 of the Convention.

These points, to which attention had been drawn in previous direct requests, concerned the restrictive nature of the list of pathological manifestations which appear in the schedules drawn up in accordance with the previous legislation and also the necessity of supplementing the schedules in connection with certain disorders (poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, by phosphorus or its compounds, primary epitheliomatous cancer of the skin and anthrax infection).

The Committee hopes that the list of occupational diseases will be drawn up in the near future and that the Government will supply a copy thereof with its next report.

Argentina (ratification : 1950). The Committee notes with regret that the Government's report contains no information in reply to its previous observation. The Committee is bound, therefore, to repeat this observation which was as follows :

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.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Bolivia (ratification : 1954). The Committee notes from the information supplied by the Government in reply to previous observations and requests that the Bill, which was to bring the list of occupational diseases (Social Security Code, Annex I) into full harmony with the Convention, has as yet not been adopted and that the only addition the Government proposes to make to this list is with reference to anthrax infection.

In this connection, the Committee recalls that, in its report for 1963-65, the Government stated that the Bill in question would also add to this list the other

diseases referred to in the Convention, but which were not covered by national legislation or, if they did, resulted in restricting the scope of compensation beyond that which is provided for by the Convention. The main additions to this list would, therefore, concern : silicosis associated with tuberculosis (national legislation covers tuberculosis only when the worker is directly exposed to this risk and not when the disease occurs as a consequence of silicosis), all the nitro- or amido-derivatives of benzene or its homologues (national legislation lists only certain nitro- and chloro-nitro-compounds of benzene or its homologues) and those activities likely to cause any of the occupational diseases listed in the Convention (national legislation contains no list of this kind, and both section 27 (b) of the Social Security Code and section 82 of the Labour Code, which contain a general definition of occupational diseases, imply that the worker himself must provide proof of the occupational origin of his disease, contrary to the Convention which, in this connection, establishes presumption of occupational origin for all persons employed in the industries or belonging to the trades which appear in the Convention Schedule).

While noting from the information supplied by the Government that silicosis associated with tuberculosis is, in practice, subject to compensation, and that the other occupational diseases or forms of poisoning are fairly rare because of the nature of the national economy, the Committee hopes that the Government will take the necessary action with a view to giving full effect to the Convention in respect of these points, which have been the subject of comments for several years, and that the next report will contain information on any progress made in this direction.

Congo (Kinshasa) (ratification : 1960). Further to its previous comments, the Committee notes with satisfaction that Ordinance No. 66-370 of 9 June 1966, concerning the list of occupational diseases to be used for social security purposes, has extended compensation in respect of occupational diseases to silico-tuberculosis in conformity with the Convention.

Czechoslovakia (ratification : 1949). The Committee notes with interest, from the Government's reply to its previous observations concerning the activities corresponding to anthrax infection, that its comments will receive attention in the near future when Notification No. 102/1964 SB establishing the list of occupational diseases is reviewed.

The Committee hopes that this review will be made in the near future and that it will include among the activities corresponding to anthrax infection the "loading, unloading or transport of merchandise" in general, so as to ensure that persons employed in these activities are formally absolved of proving the occupational origin of their disease, thus confirming what, according to the Government, is already established practice.

Denmark (ratification : 1939). Further to its previous observations and requests, the Committee has taken note with satisfaction of the letter of 19 October 1964 from the Minister for Social Affairs instructing the Directorate of Industrial Injuries Insurance to ensure that, in applying section 1A of the Industrial Injuries Insurance Act of 1959, it consider as occupational diseases all the diseases mentioned in the Convention when they are contracted in the corresponding industries and trades listed in the Convention, thus establishing a system of presumption equivalent to that of the Convention.

France (ratification : 1948). The Committee has noted the information supplied by the Government in reply to its previous observations, which dealt with the restrictive nature of the list of pathological manifestations appearing in the

schedules in the French legislation, and with certain other points of divergence between the legislation and the Convention.

1. With regard to the first point, while considering that the list of the symptoms of the various disorders set out in the schedules of occupational diseases in the national legislation is not absolutely rigid and does not exclude the possibility of taking account of particular cases, the Government recognises the restrictive nature of this list of disorders. The Government adds that it will not fail to continue its examination of the comments and proposals made by the Committee.

The Committee notes this statement with interest and hopes that the necessary measures can be taken in the near future—for example, by taking into account the solutions suggested by the Committee in its observation of 1966—in order to give an indicative character to the list of the various pathological manifestations appearing under each of the diseases set out in the schedules of the national legislation, which would also permit compensation in respect of disorders which are not included in these schedules, but which can result from the toxic substances and agents listed in the Convention.

2. With regard to the addition to the list of processes corresponding to anthrax infection of the operations of loading and unloading or transport of merchandise, the Committee notes that Schedule No. 18 of the French legislation, concerning anthrax, has been revised by Decree No. 67-127 of 14 February 1967, which repeats in this respect the terms of the Schedule of the Employment Injury Benefits Convention, 1964 (No. 121).

3. With regard to the other points of divergence between the French legislation and the Convention, the Government confirms its intention of submitting to the Industrial Health Committee proposals to modify and to extend the schedules of occupational diseases. The Committee takes due note of this intention and trusts that the amendments, to which the Government has referred for several years, can be adopted in the near future and that the national legislation will cover poisoning by all the halogen derivatives of hydrocarbons of the aliphatic series and by all compounds of phosphorus, as well as primary epitheliomatous cancer of the skin caused by tar, bitumen, mineral oil, paraffin and the compounds and residues of these substances, as provided for by the Convention.

Iraq (ratification: 1941). In its request of 1966 the Committee noted that the application of Social Security Law No. 140 of 1964 was, under section 5 thereof, to be extended by stages to the various branches of social security, and requested the Government to indicate whether the application of the Law had been extended to the occupational diseases branch.

The Committee notes with satisfaction from the Government's report that the application of the Law of 1964 has been extended to the various branches of social security and, in particular, to the industrial accidents and occupational diseases branch by virtue of the Regulations on Insured Employment No. 5 of 1966.

Luxembourg (ratification: 1958). The Committee takes note of the information supplied by the Government, in the Conference Committee in 1966 and in its report, in reply to previous observations and direct requests concerning the list of activities likely to cause the diseases mentioned in the Convention. The Committee notes with interest that its comments will be put before the National Occupational Diseases Commission at its next session and hopes that the latter will take into account the points raised in a new direct request.

Malta (ratification : 1965). Further to its previous direct request, the Committee notes with satisfaction that the new list of occupational diseases provided by the National Insurance (Amendment) Act No. IV of 1968 covers poisoning by all the halogen derivatives of hydrocarbons of the aliphatic series and by the compounds of lead, mercury and arsenic, and includes among the activities corresponding to anthrax infection the loading, unloading or transport of merchandise in general, in conformity with the Convention.

Mexico (ratification : 1937). As regards the divergencies between section 326 of the Federal Labour Act and Article 2 of the Convention, see General Observations—Mexico.

Morocco (ratification : 1957). The Committee has examined with interest the draft texts amending the schedule of occupational diseases appended to the Dahir of 31 May 1943 which take into account the Committee's previous comments in connection with the restrictive nature of the disorders listed in this schedule.

The Committee notes, however, that item 6 of the draft schedule contains a list, which appears to be restrictive, of disorders due to X-rays and other radioactive substances, while on this point Article 2 employs more general terms, designed to cover all "pathological manifestations" due to the aforementioned substances.

The Committee hopes that this item may be supplemented by a wording similar to that used in the other items in the draft schedule, concerning disorders covered by the Convention, that the draft texts in question will be adopted in the near future, and that in its next report the Government will supply information on the progress achieved in this direction.

New Zealand (ratification : 1938). The Committee notes, from the information supplied by the Government in reply to previous comments, that the general review of legislation on workmen's compensation is at present being undertaken by a Royal Commission and that, due to the complexity of the issues involved, it will not take place for some time.

Since this issue has been the subject of comments over a period of years, the Committee trusts that the Government will make every effort to complete its review of legislation as soon as possible, so as to supplement the existing "full-coverage" system, by a "double-list" system establishing a presumption of occupational origin, in conformity with what is laid down in the Convention.

Republic of South Africa (ratification : 1952). The Committee notes with regret that the report for 1966-67 has not been received, and that it therefore has no information available in reply to its previous observations, in which it stressed the need to amend the national legislation to bring it into conformity with the Convention in respect of silicosis in association with tuberculosis and other points connected with poisoning by arsenic, mercury and phosphorus, and primary epitheliomatous cancer of the skin.

Sweden (ratification : 1937). The Committee notes, from the reply to its previous observation, that the Government intends to introduce a Bill based on the report of the special committee set up to review the present employment injury insurance scheme.

As this question has been the subject of observations and requests for several years, the Committee trusts that the Bill will be introduced shortly and will take into account its previous comments concerning the establishment of a presumption of occupational origin for the diseases appearing in the first column in the Schedule in Article 2 of the Convention when they are contracted by workers engaged in the trades or industries listed in the second column of the Schedule.

United Kingdom (ratification : 1936). In reply to the observations and requests made by the Committee, the Government states that it is at present engaged in a comprehensive review of social security legislation and, while noting the Committee's comments, would prefer not to make any radical alterations in the list of occupational diseases prescribed under the National Insurance (Industrial Injuries) Act in advance of that review.

The Committee takes note of this information and hopes that this comprehensive review of social security legislation will make it possible to revise the list of occupational diseases in respect of the points it had previously raised and which are being repeated in a direct request.

Uruguay (ratification : 1933). The Committee takes note of the information supplied by the Government to the Conference Committee in 1967 and in its report, in reply to numerous observations and requests concerning the omission, in national legislation, of certain diseases considered to be occupational or of the activities likely to cause these diseases mentioned in Article 2 of the Convention. National legislation, in effect, makes no mention of poisoning by phosphorus and its compounds, arsenic and its compounds, the halogen derivatives of hydrocarbons of the aliphatic series, nor of the activities which give rise to these poisonings. Moreover, the list of occupational diseases and corresponding activities which appears in the various legislative texts mentioned by the Government is incomplete as concerns poisoning by lead, mercury, benzene and its homologues and their nitro- and amido-derivatives, silicosis in association with tuberculosis, anthrax infection and pathological manifestations due to radiation.

In reply, the Government declares that under Act No. 11577 of 14 October 1950 the State Insurance Bank considers as occupational diseases all diseases contracted as a result of or at the time of performing unhealthy work ; consequently, compensation is not limited by a strict list of occupational diseases, legal protection being afforded in all cases where there is evidence that the disease results from working conditions. The Government also indicates that numerous decrees have declared all activities likely to cause occupational diseases to be unhealthy. It appears from these statements that the diseases covered by the Convention, and not expressly referred to in national legislation, only entail the right to compensation provided they are contracted in an activity which has been declared to be unhealthy and it is proved they have occurred as a result of this activity.

This system of compensation, which might in certain cases cover the vast majority of diseases, does not afford the protection provided by the Convention ; which, in listing on the one hand the diseases which are considered to be occupational and on the other hand the trades and industries likely to cause them, automatically establishes a presumption of occupational origin in respect of those diseases which appear in the left-hand column of the Schedule in Article 2 thereof, when these diseases occur in workers employed in industries or belonging to the trades listed in the right-hand column of this Schedule. The Convention thus frees them from the burden of proof which in certain cases might be difficult to provide.

None the less, the Committee would point out that the compensation scheme established by Act No. 11577 of 14 October 1950 would not be incompatible with the Convention if it were supplemented by a double-list system corresponding to that of the Convention and affording the workers covered by Article 2 of the Convention a protection at least equal to that provided by the Convention. This protection might be ensured either by legislation or by administrative measures, as for example by instructing the competent insurance organisations (in this case, the State Insurance Bank) to consider as occupational diseases the diseases listed in the Convention when contracted by workers employed in the industries listed in the

Schedule in Article 2 of this text without their needing to prove that these diseases "were caused by work or were contracted when performing work" or that the industries in question had been declared to be unhealthy.

The Committee trusts that the necessary measures will be taken in the near future so as to ensure full application of the Convention by one or other of the methods mentioned above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Barbados, Belgium, Burundi, Congo (Kinshasa), Cuba, Czechoslovakia, Denmark, Finland, France, Federal Republic of Germany, Guyana, Haiti, Ireland, Luxembourg, Malta, Netherlands, Panama, Rwanda, Spain, Turkey, United Kingdom.*

Information supplied by *India* in answer to a direct request has been noted by the Committee.

Convention No. 43 : Sheet-Glass Works, 1934

Mexico (ratification : 1938). Recalling its previous observations with regard to the provisions of Conventions Nos. 43 and 49 that require statutory measures of implementation, the Committee notes that the Government's report, received too late to be examined in 1967, contains no further information in this respect. It therefore expresses the hope, once again, that the Government will not fail to take suitable measures without delay to fix the compensation that must be granted to shift workers in sheet-glass and automatic glass-bottle works for additional hours worked in the event of a catastrophe or imminent danger (Article 3, paragraph 2, of Conventions Nos. 43 and 49) and to ensure that a record is kept in these cases and in all other cases in which additional hours are worked (Article 4 of these Conventions).

With regard to the discrepancies between section 75 of the Federal Labour Act and Articles 2 and 3 of Conventions Nos. 43 and 49, see under General Observations—Mexico.

Uruguay (ratification : 1954). Further to its previous comments, the Committee notes with satisfaction that the decree of 5 October 1967 regulates the hours of work in automatic sheet-glass works in accordance with the terms of the Convention.

Convention No. 44 : Unemployment Provision, 1934

Czechoslovakia (ratification : 1950). Referring to its previous observations on the adoption of a system providing the involuntarily unemployed with a benefit or an allowance in accordance with the Convention, the Committee notes with interest that the Government is preparing, under section 26, subsection 2, of the new Labour Code, provisions which will guarantee material security to citizens before they are employed and facilitate their placement.

The Committee hopes that such provisions, giving effect to the Convention, will be issued shortly and that their text will be supplied with the next report. The Committee further hopes that these provisions of the new text giving effect to the Convention in respect of benefits will also apply to foreigners, in accordance with Article 16 of the Convention.

Peru (ratification : 1962). The Committee notes from the Government's reply to its previous observation that the drafting committee for the new Labour Code has not as yet concluded its work. The Government had indicated that this new Code was to replace the existing indemnity system (which is limited to the provision of

compensation for certain groups of workers for the period of service rendered in case of dismissal or involuntary retirement) by an unemployment insurance scheme ensuring benefits or allowances to all persons who are habitually employed for wages or salary and who are involuntarily unemployed, as prescribed by the Convention. In these circumstances, the Committee trusts that the Government will take the necessary action in the near future and that it will indicate in its next report any progress made in this respect.

See also under General Observations.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Cyprus, Norway.*

Convention No. 45 : Underground Work (Women), 1935

Afghanistan (ratification : 1937). See under Convention No. 4 and General Observations.

China (ratification : 1936). Article 1 of the Convention. The Committee takes note of the Government's statement to the Conference Committee in 1967, concerning the progress made in preparing a new Labour Code (it will apply to all mines and quarries, whatever the number of persons therein employed). The Committee trusts that this Code will be adopted in the near future, thus bringing legislation into conformity with the Convention.

Article 3. Further to its previous observation, the Committee notes that the formal repeal of section 187 (2) of the Regulations for Security in Mines (a provision which has already been suspended) was being studied. It hopes that the Government will indicate in future reports any progress made towards this formal repeal.

Greece (ratification : 1936). The Committee notes with interest that the provisions of section 46 of Order No. 82374/10419/D'3036 of 1966, governing work in mines and quarries, specify the exemptions authorised in conformity with the provisions of Article 3 of the Convention.

Hungary (ratification : 1938). Further to its previous requests, the Committee notes with satisfaction that Decree No. 4/1962/IV.5 has been repealed and replaced by Decree No. 4/1966/X.21, section 3 (2) of which excludes the possibility of authorising the employment of women on underground work.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Australia, Costa Rica, Federal Republic of Germany, Guatemala, Guinea, Guyana, Panama, Yugoslavia.*

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935

Hungary (ratification : 1937). The Committee notes from the reply to its previous observations that in the absence of bilateral agreements the Government feels unable to ensure the appropriate application of the Convention on the basis of the national legislation only. As stressed by the Committee in its previous observations, the application of the general principles laid down in the Convention may be ensured independently of bilateral treaties, solely because the Convention directly establishes between those member States which have ratified it an international

reciprocal scheme for the maintenance of the rights of migrant workers in respect of invalidity, old-age and survivors' pensions.

Netherlands (ratification : 1938). Article 18 of the Convention. (Equality of treatment between nationals of other Members and Netherlands nationals for the purpose of liability to compulsory insurance and for the purpose of insurance benefits.) Following its previous requests, the Committee notes with satisfaction that by virtue of the Royal Decree of 11 August 1965 and of 8 February 1967 modifying the Royal Decree of 20 December 1956, nationals of States Members which are parties to the Convention are treated on the same footing as Netherlands nationals, as regards the payment abroad of the transitional pensions under the General Old-Age Insurance Act.

The Committee also notes with interest from the Government's reply that as regards the award of the transitional pensions under the General Old-Age Insurance Act and the General Widows' and Orphans' Insurance Act, royal decrees providing for the assimilation of nationals of member States which are parties to the Convention to Netherlands nationals are being prepared. It hopes that the next report will contain information on the adoption of these decrees.

Spain (ratification : 1937). The Committee has taken note of the information supplied by the Government at the Conference Committee in 1966 and in its 1965-67 report, in reply to previous observations and requests concerning the application of the Convention to foreign workers (other than nationals of Spanish-American countries, Andorra, the Philippines, Portugal and Brazil). It also notes the statement that the Government's policy in this field is that of safeguarding the acquired rights of foreign workers whatever their nationality.

However, as both Act No. 193 of 1963, which lays down the basis of social security, and Decree No. 907 of 21 April 1966, to which the Government refers, do not formally place foreign workers other than the nationals of the above-mentioned countries on an equal footing with Spanish nationals, but lay down that the case of these workers will be governed by the provisions of the "relevant ratified or concluded conventions or agreements" the Committee would be grateful if the Government would indicate in its next report if the word "convention" in fact includes Convention No. 48 and, if this is the case, would supply examples of the practical application of this provision, particularly in connection with the maintaining of the pension rights of foreign workers who are nationals of the countries bound by this Convention.

As regards the application of this Convention to the provinces of Fernando Po and Rio Muni, see General Observations.

Yugoslavia (ratification : 1946). The Committee regrets to note once again that, despite its repeated requests, the Government has not replied to the direct request made since 1964. In the absence of a report, the Committee must therefore deal with the matter once more in a direct request.

The Committee urges the Government to supply its report shortly and to provide the information requested.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Hungary, Israel, Poland, Yugoslavia*.

Convention No. 49 : Reduction of Hours of Work (Glass-Bottle Works), 1935

Mexico (ratification : 1938). See under Convention No. 43.

Convention No. 50 : Recruiting of Indigenous Workers, 1936

Argentina (ratification : 1950). In its previous observations the Committee has pointed out that national laws and regulations do not implement a large number of provisions 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). The Committee regrets to note that the Government's report for 1966-67 merely states that no new provisions have been adopted, and gives no information on the measures which it is intended to take to give effect to the Convention.

The Committee can only urge the Government to take the necessary measures 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 asks the Government to supply full information concerning the practical application of the Convention, as requested by the Committee since 1964 (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

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

Convention No. 52 : Holidays with Pay, 1936

Albania (ratification : 1957). The Committee notes with regret that the Government's report has not been received and that no reply has been made to the Committee's earlier comments concerning the modification of the Labour Code, so as to ensure the granting of the minimum annual holidays prescribed by the Convention.

Burma (ratification : 1954). The Committee notes from information supplied to the Conference Committee in 1967 that, in the new draft rules which are being drafted under the Law defining the Fundamental Rights and Responsibilities of the People's Workers, 1964, measures will be taken to comply fully with the provisions of the Convention. The Committee recalls that the Government has been referring since 1959 to new legislative provisions by which effect was to be given to the Convention. It also recalls that, as indicated in detail on previous occasions, new measures are required 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 public holidays and interruptions of work due to sickness), and Article 4 (restriction of the right to postpone the annual holiday).

The Committee trusts therefore that the Government will make every effort to take the necessary measures without delay.

Byelorussia (ratification : 1956). The Committee has pointed out since 1959 that there are three points on which the legislation allowed exceptions, not provided for by the Convention, to be made in the granting of annual holidays. Thus, under

¹ The Government is asked to report in detail for the period ending 30 June 1968.

sections 91, 116 and 120 of the Labour Code and sections 19 and 23 to 27 of the Regulations of 30 April 1930, it is permitted, in certain cases—

- (a) to replace the granting of the whole of the holiday by compensation in cash ;
- (b) to postpone the whole of the holiday from one year to the next ;
- (c) to divide the holiday into several parts without a guarantee of a minimum continuous period of holiday.

During the exchange of views in the years that followed, the Government pointed out that the replacement of the holiday by compensation in cash was no longer practised as no funds were made available for this purpose. As for the postponement of the holiday, the Government indicated that all workers are entitled to regular annual holidays with pay. With regard to the division into parts of the holiday, the Government stated that it was only authorised with the agreement of the parties concerned and in exceptional cases. The Government also pointed out that the minimum holiday period has been raised to 15 working days and that longer holidays have been introduced for certain categories of workers.

The Committee takes due note of the general increase in the length of holidays and of the exceptional nature of the use made in practice of the exceptions permitted by the legislation. As, however, the Convention establishes the principle of an *annual* holiday and provides that “any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void”, the Committee must again recall the need to bring the provisions of the Labour Code and of the regulations of 1930 into harmony with the Convention, with regard to the minimum period provided for therein.

Cuba (ratification : 1953). In reply to the Committee's previous comments, the Government refers to Resolution No. 111 of 1965 by which the various provisions on annual holidays are revised.

Article 2, paragraph 1, of the Convention. The Committee had drawn attention to the need to safeguard the workers' right to an annual holiday and the need to revise section 2, paragraph A, of Resolution No. 5798 of 27 August 1962 which provided for the postponement of holidays. It notes that the new resolution (section 1, paragraph G) still provides that annual holidays may be postponed, by permit, because of service or production needs, without any time or other restriction. The Committee must therefore reiterate that in such circumstances the postponement of holidays may be authorised only as regards that part of the holiday which exceeds the minimum duration (six working days) prescribed in Article 2 of the Convention.

Article 2, paragraph 3 (b). The Committee notes that the new resolution on holidays with pay contains no provision prohibiting the deduction of periods of sickness from annual holidays. It hopes that, when an appropriate opportunity arises, the Government will take steps to introduce this supplementary protection in respect of the minimum duration of the holiday laid down in the Convention.

Article 6. The Committee notes that, whereas Decree No. 1435 of 1953 provided for the payment of proportionate holiday remuneration when a contract was terminated, section 1, paragraph O, of the new resolution specifies that a worker loses his right to holidays with pay when he gives up his employment or when there is a “definite separation with the workplace”. The Committee would be glad if the next report would state what provision exists or is envisaged to give effect to the minimum requirements of Article 6 (payment of remuneration in respect of holidays due to the worker when he is dismissed for a reason imputable to the employer).

Greece (ratification : 1952). Article 3 of the Convention. Further to its previous comments, the Committee takes note of Act No. 4504 of 10 March 1966 and Legislative Decree No. 4547 of 20 September 1966 and notes with satisfaction that the latter text amends section 3, subsection 3, of Act No. 539 of 1945, so that accommodation is no longer specifically excluded from the accessory or complementary allowances, granted on a regular basis, which are included in the salary. The Committee hopes, moreover, that the draft Labour Code, section 140, subsection 4 of which is also to provide, according to the report for 1963-65, for the payment of the cash equivalent of remuneration in kind, will be adopted shortly.

Hungary (ratification : 1956). Article 2, paragraph 3 (b), of the Convention. Further to its previous comments, the Committee has noted with satisfaction that section 12 (4) of Decree No. 9/1964, the text of which has been forwarded by the Government, provides that when annual leave cannot be granted by reason of sickness, it shall be granted at a later date.

Italy (ratification : 1952). The Committee refers to its previous observations on this Convention and notes with interest that a Bill was submitted to the Chamber of Deputies on 24 February 1967, which is to provide, *inter alia*, for annual holidays with pay for all workers. The Committee hopes that this text will ensure full conformity with the various provisions of the Convention and will soon be enacted.

Mexico (ratification : 1938). In connection with the divergencies between section 210 of the Federal Labour Act and Article 1 of the Convention, see General Observations—Mexico.

Tunisia (ratification : 1957). Further to its previous direct requests, the Committee notes with satisfaction that the Labour Code promulgated on 30 April 1966 provides that interruptions from attendance at work due to sickness may not be deducted from annual holidays, in accordance with Article 2, paragraph 3 (b), of the Convention ; moreover, the Code ensures a better application of Article 2, paragraph 4, and Article 4 of the Convention, by repealing the decree of 25 July 1946 which provided for exceptions as regards the continuity of the minimum annual holiday and authorised the postponement of holidays for two years by agreement.

Ukraine (ratification : 1956). The Committee has pointed out since 1959 that there are three points on which the legislation allowed exceptions, not provided for by the Convention, to be made in the granting of annual holidays. Thus, under sections 91, 116 and 120 of the Labour Code and sections 19 and 23 to 27 of the regulations of 30 April 1930, it is permitted, in certain cases—

- (a) to replace the granting of the whole of the holiday by compensation in cash ;
- (b) to postpone the whole of the holiday from one year to the next ;
- (c) to divide the holiday into several parts without a guarantee of a minimum continuous period of holiday.

During the exchange of views in the years that followed, the Government pointed out that, in practice, the postponement of the holiday would only occur in very rare cases, permitted only when required by the normal functioning of the undertaking and subject to agreement between the management and the worker concerned. Similarly, with regard to the division into parts of the holiday, the Government stated that it was only authorised with the agreement of the parties concerned and in exceptional cases. The Government also pointed out that the minimum holiday period has been raised to 15 working days and that longer holidays have been introduced for certain categories of workers.

The Committee takes due note of the general increase in the length of holidays and of the exceptional nature of the use made in practice of the exceptions permitted by the legislation. As, however, the Convention establishes the principle of an *annual* holiday and provides that "any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void", the Committee must again recall the need to bring the provisions of the Labour Code and of the regulations of 1930 into harmony with the Convention, with regard to the minimum period provided for therein.

U.S.S.R. (ratification : 1956). The Committee has pointed out since 1959 that there are three points on which the legislation allowed exceptions, not provided for by the Convention, to be made in the granting of annual holidays. Thus, under sections 91, 116 and 120 of the Labour Code of the R.S.F.S.R. and sections 19 and 23 to 27 of the regulations of 30 April 1930, it is permitted, in certain cases—

- (a) to replace the granting of the whole of the holiday by compensation in cash ;
- (b) to postpone the whole of the holiday from one year to the next ;
- (c) to divide the holiday into several parts without a guarantee of a minimum continuous period of holiday.

During the exchange of views in the years that followed, the Government indicated that the replacement of the holiday by compensation in cash could only take place in particular cases, as set out in the regulations of 1930, and that, in fact, such a conversion only happens in very rare cases. As for the postponement of the holiday, the Government indicated that the Code and the regulations only permit accumulation for two years, and that, in practice, it would only involve extremely rare cases, which, like the replacement of the holiday by a cash payment, are under the supervision of the trade union organisation. As for the division into parts of the holiday, the Government stated that it was only authorised with the agreement of the parties concerned and in exceptional cases. The Government also pointed out that the minimum holiday period has been raised to 15 working days and that longer holidays have been introduced for certain categories of workers.

The Committee takes due note of the general increase in the length of holidays and of the exceptional nature of the use made in practice of the exceptions permitted by the legislation. As, however, the Convention establishes the principle of an *annual* holiday and provides that "any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void", the Committee must again recall the need to bring the provisions of the Labour Code and of the regulations of 1930 into harmony with the Convention, with regard to the minimum period provided for therein.

Uruguay (ratification : 1954). Further to its previous observations, the Committee notes with satisfaction that Act No. 13556 of 1966 modifies section 16 of the Act of 23 December 1958 with a view to ensuring the application of the Convention to technicians.

Yugoslavia (ratification : 1953). The Committee notes with interest the text of the new section 63 of the Basic Labour Relations Act, which provides that a worker who ceases to work in an organisation be granted any annual holiday to which he is entitled.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Central African Republic, Chad, Colombia, Czechoslovakia, Dominican Republic, France, Gabon, Guinea, Hungary, Iraq, Ivory Coast, Kuwait, Lebanon, Libya, Malagasy Republic, Mauritania, Morocco,*

Panama, Senegal, Syrian Arab Republic, United Arab Republic, Uruguay, Yugoslavia.

Information supplied by *Viet-Nam* in answer to a direct request has been noted by the Committee.

Convention No. 53 : Officers' Competency Certificates, 1936

Requests regarding certain points are being addressed directly to the following States : *Bulgaria, Mauritania, Peru, Philippines.*

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936

Liberia (ratification : 1960). The Committee notes with regret that once again the Government's report has not been received. As the Committee has made direct requests concerning the application of this Convention since 1961, it must deal with the matter again in a direct request.

The Committee urges the Government to supply its report without delay and to provide the information requested.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Liberia, Morocco.*

Convention No. 56 : Sickness Insurance (Sea), 1936

Requests regarding certain points are being addressed directly to the following States : *Belgium, Peru.*

Information supplied by *Algeria* and *Yugoslavia* in answer to direct requests has been noted by the Committee.

Convention No. 58 : Minimum Age (Sea) (Revised), 1936

Liberia (ratification : 1960). The Committee notes that the Government has not supplied a report in reply to the direct requests previously addressed to it on the application of this Convention. It must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the necessary information and take the necessary measures.

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

Convention No. 62 : Safety Provisions (Building), 1937

Mexico (ratification : 1941). The Committee notes with regret that the Government's report indicates no progress in reply to its observation. It is bound once again, therefore, to draw the Government's attention to the following points :

Federal District. Articles 11 to 15 and 17 of the Convention. The Government states that it has addressed a further and urgent appeal to the Committee set up for the revision of regulations and attached to the Department of the Federal District with a view to introducing measures which would conform to these provisions of the Convention. The Committee trusts that such measures will be taken in the near future, and stresses the need for adopting as soon as possible appropriate regulations for ensuring full application of the Convention in the Federal District.

States of the Republic. Further to its previous observations, pointing to the absence in the states of the Republic of provisions which conform to the Convention, the Committee regrets that the Government merely declares that information has been requested from the various states.

In these circumstances, the Committee is bound to urge the Government once again to take the necessary action in order to guarantee over the whole of national territory full application of the Convention which was ratified 27 years ago.¹

Uruguay (ratification : 1954). The Committee has taken note with satisfaction of the text of the decree of 5 October 1967, issued in order to give effect to the following provisions of the Convention, which had given rise to observations over a number of years : Article 3 (a) ; Article 10, paragraph 2 ; Article 11, paragraphs 1 and 2 ; Article 14, paragraphs 1, 3 and 4 ; Article 15, paragraphs 2 and 3.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Central African Republic, Guinea.*

Convention No. 63 : Statistics of Wages and Hours of Work, 1938

Algeria (ratification : 1962). Since the 1965-67 report has not been received, the Committee has examined the information supplied to the Conference Committee in 1967.

Part II of the Convention. The Committee notes that certain statistics are in fact compiled, concerning wages in the manufacturing industries and construction, but not in mining. Similarly, statistics are now compiled in respect of hours actually worked per week in mining, construction, transport, storage and communications, but not for the manufacturing industries.

Part III. No information is available in connection with the compiling and publication of statistics on time rates of wages and on normal hours of work in the mining and manufacturing industries.

Part IV. Nor is there any information concerning statistics on wages and hours of work in agriculture.

The Committee hopes that the Government will take the measures necessary to ensure that all the statistics required under Parts II, III and IV are in future compiled and are published and submitted to the International Labour Office within the periods prescribed by Article 1 (b) and (c) of the Convention.

Austria (ratification : 1959). Further to its previous comments, the Committee notes with satisfaction that index numbers of wage rates have been published on a monthly basis since January 1967, and that a weighting scheme for index calculations has been elaborated, in conformity with Article 21 of the Convention.

The Committee would be grateful if the Government would supply in future reports the annual index numbers showing the general movement of time rates of wages, compiled in accordance with the above-mentioned Article.

Chile (ratification : 1957). Part II of the Convention. Further to its previous observation, the Committee regrets to note that the data currently compiled continue not to include the following : (a) statistics of average earnings in the building and construction industries ; (b) statistics of hours actually worked by wage earners in the principal mining and manufacturing industries, including building and construction.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

In these circumstances the Committee must reiterate the hope that the Government will do all in its power to give full effect to the various requirements of Part II of the Convention.

Part IV. The Committee also notes that no statistics are as yet compiled of wages in agriculture, and only to a very limited extent of hours of work in agriculture. The Committee trusts that the Government will take early action in respect of this Part of the Convention as well.

Cuba (ratification : 1954). Following its previous observations, the Committee notes with interest that Law No. 1.186 of 25 April 1966, concerning the organisation of the structure and functions of the central planning body, provides for the establishment of a central bureau of statistics which will be responsible, among other things, for supplying statistical information to foreign and international organisations. The Committee also takes note of the Government's statement that, once the material and technical organisation of the statistics service is under way and the essential co-ordination between the statistics bureau and the various bodies and services of public administration and national undertakings has been established, wage and hours of work statistics will be effectively collected.

The Committee trusts that the necessary steps will thus be taken in order to give effect to the Convention which was ratified 14 years ago.

Czechoslovakia (ratification : 1950). Article 1 of the Convention. Further to its previous comments, the Committee notes with satisfaction that since 1967 statistics of average earnings have been published. The Committee hopes that the Government will indicate in its next report the publications containing statistics of hours of work and will communicate to the I.L.O. any data collected in pursuance of the present Convention, in conformity with Article 1 (c).

Article 21. The Committee notes that the annual index numbers showing the general movements of wage rates have not yet been drawn up and trusts that the next report will indicate the steps taken in this connection.

Mexico (ratification : 1942). See paragraph 25 of the General Report.

Sweden (ratification : 1939). Further to its previous comments, the Committee notes with satisfaction that statistics of hours actually worked in the building industry are now compiled and published, in accordance with Article 1 and Part II of the Convention.

Syrian Arab Republic (ratification : 1960). In reply to previous direct requests, the Government points out that, thanks in particular to the assistance of an I.L.O. expert, certain progress has been made towards applying the Convention. The Committee hopes that the Government's next report will contain a statement to the effect that the statistics of average earnings and hours of work in the mining and manufacturing industries have in fact been collected and published, in conformity with Article 1 and Part II of the Convention.

United Arab Republic (ratification : 1940). Article 12 of the Convention. Further to its previous comments, the Committee notes with satisfaction that a preliminary study relating to the structure of index numbers showing the general movement of earnings for the period 1954-64 has recently been published. The Committee hopes that these index numbers will henceforth be published, and communicated to the International Labour Office on a regular basis.

Uruguay (ratification : 1954). Parts III and IV of the Convention. Further to its previous comments, the Committee notes with interest that the Government has begun to compile and publish statistics of daily wage rates and hours of work in the

fields of construction, quarrying and related industries, in manufacturing and agriculture. The Committee hopes that these statistics will continue to be compiled and published in accordance with Article 1 of the Convention.

Part II. The Committee regrets to note, on the other hand, that the information previously requested on the elaboration of statistics of average earnings and of hours actually worked has not been supplied and trusts that the next report will contain the information repeatedly asked for on progress made towards the elaboration of the statistics required under this Part of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Barbados, Burma, Ceylon, Denmark, Finland, France, Guatemala, Kenya, Norway, Tanzania (Tanganyika and Zanzibar), United Kingdom.*

Information supplied by *Australia* in answer to a direct request has been noted by the Committee.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939

A request regarding certain points is being addressed directly to *Malawi*.

Convention No. 65 : Penal Sanctions (Indigenous Workers), 1939

Cameroon (Western Cameroon) (ratification : 1962). Following its previous direct requests, the Committee notes with satisfaction that the Labour Code of Cameroon, adopted by Act No. 67/LF/6 of 12 June 1967, has eliminated the provisions previously contained in section 216 (1) (b) of the Labour Code of Western Cameroon, under which a court might order due performance of a contract of employment, subject to penal sanctions.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Ghana, Kenya, Nigeria, Singapore, Tanzania (Tanganyika), Uganda.*

Convention No. 67 : Hours of Work and Rest Periods (Road Transport), 1939

A request regarding certain points is being addressed directly to the *Central African Republic*.

Convention No. 68 : Food and Catering (Ships' Crews), 1946

Argentina (ratification : 1956). The Committee notes the statement of a Government representative at the Conference Committee in 1967, in reply to the previous observations, that approval was imminent for a Bill relating to the merchant navy which had been drafted recently and that this would permit the relevant sections of the Commercial Code to be amended so as to give effect to the provisions of the Convention.

The Committee regrets that no information has been supplied in this respect in the Government's report. It must therefore urge the Government once more to take at an early date the necessary measures to give effect to the Convention, in respect of which no legislative provisions have yet been adopted.

Portugal (ratification : 1952). Further to its previous direct requests, the Committee notes with satisfaction that section 7 of Legislative Decree No. 42978 has been amended by Legislative Decree No. 47763 of 24 June 1967 so as to provide, in accordance with Article 8 of the Convention, that, whenever a complaint is presented at least 24 hours before the scheduled time of departure of a ship by a shipowners' or seafarers' organisation or by not less than 10 per cent. of the members of the crew, the maritime authority shall carry out an extraordinary inspection.

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Information supplied by *Algeria* in answer to a direct request has been noted by the Committee.

Convention No. 69 : Certification of Ships' Cooks, 1946

France (ratification : 1948). Further to its previous direct requests, the Committee notes with satisfaction that section 8 of the order of 20 March 1961 concerning the issue of ships' cooks' certificates has been repealed by Order No. 25 of 12 June 1967, thereby ensuring full conformity with Article 5 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Ghana, Peru*.

Convention No. 71 : Seafarers' Pensions, 1946

Requests regarding certain points are being addressed directly to the following States : *Argentina, Bulgaria, Peru*.

Information supplied by *Norway* in answer to a direct request has been noted by the Committee.

Convention No. 73 : Medical Examination (Seafarers), 1946

Argentina (ratification : 1955). The Committee notes the statement of a Government representative at the Conference Committee in 1967, in reply to the previous observations, that approval was imminent for a Bill relating to the merchant navy which had been drafted recently and that this would permit the relevant sections of the Commercial Code to be amended so as to give effect to the provisions of the Convention.

The Committee regrets that no information has been supplied in this respect in the Government's report. It must therefore repeat its previous comments which referred to the nature of the seafarers' medical examination and the particulars to be included in the medical certificate, and the period of validity and the renewal of the certificate (Articles 4 and 5 of the Convention). In this connection, the Committee recalls again 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 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 trusts that the Government will make every effort to take the necessary action in the near future.

Uruguay (ratification : 1954). Further to its previous comments, the Committee notes with satisfaction that the new Law governing sickness and disability insurance and other medical and pharmaceutical care for seamen employed on privately owned vessels (Law No. 13560 of 1966) gives effect to Article 4 of the Convention (consultation with the professional organisations concerned for the purpose of prescribing the nature of the medical examination and the particulars to be included in the medical certificate), and to Article 5 of the Convention (validity and renewal of the medical certificate).

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In addition, requests regarding certain other points are being addressed directly to the following States : *China, Peru, Uruguay*.

Convention No. 74 : Certification of Able Seamen, 1946

Information supplied by *Algeria* in answer to a direct request has been noted by the Committee.

Convention No. 77 : Medical Examination of Young Persons (Industry), 1946

Guatemala (ratification : 1952). Referring to requests and observations made over several years, the Committee notes with regret that the draft amendment to national legislation which was to give effect to Articles 3 (paragraphs 2 and 3), 4 and 5 of the Convention—a draft to which the Government had already referred in 1961—has not yet been adopted. The Committee notes, however, that this draft is being studied by the Council of State at the present time. The Committee trusts that it will be adopted in the near future so as to ensure full application of the Convention, especially in connection with the following points :

Article 3, paragraphs 2 and 3, of the Convention. Renewal of the medical examination at intervals not exceeding one year and definition of the special circumstances in which medical examinations shall be required at more frequent intervals.

Article 4. Periodical renewal of the medical examination up to the age of 21 years at least, in the case of occupations which involve high health risks.

Article 5. Medical examinations provided free by the Public Health Dispensaries or the “Workers’ Medical Consultation Service” both for children and young persons and for their families.

Italy (ratification : 1952). Further to its previous observations, the Committee notes with satisfaction that the Law of 4 October 1967 on the employment of children and young persons gives effect to Articles 2, 3, 4 and 6 of the Convention, which Articles deal respectively with the medical examination at the time of admission to employment, the renewal of this examination during employment and up to the age of 21 in the case of work involving high health risks and the measures for physical and vocational rehabilitation. The Committee also notes with satisfaction that the provisions of this Law in respect of the medical examination apply also to persons working at home, in conformity with what is laid down by the Convention.

Luxembourg (ratification : 1958). With reference to earlier observations and requests, the Committee notes with regret that the Bill on the protection of children

and young workers which was to give effect to the provisions of the Convention and to which the Government had already referred in its 1961-63 report has not yet been enacted. The Committee trusts that this draft will be adopted in the near future and that the regulations which will be drawn up for implementing section 21 of the said draft will also fix the conditions for drawing up and issuing the medical certificate (Article 2, paragraph 4, of the Convention) and will expressly stipulate that the medical examinations prescribed by the Convention should entail no expense for the young person or the parents (Article 5).

Uruguay (ratification : 1954). In reply to an earlier observation and requests, the report states that the Bill on the employment of children and young persons, to which the Government has made reference since 1963, is no longer under consideration, but that commissions have been recently set up for preparing appropriate amendments to existing legislation in this field. In these circumstances, the Committee trusts that the new measures envisaged will be adopted in the near future so as to remedy the deficiencies in the Children's Code of 1934, particularly in connection with the following Articles of the Convention :

Article 3, paragraph 3, of the Convention. Definition of the special circumstances in which medical re-examination shall be required more than once a year when the risks involved in the occupation or the state of health of the child or young person make examinations at more frequent intervals necessary.

Article 4. Extension of medical examinations to the age of 21 years in the case of unhealthy or dangerous occupations and provisions specifying what these occupations are (prohibited to persons under 18 years of age under section 226 of the Children's Code).

Article 6. Appropriate measures for the vocational guidance and physical and vocational rehabilitation of deficient children and young persons (taking into account what is laid down in sections 71 and 72 of the existing Children's Code).

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Guatemala, Iraq, Italy, Peru*.

Information supplied by *Israel* in answer to a direct request has been noted by the Committee.

Convention No. 78 : Medical Examination of Young Persons (Non-Industrial Occupations), 1946

France (ratification : 1951). Further to its previous observations, the Committee notes with satisfaction the adoption of Ordinance No. 67830 of 27 September 1967 which extends the measures for medical examinations to persons of under 18 years of age employed in domestic service. The Committee also notes that a decree defining the conditions under which medical examinations will be carried out is being prepared, and would be grateful if the Government would supply with its next report a copy of the above text.

Guatemala (ratification : 1952). As regards the application of Articles 3, 4 and 5 of the Convention, see under Convention No. 77. The Committee trusts that the draft revision of national legislation which is at present being studied by the Council of State will also give effect to the provisions of the Convention concerning "children and young persons engaged either on their own account or on the account of their parents in itinerant trading or in any other occupation carried on

in the streets or in places to which the public have access", covered by Article 7, paragraph 2 (a), of this instrument.

Italy (ratification : 1952). See under Convention No. 77. The Committee also notes with satisfaction that the provisions of the Law of 4 October 1967 concerning the medical examination apply to young persons employed in domestic service, in conformity with the Convention.

Luxembourg (ratification : 1958). See under Convention No. 77. In addition, the Committee hopes that the regulations provided for by section 2 of the Bill will fix the conditions of work for young persons employed in domestic service (covered by the Convention), and that those mentioned in section 21 of the Bill will determine the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access, in conformity with Article 7, paragraph 2 (a), of the Convention.

Uruguay (ratification : 1954). In connection with the application of Articles 3 (3), 4 and 6 of the Convention, see under Convention No. 77. The Committee trusts that the amendments to be made to the Children's Code will also make it possible to give full effect to the provisions of the Convention concerning male young persons of more than 16 years of age engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried on in the streets or in places to which the public have access (Article 7, paragraph 2 (a), of the Convention).

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Guatemala, Honduras, Iraq, Israel, Italy, Peru.*

Information supplied by *Bulgaria* and *Cuba* in answer to direct requests has been noted by the Committee.

Convention No. 79 : Night Work of Young Persons (Non-Industrial Occupations), 1946

Argentina (ratification : 1955). The Committee notes with regret that the Government's report contains no information in reply to its previous observation. The Committee is bound, therefore, to repeat this observation which was as follows :

With regard to the discrepancies which continue to exist between the 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). The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

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.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Guatemala (ratification : 1952). The Committee notes that the report contains no information on the progress made in adopting the necessary legislative measures, previously mentioned by the Government, to ensure the application of Article 6, paragraph 1 (b), of the Convention (the keeping of a register by employers of all young persons under 18 years of age employed by them) and Article 6, paragraph 1 (c), (suitable means for the identification and supervision of young persons under 18 years of age).

As the Committee has been drawing attention to these provisions of the Convention since 1958, it feels bound to express the hope that the Government will take the necessary action very shortly and supply full information with its next report.

Israel (ratification : 1953). In its previous observation the Committee had pointed out that section 25 (e) of the Youth Labour (Amendment) Law of 1963, which empowers the Minister of Labour to authorise the employment of young persons on shift work until midnight, is not in conformity with the Convention, which does not provide for such exceptions. According to the Government's report, the delay in introducing the necessary measures to amend the above-mentioned section was due to the preparation of a comprehensive amendment to the law in question for submission to Parliament in a single Bill.

As this matter has been pending for several years, the Committee trusts that the amendment in question will soon be adopted.

Italy (ratification : 1952). Further to its previous observations, the Committee notes with satisfaction that section 16 of Law No. 977 of 17 October 1967 for the protection of employed children and young persons prohibits night work for children from 15 to 16 years who are subject to compulsory school attendance for a period of 14 consecutive hours, in accordance with Article 2 of the Convention, and prohibits night work of young persons from 15 to 18 years of age for a period of 12 consecutive hours, in accordance with Article 3 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Bulgaria, Dominican Republic, Italy, Luxembourg, Peru.*

Convention No. 81 : Labour Inspection, 1947

Argentina (ratification : 1955). The Committee notes with regret that for the third time in succession the Government's report contains no reply concerning the application of certain provisions of the Convention at the federal level. These matters have been the subject of comments since 1958. The Committee therefore must repeat its previous observation which reads as follows :

The Committee 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.

Moreover, for several years now the Committee has requested information in connection with the application of various Articles of the Convention in the provinces. As the Committee has already pointed out, the legislation of the five provinces (Córdoba, Río Negro, Santa Cruz, Santa Fé and San Juan) appended by the Government to some of the reports shows that the Convention is only partially applied in these provinces. In these circumstances, the Committee asks the Government once again to take all necessary steps to give full effect to the Convention for the whole of the national territory and to submit detailed information in this connection.¹

Austria (ratification : 1949). The Committee has noted with interest the detailed information supplied by the Government, in reply to its observation of 1966, on the work of the services responsible for labour inspection in mines.

Belgium (ratification : 1957). In reply to the observation made by the Committee in 1966, a Government representative informed the Conference Committee in 1966 that the Bill on labour inspection, which, in particular, was to give effect to Articles 12, 13 and 15 of the Convention, had lapsed on the dissolution of parliament, and he pointed out that a new Bill was being prepared by the Ministry of Employment and Labour. The Committee notes with regret that the report for 1965-67 contains no information on the progress made in this connection since 1966.

As these important provisions of the Convention, which deal with the powers and duties of labour inspectors, are at present only partially applied in Belgium, the Committee trusts that the Bill drawn up by the Government will be adopted in the near future.

Brazil (ratification : 1957). In 1967 the Committee noted that the Governing Body had approved the report of the Committee appointed to examine the representation submitted, under article 24 of the I.L.O. Constitution, by the Association of Federal Servants of the State of São Paulo in connection with the application of the Convention. In paragraph 77 of this report, the Governing Body had requested the Committee of Experts to pursue, under the arrangements for super-

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

vision of the application of ratified Conventions, the examination of such questions raised by the representation as were still in abeyance and requested the Government of Brazil to submit for consideration by the Committee of Experts any further information it deemed appropriate, with particular reference to the various points mentioned in the report of the Committee appointed by the Governing Body.

In these circumstances, the Committee proceeded to a detailed examination of the situation relating to the application of the Convention, basing itself both on the information supplied by the Government in reply to the representation and on that contained in the report for 1965-67. The following comments review the various questions which remained in abeyance and the measures called for to apply the Convention.

Articles 3 (paragraph 2), 10 and 16 of the Convention. As concerns the duties of inspectors and the functioning and effectiveness of supervision, the report states that section 7, subsection 3, of the Rules relating to employment in the Civil Service requires that officials shall not be given duties other than those falling within their competence. In view of the very general nature of this provision, the Committee requests the Government to provide a list of the duties which may be entrusted to inspectors under this provision.

Moreover, the Committee appointed by the Governing Body had asked the Government to supply information on the staffing of the inspection service, on the practical conditions under which inspection visits are made, and any other available information in this field, especially of a statistical nature. In reply to this request, the report supplies a breakdown by region of the inspection staff, which does not however indicate distribution by categories, specialisation as regards duties (inspectors, engineers, doctors, administrators, etc., in the inspection service), or contain information on the frequency and organisation of inspection visits. On the other hand, in the absence of an annual inspection report and of information on the total number of undertakings and workers employed therein (Article 21 (c)), the information on inspection visits attached to the report is not sufficient to give a precise idea of the effectiveness of the service's work. In addition, it emerges from the overall information available as a whole that, in view of the large size of the country and of the extent to which the establishments are scattered, the question of the staffing of the inspection service deserves to be re-examined in the light of the various criteria listed in paragraphs (a), (b) and (c) of Article 10 of the Convention.

Articles 6 and 7. In its reply to the representation, the Government had pointed out that under article 186 of the Brazilian Constitution and under the Rules relating to employment in the Civil Service, admission to public service could only be by competition. As, according to the Government's report, the last competition of this kind was held in 1954, the Committee notes with interest that a competition is planned for filling present vacancies. The Committee hopes that the Government will be able to indicate the results of this competition and at the same time supply information on the conditions of service of labour inspectors, particularly in connection with the following points :

- permanent or fixed-term appointments ;
- the organisation of recruitment, and the standards for assessing aptitude where no competition is held ;
- the specialised training of inspectors before and after appointment.

Article 11, paragraph 2. The above-mentioned representation contained more particularly allegations on the non-observance of this provision of the Convention,

which provides for the reimbursement to labour inspectors of the expenses necessary for the performance of their duties. The Committee notes that section 42 of the Labour Inspection Regulations of 1965 limits this reimbursement for daily expenditure to one-third of the daily salary of the inspection official, but that, according to the Government's report, this reimbursement is in addition to compensation for the cost of transport and board and lodging, which is due to every official who travels in the course of duty. The report adds that since the application of these measures had given rise to administrative and budgetary difficulties, the Minister of Labour and Social Welfare has set up an ad hoc working group to examine and resolve this question, and to study and recommend measures to improve the application of this provision.

The Committee hopes that the Government will be able to indicate the conclusions reached by this working group and the effect which will be given to them.

Articles 19 to 21. The Committee notes that, according to the Government's report, these Articles are still not applied. As sections 27 and 28 of the Labour Inspection Regulations of 1965 provide for the drawing up of periodical reports by labour inspectors and for the publication of an annual report on the work of the inspection service, and as, during the proceedings in the Committee appointed by the Governing Body, the Government had indicated that such a report would shortly be communicated to the International Labour Office, the Committee trusts that these reports will be published in the near future and forwarded to the International Labour Office within the periods prescribed by Article 20 of the Convention and that they will contain all the information required under Article 21.

The Committee expresses the hope that the Government will be able to supply detailed information on the measures taken or contemplated in connection with the various questions raised above.¹

Bulgaria (ratification : 1949). The Committee notes the Government's reply to its request of 1966, according to which a report on the work of the labour inspection service for 1967 will be communicated to the International Labour Office at the beginning of 1968. As the Committee has drawn attention to the obligation incumbent upon the Government under Articles 20 and 21 of the Convention for a number of years, it trusts that the report in question will be communicated in due course and that in future annual reports on the labour inspection service will be published and submitted within the prescribed time limits and will contain all the information provided for by Article 21 of the Convention.

Cameroon (Western Cameroon) (ratification : 1962). Further to its previous comments, the Committee notes with satisfaction the new Labour Code which gives effect in particular to Articles 12, paragraph 1 (c) (iv), and 15 of the Convention (powers and obligations of inspectors).

China (ratification : 1962). The Committee notes the information supplied in reply to its request of 1966 in connection with Articles 5, 10 and 16 of the Convention.

Articles 12 and 15 (c). The Committee notes with interest that provisions giving effect to these Articles of the Convention have been inserted in the draft Labour Code which has been submitted to the Yuan Legislature for approval. In view of the importance of these Articles, the Committee hopes that this Code will be adopted in the near future.

¹ The Government is asked to report in detail for the period ending 30 June 1968.

Cuba (ratification : 1954). The Committee notes that, in reply to its observation of 1967, the Government's report merely indicates that the Labour Inspection Regulations designed to give effect in particular to Article 12 of the Convention have not yet been adopted and moreover that the powers of inspectors provided for by this Article are exercised without any restriction. The Committee recalls that the Government has referred since 1961 to Labour Inspection Rules ; the purpose of these rules was to ensure that the national legislation which deals with the matter in summary fashion should formally specify the various powers of inspectors listed in this Article of the Convention. The Committee considers that such a provision should not give rise to any difficulty since the Government states that the powers in question are in practice already exercised by inspectors.

As concerns the annual report on the work of the labour inspection service, provided for by Articles 20 and 21 of the Convention, the Government indicates that the Committee's comments have been taken into account but gives no indication of the measures to be taken in order to give effect to them.

In view of the fact that no progress has been made in applying these important provisions of the Convention, the Committee can only reiterate the hope that the Government will take the necessary measures without delay.¹

Cyprus (ratification : 1960). Further to its previous direct requests, the Committee notes with satisfaction Law No. 15 of 1967 which amends the fundamental law on hours of work and empowers the labour inspection service to supervise the enforcement of legislation in this field. The Committee has also noted the annual report of the Ministry of Labour and Social Insurance for 1966 which contains the information prescribed by Article 21 of the Convention.

Ghana (ratification : 1960). Further to previous comments, the Committee notes with satisfaction the new Labour Decree of 1967 which gives effect in particular to Articles 13, 14 and 15 of the Convention.

Greece (ratification : 1955). The Committee notes the Government's reply to its observation of 1966 stating that a Bill has been prepared with a view to bringing legislation into line with Article 13 of the Convention (inspectors' powers of injunction) and that the provisional draft of the new Labour Code now being prepared would contain provisions giving effect to Article 12, paragraph 1 (c) (i) and (iv) (the right to interrogate the employer or the staff of an undertaking, and to take samples of materials and substances).

As these matters have given rise to comment by the Committee since 1958, the Committee trusts that the texts referred to above will be adopted in the near future and that a copy thereof will be submitted with the Government's next report.

Guatemala (ratification : 1952). Further to its previous observations, the Committee notes with interest the report on the labour inspection service published in the Official Gazette of 17 October 1967 and covering the period 1962-66. It notes that no statistics on occupational diseases were available at the time of publication of the report and trusts that in the future these reports will be published and communicated to the International Labour Office within the time limits laid down by Article 20 of the Convention and that they will contain all the information required by Article 21.

Furthermore, the Government states that the draft revision of the Labour Code has been submitted to the Council of State for consideration. The Committee hopes that this Code, which is to give effect to Articles 14 (notification of occupational

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

diseases) and 15 (a) and (c) (obligations of inspectors), will be adopted shortly since the application of the Articles in question has given rise to comment from the Committee over a number of years.

Guinea (ratification : 1959). The Committee takes note of the information supplied in reply to its observation of 1967.

Article 13, paragraph 2 (b), of the Convention. The Committee hopes that the review of the Labour Code which is in hand at the present time will soon be completed and that specific provision will be made to empower inspectors to make or have made orders with immediate executory force in the case of imminent danger to the health or safety of workers.

Article 20. The Committee notes with interest that the Ministry of Labour's annual report for 1966 will shortly be published.

Haiti (ratification : 1952). Further to its previous observations, the Committee notes with satisfaction section 172 of the Act of 18 September 1967, under which occupational diseases must be notified in the same conditions as industrial accidents, in accordance with Article 14 of the Convention.

Iraq (ratification : 1951). Following its observation of 1966, the Committee notes the labour inspectorate's report for 1966 which contains information on the staff of the labour inspection service, and takes due note of the Government's statement that in the next report industrial accident and occupational disease statistics will be placed under separate headings and that the reports will be published and communicated in the manner required by the provisions of Article 20 of the Convention.

Pakistan (ratification : 1953). The Committee notes with regret that the 1965-67 report contains no information, in reply to its 1966 observation, on the progress achieved in amending the Mines Act (1923) of East Pakistan, and the Factories Act (1934) and Mines Act (1923) of West Pakistan, so as to bring them into conformity with the Convention. As this legislation gives only partial effect to important Articles of the Convention, such as Articles 12, 13, 14 and 15 (powers and obligations of inspectors ; notification of industrial accidents and occupational diseases), and since it has given rise to comment from the Committee for a number of years, the latter must urge once again that the necessary amendments be made.

Articles 20 and 21 of the Convention. Since 1963 the Committee has drawn the Government's attention to the fact that the annual reports on the labour inspection service prescribed by these Articles have not been regularly published, or that, when these reports have been published in the *Pakistan Labour Gazette* (as the information supplied in the Government's report for 1963-65 indicates), they have not been submitted to the International Labour Office. As no such report has been received at the International Labour Office, the Committee must insist again on the importance of these provisions of the Convention and trusts that the Government will take the necessary action in order to ensure that reports on the inspection service are published in the 12 months following the year to which they refer, that they are submitted to the International Labour Office within three months after their publication, and that they contain all the information required under Article 21 of the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Panama (ratification : 1958). The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

The Committee would ask the Government to supply detailed information both on the following points and on 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), (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 report on the work of the inspection services, as called for by these Articles of the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without delay.

Sierra Leone (ratification : 1961). The Committee notes from the Government's reply to its observation of 1966 that no measures have been taken to ensure application of the Convention in respect of the points raised in its previous comments, but that the Government indicates once again that appropriate amendments to existing legislation are being prepared. The Committee trusts therefore that inspectors will shortly be appointed in order to ensure application of the Employers and Employed Act (Article 12 of the Convention), that all inspectors will be empowered to take samples of materials and substances used in undertakings (Article 12, paragraph 1 (c) (iv)) and that the latter will treat the source of any complaint as a highly confidential matter (Article 15 (c)).

As the last report on inspection activities received at the International Labour Office refers to 1964 and seems not to take into account the comments made since 1960 (the statistics only cover undertakings employing more than ten wage earners ; inspection visits refer only to the application of the legislation regarding wages ; there are no statistics on occupational diseases), the Committee trusts that henceforth the reports will be published and communicated to the International Labour Office within the prescribed time limits and that they will contain all the information required of them, in conformity with Articles 20 and 21 of the Convention.

Tunisia (ratification : 1957). The Committee notes with satisfaction the Government's reply to its direct request of 1966 and the new Labour Code which gives effect in particular to Articles 12, paragraph 1 (c) (iv), and 15 (a) and (b), of the

Convention, which Articles had previously given rise to comment from the Committee.

The Committee also notes the report on the labour inspection service for 1965 and notes that the 1966 report will be communicated to the International Labour Office once it is drafted.

Turkey (ratification : 1951). The Committee notes with regret that the Government's report has not been received. It is bound, therefore, to repeat its previous observation which was as follows :

Articles 20 and 21 of the Convention. The Committee notes from the Government's reply to its earlier observations that the annual reports of the labour inspection services, which were not published from 1960 to 1964, will be published as from March 1966. As the Government stated in 1963 that the overdue reports were shortly to be published, the Committee can only express once more the hope that the Government will do all in its power to fulfil this essential obligation deriving from the Convention.

The Committee hopes that the Government will make every effort to take the necessary action without delay.

Uganda (ratification : 1963). The Committee takes note of the Government's reply to its observation of 1966.

Articles 12, paragraph 1 (c) (i), and 15 (c) of the Convention. The Committee hopes that the Bill designed to replace the Employment Act and which, according to the report, will be submitted to Parliament in 1968, will shortly be adopted and will give full effect to these provisions of the Convention.

Article 14. The Committee notes that the matter of including a provision requiring the compulsory notification of occupational diseases to the labour inspection service, in the Bill designed to replace the Workmen's Compensation Act, is receiving consideration at the present time, but that no assurance can be given that this will be done. The Committee must once again draw attention to the need for enacting a provision in this connection in order to give full effect to this Article of the Convention which covers both industrial accidents and occupational diseases.

Articles 20 and 21. The Committee notes with interest that, further to its previous comments, the Government has decided to recommence publication of the Ministry of Labour's annual reports and that the report for 1966 is already being prepared. It hopes that this report will shortly be communicated to the International Labour Office and that it will contain all the information required under paragraphs (a) to (g) of Article 21 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Barbados, Belgium, Brazil, Cameroon* (Western Cameroon), *Central African Republic, Ceylon, Chad, China, Costa Rica, Cuba, Dominican Republic, Finland, France, Ghana, Haiti, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Portugal, Senegal, Spain, Switzerland, Syrian Arab Republic, Tanzania* (Tanganyika), *Turkey, United Arab Republic, United Kingdom, Viet-Nam.*

Information supplied by *Guyana* in answer to a direct request has been noted by the Committee.

Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to *Guyana*.

**Convention No. 85 : Labour Inspectorates
(Non-Metropolitan Territories), 1947**

A request regarding certain points is being addressed directly to *Niger*.

**Convention No. 87 : Freedom of Association and
Protection of the Right to Organise, 1948**

One member of the Committee, Mr. Gubinski, stated that he insisted on the fact that, as last year, he could not associate himself with the Committee's observations regarding the application of the Freedom of Association Conventions in socialist countries (Albania, Byelorussia, Cuba, Hungary, Poland, Ukraine and the U.S.S.R.) since, in his opinion, account should be taken of the economic and social system existing in these countries. 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 socialist 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 1966-67 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.

Argentina (ratification : 1960). The Committee regrets that the Government's latest report contains no information in reply to the various comments which have been repeatedly made in direct requests. These comments pointed out the discrepancies between the legislation and the provisions of the Convention, in respect particularly of the right of association of independent workers, the election of trade union leaders and trade union legal personality. The Committee trusts that the Government will shortly take appropriate measures for bringing its legislation into conformity with the provisions of the Convention and will not fail to send in its next report detailed information on the various questions which are again dealt with this year in a direct request.

Burma (ratification : 1955). In 1966 the Committee noted, from the statement by a Government representative at the Conference Committee in 1965, that the following texts gave effect to the Convention : the Law defining the Fundamental Rights and Responsibilities of the People's Workers, Regulations for the Establishment of the People's Workers' Councils, and the Trade Unions Rules. This statement was confirmed by the Government's report. In 1966 the Government informed the Conference Committee that, in view of the provisions of the Regulations for the Establishment of the People's Workers' Councils, the Trade Union Act of 1926 had become inoperative. Taking account of the uncertainty as to the legislation applicable, the Committee, in its observation of 1967, asked the Government to specify all the relevant laws and regulations relating to the subject-matter of the Convention. The Committee takes note of the information supplied by the Government to the Conference Committee in 1967 referring to the Regulations for the Establishment of the relevant laws and regulations relating to the subject-matter of the Convention. It also notes that the report does not contain more detailed information.

In these circumstances, the Committee requests the Government to confirm whether the Trade Union Act of 1926 has been repealed in whole or in part, since, according to section 12 of the Law defining the Fundamental Rights and Responsibilities of the People's Workers, the Trade Union Act is deemed to be one of the rules prescribed under this Law in so far as it is compatible with the aim and object of this Law. Furthermore, the Regulations for the Establishment of the People's Workers' Councils, adopted in accordance with section 9 of the aforementioned Law, do not appear to have repealed the Trade Union Act.

The Committee also requests the Government to specify in its next report the legislative or other provisions by which effect is at present given to each of the Articles of this Convention.¹

Byelorussia (ratification : 1956). The Committee notes that the Government's last report contains no new information.

The Committee remains prepared to consider further the points raised in preceding years 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.

Central African Republic (ratification : 1960). The Committee notes with interest that amendments have been made in the new draft of the Labour Code to the provisions of the following sections of the Labour Code, which had been the subject of previous observations : section 6 (which restricts the trade union rights of aliens), section 10 (which stipulates that the officers of a trade union must have been engaged in the occupation concerned for five years) and section 22 (which makes it compulsory for collective agreements to have been negotiated by representatives of the employers' or workers' organisations which belong to the occupation or occupations concerned).

Referring to sections 6 and 22 of the Labour Code, the Committee notes that sections 187 and 204 of the draft appear to take into account the comments that the Committee had previously made.

As concerns section 10 of the Labour Code, section 192 of the draft reduces to one year the period during which the officers of the trade union must have been engaged in the occupation concerned. The Committee considers that, although the drafting of section 192 of the draft is an improvement on section 10 of the Labour Code, the fact that all the leaders of a trade union must be engaged in the occupation concerned is a limitation not provided for by Article 3 of the Convention. This

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

Article of the Convention, in stipulating that workers' organisations shall have the right to elect their representatives in full freedom, allows in fact for no exception of the kind contained at present in section 10 of the Labour Code or in section 192 of the draft. The Committee trusts that the Government will give further consideration to this matter so that the draft Code will take into account the comments made by the Committee in connection with section 10 of the Labour Code, as was the case with sections 6 and 22 of the Labour Code.

The Committee requests the Government to keep it informed of any measures taken with a view to adopting the new Labour Code.

Congo (Brazzaville) (ratification : 1960). The Committee notes the information supplied by the Government in its report, and particularly the adoption of Act 40/64 of 17 December 1964. The Committee notes that under this Act a single, collective national trade union organisation has been established, its rules have been approved and all other central workers' organisations have been dissolved.

The Committee considers the establishment by legislation of a single trade union organisation to be incompatible with the provisions of Article 2 of the Convention, according to which workers without distinction whatsoever shall have the right to establish and join organisations of their own choosing without previous authorisation. On various occasions, the Committee has pointed out that in order to avoid the harmful effects of a multiplicity of trade unions it would not be contrary to the principles of freedom of association to grant certain special rights—principally in connection with collective bargaining—to majority trade unions, the majority nature of an organisation being determined in accordance with objective criteria. However, this should in no case lead to the prohibition by legislation of the establishment of other trade unions or of workers joining the organisations of their own choosing.

The Committee also considers that the approval and imposition by law of the rules of the Congolese Trade Union Confederation are incompatible with Article 3 of the Convention, which provides that workers' organisations shall have the right to draw up their constitutions and rules, and that the public authorities shall refrain from any interference which would restrict this right.

Finally, the Committee notes that the provisions both of Act 40/64 of 1964, referred to above, and of the supplementary Act No. 3/65 of 25 May 1965, under which all central workers' organisations and all primary trade unions other than those belonging to the Congolese Trade Union Confederation have been dissolved, are incompatible with the provisions of Article 4 of the Convention, which provides that workers' organisations shall not be liable to be dissolved by administrative authority, and also with the principle that it should be the judicial authority, following a normal judicial procedure, which decides on questions concerning the dissolution of trade union organisations.

The Committee requests the Government to indicate the measures taken or contemplated to bring the national legislation and practice into line with the provisions of the Convention as soon as possible.

Cuba (ratification : 1952). The Committee notes that the Government's last report contains no new information.

The Committee remains prepared to consider further the points raised in preceding years 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.

Greece (ratification : 1962). The Committee notes that in June 1967 the question of the application of the Convention in Greece was the subject of detailed discus-

sion in the Committee on the Application of Conventions and Recommendations at the 51st Session of the Conference. During this discussion, the Government representative supplied certain explanations, and the Workers' members considered that the Convention was no longer respected in Greece. The Conference Committee as a whole expressed the hope that the Convention would soon be fully applied in Greece and, in its general report (paragraph 24), it pointed out that it was specially concerned by the existing situation which jeopardised some of the fundamental rights of workers.

Since then, in November 1967, the Committee on Freedom of Association, having examined the complaints presented against the Government of Greece by the International Confederation of Free Trade Unions, the International Federation of Christian Trade Unions and the World Federation of Trade Unions in Case No. 519, submitted an interim report in connection with the allegations concerning, in particular, the dissolution of several trade union organisations, the deportation of active trade unionists, limitations on the free exercise of trade union rights which have been brought about by the suspension of constitutional guarantees, and restrictions on the right to strike. On the recommendation of the Committee, the Governing Body expressly drew the Government's attention to "the importance that should be attached to the principle of the independence of the trade union movement and especially : (i) to the principle that trade unions shall not be liable to be dissolved or suspended by administrative authority, a principle embodied in Article 4 of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which has been ratified by Greece ; (ii) to the principle that the property of trade unions should enjoy adequate protection ; (iii) to the principle that freedom of expression, in particular through the press, is an essential aspect of freedom of association." In addition, the Governing Body drew the attention of the Committee of Experts to these conclusions.

The Committee requests the Government to take all the necessary measures to ensure the full application of the Convention and to supply detailed information in this connection. It also requests the Government to supply in its next report the information which it requested in 1967 in a direct request concerning various points, particularly the financing of workers' organisations by a public body.¹

Guatemala (ratification : 1952). Referring to its previous observation, the Committee takes note of the information supplied by the Government in its last report, which arrived too late to be examined by the Committee in 1967. The Committee notes in particular that a special committee, set up by the Ministry of Labour and Social Welfare, has prepared draft amendments to the Labour Code, including amendments relating to freedom of association, which take the Committee's previous observations into consideration. Taking into account the information furnished by the Government, the Committee recalls that the points on which it has repeatedly made observations in the past may be summarised as follows :

1. The ban on the re-election of trade union officials laid down in section 222 (a) of the Labour Code, although partially lifted by Legislative Decree No. 45 of 18 June 1963, which provides for re-election in cases "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", is incompatible with paragraph 1 of Article 3 of the Convention,

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

which stipulates that all organisations have the right to "elect their representatives in full freedom".

2. The provisions of section 221 (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", appear to leave room for interference by the public authorities in the administration and activities of workers' organisations, and are thus contrary to Article 3 of the Convention.

3. Section 226 (a) of the Labour Code authorises the labour courts, at the request of the Ministry of Labour and Social Welfare, to order the dissolution 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. According to the Government's statement, this section has never been used in practice. Its application might, however, be contrary to Article 3 of the Convention.

4. State employees do not enjoy the right to organise. According to article 2 of the transitional and final provisions of the Constitution of 15 September 1965, the Civil Service Law, which is referred to in article 120 of the Constitution, shall be enacted by Congress at a date not later than two years from the date of entry into force of the Constitution. The Committee trusts that the Civil Service Law in question will guarantee to this large category of workers the right to organise which, in accordance with the Convention, shall be enjoyed by all workers without any distinction whatsoever.

5. Section 211 (c) of the Labour Code 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 number of employees in the undertaking has already been legally recognised therein". These provisions are contrary to Article 2 of the Convention, which provides that workers and employers shall have the right without previous authorisation to establish and join organisations "of their own choosing".

The Committee trusts that the national legislation will shortly be amended and supplemented so that, in respect of the matters mentioned above, its provisions may be brought into line with those of the Convention, and requests the Government to keep it informed of any progress made in this connection.

Hungary (ratification : 1957). The Committee notes that the Government's last report contains no new information.

The Committee remains prepared to consider further the points raised in preceding years 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.

Liberia (ratification : 1962). The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

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 the various points raised in a direct request of 1966, a separate direct request is being addressed to the Government in connection with these points.

Mexico (ratification : 1950). The Committee takes note of the information supplied by the Government at the Conference Committee in 1967 and repeated in its report. According to this information, the Government is reconsidering the views which it has held up to now. The Committee trusts that this reconsideration will shortly enable it to find a way of bringing the legislation concerning workers in the service of the State into line with the provisions of the Convention, and it requests the Government to keep it informed of any developments in this connection.¹

Philippines (ratification : 1953). The Committee has made repeated observations in connection with section 23 (b) of Act No. 875 of 1953, which makes the acquisition of legal personality by a trade union subject to certain conditions related to the political opinion of its officers. The Committee notes that the information supplied by a Government representative to the Conference Committee in 1967, as well as the information contained in the latest report, refers once again to the difficulties encountered in having Congress approve the Bill which will bring Act No. 875 into conformity with the Convention. The Committee trusts that these difficulties will be overcome in the near future so as to bring the legislation in this respect into line with the provisions of the Convention.

The Committee had also noted that a legislative committee had been set up in connection with section 23 (e) of Act No. 875, which gives the Secretary of Labour certain powers to investigate unions, and that it was carefully studying the matter. As the latest report contains no information on this matter, the Committee requests the Government to supply information on the results of this examination and to indicate in future reports the cases and circumstances in which use has been made of these powers.¹

Poland (ratification : 1957). The Committee notes the Statute of the Trade Unions Association adopted in June 1967, a copy of which was sent by the Government with its last report. The Committee, noting that its previous comments, which referred mainly to legislation, do not appear to be affected by that statute, remains prepared to consider further the points raised in preceding years 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.

Ukraine (ratification : 1956). The Committee notes that the Government's last report contains no new information.

The Committee remains prepared to consider further the points raised in preceding years 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 that no report for 1966-67 has been received.

The Committee remains prepared to consider further the points raised in preceding years 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.

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¹ The Government is asked to supply full particulars to the Conference at its 52nd Session.

In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Czechoslovakia, Ghana, Guatemala, Japan, Kuwait, Liberia, Peru, Upper Volta.*

Convention No. 88 : Employment Service, 1948

Argentina (ratification : 1956). As the Committee has repeatedly asked the Government to take steps to ensure the effective application of the Convention, it notes with interest, from a statement made before the Conference Committee in 1967, that the recent attribution to the Secretary of State for Labour of competence in regard to human resources and the establishment of an employment policy will lead to a solution of the administrative problems which had given rise to the difficulties, and that the revision of the legislative standards was envisaged so as to allow the activities of the employment service to become effective.

The Committee regrets, however, that no further information is supplied in the Government's report, and trusts that positive measures have been taken on the administrative and legislative levels with a view to ensuring the full and effective application of the various Articles of this Convention, which was ratified 12 years ago.¹

Australia (ratification : 1949). The Committee notes that the Government, in reply to its previous observation, states that continued efforts by the Minister and the Department of Labour and National Service to re-establish a national advisory committee of employers' and workers' representatives along the lines of Articles 4 and 5 of the Convention seem likely to achieve this goal. As the Committee has had occasion to refer to this matter since 1954, it can only reiterate the hope that these efforts will soon be successful.

Brazil (ratification : 1957). Following its previous observations, the Committee notes with satisfaction from the information supplied by the Government to the Conference Committee in 1966 as well as in its report for 1965-67 that a national manpower department was set up by Act No. 4923 of 1965, that a number of employment offices have been or are being established in several states and that other measures are being taken to give effect to the Convention. It trusts that the Government will pursue its efforts with a view to creating a network of offices, in accordance with the requirements of the Convention, and that it will supply full information in its future reports on the various points raised in the direct request.

Dominican Republic (ratification : 1953). The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

The Committee notes with regret . . . that the 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.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Ghana (ratification : 1962). The Committee notes with satisfaction that, following its previous direct requests, the Government has taken measures to ensure the fuller application of the Convention (in particular Article 6) through the Labour Decree, 1967, which provides, *inter alia*, for the extension of the employment service to persons seeking a change of employment, and for other improvements.

Guatemala (ratification : 1952). The Committee notes from the information supplied by the Government in reply to its observation of 1967, that the two regional offices to which the Government has previously referred are to be brought into operation by 1968. Since the Government has indicated its intention to establish regional offices since 1959, and since it seems that the employment service is at present functioning only in the capital, the Committee can only reiterate the hope that these and other regional offices will begin to operate without delay, and will constitute a network of local or regional offices sufficient in number to serve each geographical area of the country, as required by Article 3 of the Convention.

The Committee also trusts that the Government will take early action for the appointment of the National Advisory Council of employers' and workers' representatives and for its operation (Articles 4 and 5 of the Convention).

Finally, in connection with the proposed extension of the employment service, the Committee hopes that full account will be taken of the various other provisions of the Convention and that future reports will contain information on any progress made in regard to their implementation.¹

India (ratification : 1959). The Committee notes with satisfaction that, following its previous requests, the Government has issued revised instructions to enable foreign nationals resident in India to register with the employment exchanges, in order to comply fully with the provisions of Article 6 (a) of the Convention.

Iraq (ratification : 1951). Following previous observations on this Convention, the Committee notes that a second employment office has been set up (in Baghdad) and that four branch labour offices have been empowered to carry out employment service activities in addition to their normal duties. The Committee recalls that, as stated by the Government itself in 1966, it is only "to a certain extent" that the duties of employment offices in the provinces are carried out by the local branch labour offices. Further, the Committee recalls that in 1961 there were 14 public employment offices in the country (government report for 1960-61), i.e. considerably more than at present.

Accordingly, while noting that some progress has been made with the opening of the second Baghdad office, and while appreciating that some contribution can be made through the activities of the branch labour offices, the Committee must urge the Government to pursue its efforts to set up more employment offices in the form of a "national system of employment offices under the direction of a national authority". It hopes that the Government will supply full information in its next report not only on the extension of the employment service (Articles 1 to 3 of the Convention) but on any progress made in regard to the application of the other provisions of the Convention.

Italy (ratification : 1952). Further to its observation made since 1955, the Committee notes from the report that the question of equal representation of employers and workers on advisory committees is still under review, as part of the reform of the present legislation on manpower placement. The Committee must once again

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

express the hope that the studies initiated in connection with the reform will soon be completed, and that appropriate legislative measures will be taken as a result, so as to ensure equal representation of employers and workers in joint advisory committees, in accordance with Articles 4 and 5 of the Convention.

Malta (ratification : 1965). The Committee notes with satisfaction that, following its previous requests, the Government has now by Order L.N. 65 of 1966 made it possible for persons in gainful employment to register also with the Employment Office, thus ensuring fuller implementation of Article 6 (a) of the Convention.

Philippines (ratification : 1953). The Committee refers to its previous observations on this Convention. It recalls that, following the abolition, in 1955, of nine of the ten existing employment offices, and in spite of reiterated assurances that ten or 12 new offices would be opened, there still appears to be only one full-scale office actually operating in the country. The Committee notes, on the other hand, from the Government's reply at the Conference in 1967, that the necessary funds have been approved and that "additional exchanges would be established already in July 1967"; the Government's report for 1966-67 adds that the operation of two new offices "is anticipated in the coming fiscal year" and that three others will be set up in the period 1967-70.

Accordingly, the Committee must express the earnest hope that the Government will set up the five proposed offices and will take further vigorous measures to establish a network of employment offices sufficient in number to serve each geographic area of the country, as required by Article 3 of the Convention. The Committee also trusts that, in pursuing this policy, the Government will bear in mind the need to comply with the remaining provisions of the Convention and will supply full information on any progress made in this regard.¹

Singapore (ratification : 1965). The Committee notes with satisfaction that, following its previous request, the Government has introduced an occupational classification system, and publishes monthly reports on the employment market (Article 6 (c) of the Convention).

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Belgium, Brazil, Central African Republic, Costa Rica, Cuba, Ethiopia, Ghana, Greece, India, Israel, Kenya, Libya, Singapore, Spain, Syrian Arab Republic, United Arab Republic, Venezuela.*

Information supplied by *Nigeria* in answer to a direct request has been noted by the Committee.

Convention No. 89 : Night Work (Women) (Revised), 1948

Austria (ratification : 1950). Further to its previous observations, the Committee notes with interest from the report for 1966-67 that the Bill on night work by women, on which employers' and workers' organisations had reached a large measure of agreement, was expected to be ready for submission to Parliament in the autumn of 1967. The Committee also notes that the Council of the Austrian Federation of Trade Unions expressed the hope that this Bill would soon be adopted.

The Committee trusts that the Government will make every effort to secure the adoption of the Bill at an early date, so as to eliminate the following divergencies :

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

- (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.

Congo (Kinshasa) (ratification : 1960). Further to its previous requests, the Committee notes with satisfaction that the Labour Code of 9 August 1967 contains provisions to define "night" as comprising a period of at least 11 consecutive hours, as laid down in Article 2 of the Convention.

France (ratification : 1953). Further to its previous observations concerning section 22 (a) of Book II of the Labour Code, which authorises the suspension of the prohibition of night work for women in circumstances not limited to those prescribed in the Convention, the Committee notes with interest that the Government has reminded the labour inspectors that there may be no recourse to the provisions of the said section in present circumstances. The Committee hopes that the Government will indicate in future reports any changes which might occur and that the Labour Code will be suitably amended, when an occasion arises.

As regards the exclusion of small-scale food industries and bakeries from the prohibition of night work by virtue of the instructions contained in a circular of 4 July 1894, the Committee takes due note of the Government's statement that, although women are employed in the selling of bread or food products, they have never been engaged at night in work connected with the manufacturing of such products.

Ireland (ratification : 1952). Following its previous requests concerning measures to avoid any uncertainty as to the exact legislative provision prohibiting night work for women in mines (above ground), the Committee notes with satisfaction that section 110 of the Mines and Quarries Act of 1965 prescribes such a prohibition in accordance with the terms of the Convention.

With regard to the employment of women at night in "work of a clerical nature" in industrial undertakings, which at present is excluded from the relevant provisions of the Conditions of Employment Act, 1936, the Committee takes note with interest of the Government's statement that a systematic examination of the Act is being undertaken with a view to introducing the necessary amendment. The Committee expresses the hope that the next report will contain information on the progress achieved in this respect.

Netherlands (ratification : 1954). In reply to the Committee's previous observations concerning measures to bring existing legislation into compliance with Article 4 (a) and Article 4, paragraph 2, of Conventions Nos. 89 and 90 respectively (cases of *force majeure*), the Government states that the Bill designed, *inter alia*, to amend section 83 (7) of the Labour Act of 1919 (which authorises exceptions from the night work prohibition) is to be submitted shortly to the Council of Ministers. The Committee trusts that the amendment in question will soon be adopted.

Pakistan (ratification : 1951). Further to its previous observations, the Committee notes with satisfaction that the Mines (Amendment) Act, 1967, limits the exemptions which the Central Government may grant (by virtue of section 46 (1) of the Mines Act of 1923) in respect of the prohibition of night work for women, to cases of emergency when the national interest so requires, and after consultation with the employers' and workers' organisations concerned, in conformity with Article 5 of the Convention.

Philippines (ratification : 1953). The Committee has been making observations since 1957 concerning the serious divergencies between the Women and Child Labour Law (No. 679) and the Convention : this Law merely forbids night work for women during a period of eight consecutive hours, instead of 11 hours as provided for by Article 2 of the Convention, and, contrary to Article 5, paragraph 1, of the Convention, it does not provide for consultation with the employers' and workers' organisations concerned before the suspension of this prohibition, when in case of serious emergency the national interest demands it. In its previous observation, the Committee had also drawn the Government's attention to the fact that it appears from the Government's report that national practice was not in conformity with the Convention with regard to the employment of women at night.

The Committee notes from the statement of a Government representative at the Conference Committee in 1967 that the existence of this practice is recognised by the Government, but that there were difficulties in abolishing it in present economic circumstances, and that the Bill by which Act No. 679 was to be brought into conformity with the Convention had not yet been adopted.

In these circumstances, the Committee notes with regret that the Government's report contains no information on the position with regard to the above-mentioned Bill, which has been referred to for more than ten years, and that it appears that no progress has been made in the practical application of the Convention. The Committee must therefore urge the Government once again to take, as soon as possible, the necessary measures to bring the legislation into conformity with Articles 2 and 5 of the Convention and to ensure the effective supervision of the practical application of the provisions concerning night work for women.¹

Republic of South Africa (ratification : 1950). The Committee notes with regret that the report for 1966-67 has not been received, and that no information is therefore available on the measures taken or contemplated to give effect to its previous observations concerning the prohibition of night work for women employed above ground in mining undertakings, and in the building industry.

Syrian Arab Republic (ratification : 1949). Further to its previous requests, the Committee notes with satisfaction that Ministerial Order No. 253 of 11 May 1966 has repealed section 1 (9) of Ministerial Order No. 618 of 1960 respecting women working in shifts so as to ensure the minimum period of night rest of 11 consecutive hours, required by Article 2 of the Convention.

Uruguay (ratification : 1958). Further to its previous observations concerning the absence of legislation giving effect to the Convention, the Committee notes with satisfaction the adoption of Decree No. 492/967 of 10 August 1967, sections 1 and 3 of which prohibit night work by women in industrial undertakings during a period of at least 11 consecutive hours, including the interval between 11 p.m. and 6 a.m., in accordance with the terms of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Burundi, Congo (Kinshasa), Costa Rica, Ghana, Greece, Guatemala, Guinea, Kuwait, Lebanon, Libya, Luxembourg, Malawi, Malta, Portugal, Rwanda, Spain, United Arab Republic.*

Information supplied by *Switzerland* in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

**Convention No. 90 : Night Work of Young Persons
(Industry) (Revised), 1948**

Argentina (ratification : 1955). For several years the Committee has been making observations concerning the divergence between section 6 of Act No. 11317 on the employment of women and children, which fixes a night rest period of 11 hours in winter and ten hours in summer for young persons under 18 years of age, and Articles 2 and 3 of the Convention, which provide that this period shall be of 12 consecutive hours at least.

According to information supplied by the Government in June 1966, a Bill has been submitted to Congress to amend section 6 of the aforementioned Act by providing for a night rest period of 12 consecutive hours in all seasons for young persons, in accordance with the Convention. In the absence of any reference to this Bill in the report for 1965-67, the Committee hopes that it will be adopted in the near future and that the Government will be able to supply information on the progress made in this connection.

Dominican Republic (ratification : 1957). See under Convention No. 79.

Ghana (ratification : 1961). Further to its previous requests, the Committee notes with satisfaction that the Labour Decree of 1967 prohibits night work of young persons under 18 years of age in industrial undertakings for a period of 12 consecutive hours, in accordance with the provisions of Article 2 of the Convention, and limits the possibility of authorising any exceptions from this prohibition to those laid down in Articles 4 and 5 of the Convention.

Guatemala (ratification : 1952). With regard to the provisions of Article 6, paragraph 1 (a) and (c), of the Convention, see under Convention No. 79.

Haiti (ratification : 1957). Since 1960 the Committee has drawn attention to the serious discrepancy between the Labour Code, which prohibits night work of apprentices only, and Article 3 of the Convention, which requires that such prohibition should apply to all young persons under 18 years of age. As the report for 1966-67 merely states that the Labour Code has not yet been amended to remove the above-mentioned discrepancy, and that the competent services have been instructed to act in conformity with the Convention, the Committee can only insist once more that the Government take steps at the earliest possible date to introduce legislation which will give effect to the basic requirements of the Convention.¹

Italy (ratification : 1952). Further to its previous observations, the Committee notes with satisfaction that Law No. 977 of 17 October 1967 for the protection of employed children and young persons includes provisions to prohibit night work by young persons during a period of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m. in the case of persons under 16 years of age, and an interval of seven consecutive hours in the case of young persons over 16 years, in accordance with Article 2 of the Convention.

Mexico (ratification : 1956). As concerns the divergencies between section 68 of the Federal Labour Act and Article 2, paragraph 1, of the Convention, see under General Observations.

Netherlands (ratification : 1954). See under Convention No. 89.

Pakistan (ratification : 1951). In its previous observations the Committee pointed to the measures required to amend certain provisions of the Factories Act, 1934, applicable to West Pakistan, in order to : (a) extend the night work prohibi-

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

tion to all young persons (Article 2, paragraph 2, of the Convention); (b) repeal the provisions authorising the local government to vary the limits of night rest (Article 3, paragraph 1); and (c) provide that registers shall be kept in all undertakings in respect of all young persons showing, *inter alia*, their dates of birth (Article 6, paragraph 1 (e)). The Committee further stressed the need for measures to establish full conformity between the provisions of the Employment of Children Rules, 1955, and Article 3, paragraph 2, of the Convention (authorising exceptions only for purposes of vocational training in continuous industries after consultation with the employers' and workers' organisations concerned), and between those of the Consolidated Mines Rules, 1952, and Article 3, paragraph 3 (a rest period of at least 13 consecutive hours).

Although the Government stated in a previous report that active consideration was being given to the revision of the Factories Act, 1934, the Committee notes that the report for 1965-67 contains no information on the progress achieved to remove the above discrepancies between national legislation and the Convention.

The Committee therefore trusts that the Government will take the necessary measures in the near future to give effect to the provisions of the Convention referred to above.¹

Philippines (ratification: 1953). In reply to the Committee's observations, a Government representative stated at the Conference Committee in 1967 that the Rules and Regulations issued by the Bureau of Women and Minors in pursuance of the Women and Child Labour Law, the text of which would be sent with the next report, prohibited the night work of children under 21 years of age in industry, and that it was hoped that action could soon be taken by Congress to amend the Law mentioned above, as regards the prohibition of night work of young persons. The Committee notes with regret that the Government's report contains no information on the progress made in the adoption of amendments to the Women and Child Labour Law and that the Rules and Regulations referred to by the Government representative were not sent with the report.

Recalling the observations which it has made for several years on the application of the Convention, the Committee hopes that the Government will supply, in its next report, information on the measures taken to bring the legislation into full conformity with the Convention and on its practical application, and that it will supply the text of the Rules and Regulations of the Bureau of Women and Minors which prohibit night work by young persons under 21 years of age, and of the provisions prohibiting the night work of women under 21 years of age, to which the Government refers in its report.

Tunisia (ratification: 1961). Further to its previous requests, the Committee notes with satisfaction that the new Labour Code of 1966 covers all young persons employed in an industrial undertaking (Article 3 of the Convention). Moreover, section 73 of the Code requires the keeping by every employer of a register indicating the names and dates of birth of all young persons under 18 years engaged by him (Article 6, paragraph 1 (e), of the Convention).

Uruguay (ratification: 1954). The Committee notes with satisfaction that, following its previous observations, section 1 of Decree No. 160/967 of 5 October 1967 amends the provisions of the decree of 28 May 1954 so as to prohibit night work by young persons during a period of at least 12 consecutive hours, in accordance with Article 2, paragraph 1, of the Convention.

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¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

In addition, requests regarding certain other points are being addressed directly to the following States : *Dominican Republic, Greece, Guinea, Lebanon, Luxembourg, Yugoslavia.*

Convention No. 92 : Accommodation of Crews (Revised), 1949

Brazil (ratification : 1954). Further to its previous direct requests, the Committee notes with satisfaction that section 7 (c) of the Merchant Marine (Crew Accommodation) Regulations, approved by Decree No. 46130 of 2 June 1959, has been amended by Decree No. 60930 of 3 July 1967 so as to provide, in accordance with Article 5 of the Convention, that, when a complaint relating to accommodation is made by one-third of the members of the crew, the competent authority shall inspect the ship.

Cuba (ratification : 1952). Further to the observations that it has made since 1955, the Committee notes that, in the statement made by a Government representative to the Conference Committee in 1966 and referred to in the Government's report, the Government again expresses its intention of preparing special regulations to give effect to the Convention, for which provision was made in the General Principles concerning Labour Protection and Hygiene, adopted on 8 September 1964. The Committee observes, however, that no progress appears to have been made in the adoption of these regulations, to which reference has been made since 1964.

The Committee trusts that the Government will make every effort to take the necessary measures to give effect to the Convention without delay.

Poland (ratification : 1954). Further to its previous observations concerning the absence of detailed regulations on the accommodation of crews on board ship, the Committee notes with interest the statement in the Government's report confirming that such regulations giving effect to the Convention will be issued by the end of 1968. The Committee trusts that the next report will contain full information on the measures taken in this connection.

Portugal (ratification : 1952). Referring to its previous comments on the application of Part III of the Convention (Crew Accommodation Requirements, Articles 6 to 17), the Committee notes with regret that the Government's report contains no information in connection with the regulations to be issued under Legislative Decree No. 43026 of 1960, to which reference had previously been made. It must, therefore, observe that no regulations appear yet to have been made to give effect to these basic provisions of the Convention. Recalling that the Government has been announcing its intention of issuing regulations to give full effect to the Convention since its ratification, the Committee trusts that the Government will be able to take the necessary measures to ensure the full application 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 : *Belgium, Costa Rica, Ghana.*

Convention No. 94 : Labour Clauses (Public Contracts), 1949

Austria (ratification : 1951). Further to its previous comments, the Committee notes with interest the information supplied by the Government to the Conference Committee in 1966 and repeated in its report. The Committee notes in particular that the directives concerning labour clauses in public contracts, issued at the federal level, are also applied in the provinces of Burgenland, Salzburg, Carinthia,

Tyrol and Vienna, but takes note of the comments made by the Council of the Austrian Federation of Trade Unions on the small amount of progress achieved in the application of the Convention by the provincial and local authorities.

The Committee hopes therefore that the Government will be able to indicate in its next report further progress in this connection, particularly as regards the other provinces and the local authorities.

Burundi (ratification : 1963). The Committee notes with regret that the Government's report, in reply to the comments previously made on the application of this Convention, has once more not been received. It must therefore take up the matter once more in a direct request, and trusts that the Government will make every effort to supply the necessary information and take the necessary measures.

Philippines (ratification : 1953). The Committee notes the statement in the Government's report that the points raised in the direct request of 1967 have been referred to the Legal Services of the Department of Labor for further study. It trusts that the Government will be able to indicate in its next report the measures taken or contemplated as a result of this new study in order to ensure the full application of this Convention, concerning which the Committee has had to make observations since 1956.

United Arab Republic (ratification : 1960). See paragraph 25 of the General Report.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Barbados, Brazil, Bulgaria, Burundi, Cameroon* (Eastern Cameroon), *Central African Republic, Congo (Kinshasa), Costa Rica, Denmark, Finland, Ghana, Guatemala, Jamaica, Malaysia* (Sarawak), *Mauritania, Morocco, Rwanda, Somali Republic* (former British Somaliland), *Syrian Arab Republic, Turkey, Uruguay*.

Convention No. 95 : Protection of Wages, 1949

Afghanistan (ratification : 1957). In reply to the Committee's previous observations, the Government states in its report that regulations in compliance with the Convention will be made under the new Labour Law, although present arrangements are considered adequate. The Committee ventures to point out, in this connection, that present practice as appears from the Government's report (supervision mainly limited to major undertakings and industrial undertakings employing 20 or more people) and existing statutory provisions as contained in the 1946 Regulations (which deal only with industry, under the terms of their preliminary section) fall short of the requirements of the Convention as regards scope (Article 2) and that the protection afforded by the present Regulations appears to be inadequate, particularly as regards remuneration in kind (Article 4), the free disposal by a worker of his wages (Article 6), the final settlement of wages (Article 12, paragraph 2) and the time and place of payment (Article 13).

The Committee therefore hopes that the proposed Labour Law and Regulations to be made thereunder will meet all the requirements of the Convention.

Brazil (ratification : 1957). The Committee notes with satisfaction that, following its previous comments, Legislative Decree No. 229 of 28 February 1967 has amended the Labour Code (sections 458, 462 and 510) so as to ensure fuller application of Articles 4, 6, 7 and 15, paragraph (c), of the Convention.

Cameroon (ratification : 1960). Further to its previous comments, the Committee notes with satisfaction that the new Labour Code, in section 84, para-

graph 1, includes a provision corresponding to that contained in Article 6 of the Convention (which prohibits employers from limiting the freedom of workers to dispose of their wages).

Greece (ratification : 1955). The Committee notes with regret that the Government's report contains no information in reply to its 1966 observation. Referring to the Government's statement in its previous report, that the committee responsible for the revision of the draft Labour Code was to examine the Committee's comments with a view to making such amendments as are necessary for bringing legislation into line with the Convention, the Committee once again expresses the hope that appropriate steps will be taken at an early date to regulate the payment of wages in kind in accordance with the provisions of Article 4 of the Convention and to ensure control of prices in works stores as required by Article 7, paragraph 2, of the Convention.

Malaysia (States of Malaya) (ratification : 1961). The Committee notes with satisfaction that, following its earlier comments, section 61 of the Employment Ordinance has been amended by the Employment (Amendment) Acts, 1966 and 1967, so that the prescribed records are maintained by every employer irrespective of the number of persons employed (Articles 14 (b) and 15 (d) of the Convention).

Philippines (ratification : 1953). The Committee notes with satisfaction that, following its earlier comments, the rules made under the Minimum Wage Law have been amended with a view to giving effect to Article 13, paragraph 2, of the Convention (prohibition of payment of wages in taverns or other similar establishments, etc.).

Tunisia (ratification : 1958). Further to its previous comments, the Committee notes with satisfaction that the relevant provisions of the new Labour Code of 1966 give effect to Articles 13, 14 and 15 of the Convention in respect of agricultural workers.

United Arab Republic (ratification : 1960). The Committee notes the information supplied by the Government in reply to its direct request of 1966.

Article 2 of the Convention. The Government states that the exemption of casual workers, as well as of domestic servants, was specified in its first report, in virtue of the provisions of this Article. The Committee would point out in this connection that the exclusions which may be permitted under paragraph 2 of this Article are limited (except in the case of domestic servants) to persons "who are not employed in manual labour" and therefore may not be applied generally to casual workers, who in most if not all the cases would presumably be engaged in manual labour. As, in the case of casual workers and government employees (which categories are excluded in virtue of sections 20 (a) and 88 (a) and by section 4 respectively of the Labour Code), the legislative provisions mentioned in the Government's report would ensure the application of a very limited number only of the provisions of the Convention—i.e. as regards casual workers : Article 11 (sections 3 and 8 of the Labour Code) and Article 13, paragraph 1 (section 690 of the Civil Code), and as regards government employees : Article 10 of the Convention (Act No. 111 of 1951)—the Committee hopes that the Government will take the necessary measures to ensure the full application of all the provisions of the Convention to the workers concerned.

Articles 4 and 5. The Committee notes the Government's statement that it will bring the comments of the Committee to the attention of the authority entrusted with the revision of the Labour Code, and hopes that appropriate measures will be taken to regulate payment in kind in accordance with Article 4, and to amend

section 46 of the Labour Code in order to ensure conformity with Article 5 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Barbados, Brazil, Cameroon, Central African Republic, Chad, China, Colombia, Costa Rica, Cyprus, Guatemala, Guinea, Guyana, Honduras, Iraq, Libya, Malaysia, Malta, Niger, Nigeria, Philippines, Poland, Sierra Leone, Somali Republic (former British Somaliland), Spain, Syrian Arab Republic, Turkey, Uganda, Uruguay.*

Information supplied by *Byelorussia, Hungary, Mali, Ukraine* and *U.S.S.R.* in answer to direct requests has been noted by the Committee.

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 has not yet completed the draft of a Bill with respect to the National Unemployment Relief Scheme with a view to giving full effect to the Convention, but that a government decree has been prepared and is under consideration which should make it possible to bring national legislation into line with the standards of the Convention at an early date.

The Committee trusts that these legislative measures will be completed in the near future so as to give effect to the Convention, especially with regard to Article 3 (prohibition of employment agencies conducted with a view to profit) and Article 6 (regulation of the activities of non-profit-making employment agencies).¹

Guatemala (ratification : 1953). In connection with previous requests and observations, the Committee notes with interest the information supplied by the Government in its latest report, according to which the offices of the Department of the National Employment Service will be enlarged, with a view to extending free service to the whole of the country.

Article 3 of the Convention. The Committee notes that, when the proposed alterations are made to the offices of the National Employment Service, arrangements will be made for introducing the necessary amendments to the recruitment system for agricultural workers. The Committee hopes that the modifications in question will include provisions for the gradual abolition of fee-charging employment agencies, in conformity with this Article of the Convention.

Article 4. The Committee trusts that the Government will indicate the measures it is taking with regard to the work of fee-charging employment agencies until such a time as a public employment service has been fully established.

Article 8. The Committee trusts that, in conformity with the provisions of this Article, the Government will provide adequate penal sanctions for any violation of the provisions of this Convention or of legislation made pursuant thereto.

Pakistan (ratification : 1952). Further to its previous observations, the Committee notes the statement made by a Government representative to the Conference Committee in 1967 that the federal Government had prepared a Bill following closely the terms of the Convention, but that, on examination of the administrative

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

and social implications, difficulties had arisen particularly with respect to West Pakistan and that, under the circumstances, it would be useless to adopt legislation which would at the moment be incapable of practical and effective application.

The Committee recalls that the Government of Pakistan has on various occasions undertaken to adopt legislative provisions prohibiting fee-charging employment agencies. The Committee also notes with concern the view expressed in the Conference Committee that the situation with respect to the application of the Convention in Pakistan was serious owing to the existence of the abuses which had occurred in the execution of public works, the labour of which had been supplied by private recruiters.

In these circumstances, the Committee particularly regrets that the Government's report contains no information on the application of the Convention. It can only urge the Government once again to take without delay the necessary action to implement the provisions of this Convention.¹

Turkey (ratification : 1952). The Committee notes the information supplied by a Government representative to the Conference Committee in 1967, in reply to the previous observation, that the Bill to regulate the activities of persons acting as intermediaries in agriculture will be discussed by the National Assembly and the Senate after being discussed by the Legal and Labour Committees of the National Assembly. As the report has not been received, the Committee can only recall that this Bill, to which the Government has been referring since 1954, was to bring national legislation into line with the provisions of the Convention.

The Committee trusts that the Government will do all in its power to secure the enactment of this Bill in the near future.¹

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In addition, a general request regarding certain other points is being addressed directly to all States having ratified the Convention and individual requests are being addressed to the following States : *Bolivia, Costa Rica, France, Federal Republic of Germany, Libya, Mauritania, Senegal, Syrian Arab Republic, United Arab Republic.*

Information supplied by *Japan* in answer to a direct request has been noted by the Committee.

Convention No. 97 : Migration for Employment (Revised), 1949

Guatemala (ratification : 1952). Article 8 of the Convention. Further to its previous observations, the Committee notes from the Government's reply that the draft revision of the Labour Code has not yet been adopted. Since one of the purposes of this revision is to provide, in conformity with the aforesaid Article of the Convention, that no migrant worker admitted on a permanent basis shall be returned to his territory of origin if by reason of illness or injury he is unable to follow his occupation, provided that the illness or injury occurs subsequent to entry, the Committee trusts that this draft will be adopted in the near future.

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

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Convention No. 98 : Right to Organise and Collective Bargaining, 1949

Albania (ratification : 1957). The Committee regrets having received no report for 1966-67, the more so since it has been requesting the Government since 1961 to supply information concerning the practical application of the Convention.

Ecuador (ratification : 1954). The Committee notes with regret that once again the Government's report has not been received. Since 1962 the Committee has made direct requests concerning the application of this Convention. In these circumstances, 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.

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.

Liberia (ratification : 1962). See under Convention No. 87.

Malaysia. States of *Malaya* (ratification : 1961). Referring to its earlier comments made in a direct request, the Committee notes with satisfaction the adoption of the Industrial Relations Act No. 35 of 1967, sections 4 and 5 of which contain certain guarantees against anti-union discrimination (Article 1 of the Convention) and acts of interference (Article 2).

State of *Sabah* (ratification : 1964). See under States of *Malaya*.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Argentina, Central African Republic, Ecuador, Haiti, Liberia, Libya, Malaysia* (States of *Malaya*, State of *Sabah*), *Peru, Tanzania* (*Zanzibar*).

Information supplied by *Algeria, Guinea* and *Upper Volta* in answer to direct requests has been noted by the Committee.

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Requests regarding certain points are being addressed directly to the following States : *Central African Republic, Guatemala, Syrian Arab Republic, Tunisia*.

Convention No. 100 : Equal Remuneration, 1951

Ecuador (ratification : 1957). The Committee notes with regret that the Government's report 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.

The Committee hopes that the Government will make every effort to take the necessary action without delay.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Central African Republic, Denmark, Guatemala, Haiti, Indonesia, Iraq, Israel, Libya, Malawi, Peru, United Arab Republic.*

Convention No. 101 : Holidays with Pay (Agriculture), 1952

Cuba (ratification : 1953). See under Convention No. 52.

Yugoslavia (ratification : 1955). See under Convention No. 52.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Algeria, Central African Republic, France, Gabon, Italy, Malagasy Republic, Morocco, Senegal, Sierra Leone, Yugoslavia.*

Information supplied by the *United Arab Republic* in answer to a direct request has been noted by the Committee.

Convention No. 102 : Social Security (Minimum Standards), 1952

Federal Republic of Germany (ratification : 1958). Part XIII : Common Provisions, Article 69 (i) of the Convention. From the Government's reply to previous observations concerning section 84 of the Placement and Unemployment Insurance Act (which deals with the suspension of benefits when unemployment is due to an industrial dispute), the Committee notes that the work of reviewing this Act which at the time was being prepared has not yet been completed. As the Government stated in its 1964-66 report that it would examine closely the possibility of amending or supplementing the above-mentioned section, taking into account the Committee's suggestions concerning the granting of unemployment benefits 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 trusts that this review will be made in the near future.

Peru (ratification : 1961). The Committee notes that the Government has failed for the second consecutive year to supply a report and has failed to reply to the direct requests previously addressed to it on the application of this Convention. The Committee must therefore take up the matter once again in a new direct request and it hopes that the Government will make every effort to supply the information requested and take the necessary measures.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Luxembourg, Peru, Yugoslavia.*

Convention No. 103 : Maternity Protection (Revised), 1952

Requests regarding certain points are being addressed directly to the following States : *Brazil, Spain, Yugoslavia.*

Convention No. 104 : Abolition of Penal Sanctions (Indigenous Workers), 1955

El Salvador (ratification : 1958). The Committee notes with regret that for the third year in succession no report has been received. As the Committee has previ-

ously pointed out, 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 once more expresses the hope that measures will be taken to abolish them.

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In addition, requests regarding certain other points are being addressed directly to the following States : *Nigeria, Thailand*.

Convention No. 105 : Abolition of Forced Labour, 1957

Dominican Republic (ratification : 1958). The Committee notes with regret that no report has been supplied and that accordingly no information is available on the matters raised by it in direct requests or observations since 1961, as follows :

1. Section 270 of the Penal Code defines as vagrants, *inter alia*, persons engaged in agriculture who do not have a permanent holding of at least ten *tareas* (6,290 square metres) of land in a good state of cultivation and are not employed by any person or company. Under section 271 of the Penal Code cases of vagrancy are to be heard by the mayors of communes, and persons declared vagrants may be sentenced to imprisonment.

The Committee once more expresses the hope that the Government will take the necessary measures in relation to these provisions to ensure that no form of forced or compulsory labour is imposed by virtue thereof for any of the purposes mentioned in Article 1 of the Convention.

2. The Committee must once more point out that the following provisions appear to permit the imposition of penal labour for purposes falling within Article 1 (a), (c) and (d) of the Convention :

- (a) sections 2 and 3 of Act No. 1443 of 14 June 1947, prohibiting meetings (whether public or private) and publications aimed at propagating theories or views incompatible with the civil, republican, democratic and representative character of the Government of the Republic ;
- (b) sections 2 and 3 of Act No. 3143 of 11 December 1951, under which anyone who receives an advance for work which he has agreed to carry out, and then fails to perform such work by the agreed date or within the time necessary for its execution, is guilty of fraud, the fraudulent intention being proved by the mere fact of failure to carry out the work by the agreed date or within the required time except in cases of *force majeure* ;
- (c) the provisions of the Labour Code making strikes illegal in a number of cases and imposing imprisonment as a penalty for contravention of such prohibitions (sections 370, 373, 374, 640, 678 (15) and 679 (3)).

The Committee trusts that the Government will take the necessary measures in relation to the above-mentioned provisions to ensure that no form of forced or compulsory labour may be imposed by virtue thereof for any of the purposes mentioned in Article 1 of the Convention.

3. The Committee is also once more asking the Government, in a direct request, to supply information on the practical application of a number of legislative provisions, and trusts that full information thereon will be supplied.

Federal Republic of Germany (ratification : 1959). Since 1963 the Committee has requested the Government to provide information on the practical application

of a number of provisions of the Penal Code concerning state security and public order, with a view to being able to satisfy itself that they might not lead to the imposition of forced or compulsory labour (that is, penal labour) in circumstances falling within Article 1 (a) of the Convention. The Committee notes that the latest report still does not provide the information requested, but merely states that persons convicted under the provisions concerned have been punished for a specific breach of the law and not on account of their political opinions, and that the highest criminal court has repeatedly stated in its judgments that expressions of political views as such are not punishable.

The Committee notes these indications with interest. To enable it to satisfy itself of the legal situation, in the discharge of its functions, it hopes that the necessary particulars of the practical application of the legislation concerned (in accordance with its renewed direct request) will be provided in the next report.¹

Greece (ratification : 1962). The Committee notes the Government's statement that information on the matters raised in its previous direct request will be supplied subsequently. It also notes that, following the declaration of a state of siege by Decree No. 280 of 21 April 1967, various proclamations have been issued which appear to have a bearing on the application of the Convention, as indicated in the further direct request which is being addressed to the Government. In view of the importance of the matters involved, the Committee hopes that full information thereon will be available for examination at its next session.¹

Guatemala (ratification : 1959). The Committee notes that the Government's report once more fails to supply the information requested since 1965 on certain matters relating to the application of Article 1 (a) and (b) of the Convention, merely repeating that the competent governmental services have been requested to provide this information. The Committee trusts that full information on all the points raised will be available for examination at its next session.¹

Guinea (ratification : 1961). The Committee notes the Government's statement that the information concerning the work centres of the revolution provided for by Decree No. 416 P.R.G. of 22 October 1964 and certain legislative texts requested by the Committee in its direct request in 1967 will be supplied subsequently. It hopes that the information and legislation in question will be available for examination at its next session.¹

Haiti (ratification : 1958). In an observation in 1967 the Committee noted that every year since 1960 a decree had been issued granting full powers to the President of the Republic and suspending for a period of six to eight months a considerable number of constitutional guarantees which constitute necessary safeguards for the effective observance of the Convention. 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 (second paragraph) and 122 (second paragraph) of the Constitution of 1964, reproducing corresponding provisions of the Constitution of 1957).

While the Committee has recognised that the suspension of constitutional guarantees may in certain circumstances be necessary, it has emphasised that such exceptional measures should be resorted to only in cases of extreme gravity constituting emergencies (that is, endangering the existence or well-being of the popu-

¹ The Government is requested to report in detail for the period ending 30 June 1968.

lation). The Committee has noted that the regular, yearly suspension of constitutional guarantees in Haiti has been justified in the relevant legislative texts by such considerations as the wish to prevent the slowing up of economic processes and to permit the taking of prompt and energetic political and economic measures. It has accordingly requested the Government to reconsider its practice in the matter in the light of the Committee's explanations and the requirements of the Convention.

The Committee notes that, by decree of 20 September 1967, the previously mentioned constitutional guarantees were again suspended for a period of almost seven months. In the light of such repeated and prolonged suspensions of the constitutional guarantees in question, the Committee cannot be satisfied that the provisions of the Convention are effectively observed.¹

Iraq (ratification : 1959). The Committee regrets to note that the Government has not yet supplied copies of a number of legislative texts requested since 1963. It also notes that information on certain other matters requested since 1965 is still being obtained. The Committee hopes that the legislative texts and information in question will be available for examination at its next session.¹

Malaysia (ratification : 1958). In direct requests made since 1961 the Committee has drawn attention to a number of matters affecting the implementation of Article 1 (a), (b), (c) and (d) of the Convention. The Committee notes from the Government's latest report that some of these matters are still under consideration, and that in regard to others no measures are contemplated. The Committee is once more addressing a direct request to the Government, and hopes that information on the measures taken or envisaged to ensure the full observance of the Convention will be available for examination at its next session.¹

Poland (ratification : 1958). The Committee regrets to note that the Government's report merely gives particulars of new regulations for the execution of sentences of deprivation of liberty issued on 7 February 1966 (including provisions relating to the employment of prisoners on work of public utility meeting the needs of the national economy), but does not reply to the detailed questions raised in the direct request made in 1967 with reference to the application of Article 1 (a), (c) and (d) of the Convention. As these matters have been the subject of direct requests since 1963, the Committee trusts that full information thereon will be available for examination at its next session.¹

Portugal (ratification : 1959). The Committee regrets to note that the Government's report for the period ending 30 June 1967 does not provide any information on the matters dealt with in the Committee's previous observations. In these circumstances the Committee can only restate the position as indicated in the previous observations, with due regard to the discussions which took place in the Conference Committee in 1967.

The Committee recalls that in 1966, at the request of the Governing Body of the I.L.O., it presented a special report on the measures 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. In the special report, the Committee noted that the specific legislative changes recommended by the Commission of Inquiry had been made in 1962, that legislation concerning the cultivation and marketing of cotton enacted in 1963 and 1964 appeared to meet the recommendations of the Commission of Inquiry aimed at ensuring freedom from constraint of producers, and that provisions permitting compulsory recruitment for a Labour and Economic Recovery Corps in Angola, as an emergency measure, had been repealed in 1965. It indicated that, following the supply of appropriate infor-

¹ The Government is asked to report in detail for the period ending 30 June 1968.

mation by the Government, it had not appeared necessary to pursue certain questions, regarding the publication of legislative provisions, the effect of taxation and the application of vagrancy laws. It noted certain measures which had been taken to implement recommendations relating to the engagement of labour for road works and for publicly owned railways and ports in Angola. It reviewed the information supplied regarding the employment of labour by certain undertakings in respect of which allegations had been examined by the Commission of Inquiry, and regarding action in the related fields of manpower policy and labour inspection. The special report emphasised that, while the legislation relating to employment of labour and cultivation had been brought into conformity with the Convention, there was still scope and need for certain positive measures designed to guarantee the effective enjoyment of freedom of labour, particularly the development of public employment services.

In the light of the Committee's special report of 1966, the Conference Committee made certain recommendations to the Government regarding the development of public employment services, the improvement of wages and conditions of labour, and the expansion of labour administration services, and requested it to supply a full and detailed report on these matters. The Government duly supplied special reports on these questions. On the basis of this information, the Committee in 1967 made observations concerning the following matters.

Angola. 1. Employment services. The Committee noted various policy statements concerning the progressive elimination of recruiting of labour through the development of free public employment services, as provided for in the Rural Labour Code, and other measures aimed at attracting a sufficient supply of labour offering its services spontaneously. It noted that measures for the creation of employment services had been initiated. In view of the magnitude of the outstanding problems, the Committee expressed the hope that these activities would be intensified, and that the Government would in subsequent reports supply detailed information on the further measures taken and on their effect in implementing the manpower policies mentioned by the Government.

2. Wages. Having regard to the limited information available, the Committee requested that more detailed figures showing the evolution of cash wages be provided in future reports, as well as information on general measures taken with a view to improvement of conditions of employment.

3. Labour inspection. The Committee indicated that it would henceforth follow general developments in the field of labour inspection in its examination of the reports on the Labour Inspection Convention, 1947 (No. 81), also ratified by Portugal. However, it requested more detailed information on the activities of the labour inspectorate in regard to the enforcement of the provisions of the Rural Labour Code of 1962 relevant to the application of the Abolition of Forced Labour Convention.

4. Other matters arising out of recommendations of the Commission of Inquiry. The Committee requested 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) ;

- (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 noted the virtual absence of public placement activities, and statements by the authorities questioning the utility of creating a public employment service, on the ground that such a service might be unnecessarily costly, superfluous and even self-defeating. The Committee recalled 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". It also emphasised, as it had done in its special report of 1966, the importance of the progressive replacement of existing recruiting arrangements by such a public service as a further step in guaranteeing effective respect for freedom of labour. The Committee accordingly expressed the hope that the competent authorities would give further consideration to measures to give practical effect to the relevant provisions of the Rural Labour Code.

2. Wages. On the basis of the data supplied, the Committee was not in a position to draw any definite conclusions concerning the evolution of wages. It accordingly requested that information be given in future reports on the evolution of cash wages of unskilled workers in agriculture and industry and on any general measures taken with a view to improving conditions of employment.

3. Labour inspection. The Committee made the same comments as for Angola.

4. Other matters arising out of the report of the Commission of Inquiry. The Government had referred to new arrangements by virtue of which the penal sanctions for breaches of contracts of employment provided for in the laws of the Republic of South Africa would no longer be applied to workers from Mozambique. The Committee notes the statement made by a Government representative to the Conference Committee in 1967 that these arrangements have now been brought into force, but once more requests the Government to provide particulars of the measures which have been 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.

The Committee trusts that the Government will not fail to take the measures and to supply the information called for in the preceding observations.¹

El Salvador (ratification : 1958). The Committee regrets to note that for the third 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,

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

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.

Switzerland (ratification : 1958). The Committee notes with interest that, following its previous requests, the Act of the Canton of Fribourg of 17 February 1923 on collective disputes in state undertakings or in those operating under a concession has been amended by an Act of 12 May 1967, suppressing imprisonment as a punishment for participation in strikes in these undertakings.

Trinidad and Tobago (ratification : 1963). The Committee notes the Government's statement that information on the matters raised in the Committee's previous direct request will be supplied subsequently. It hopes that full information on these matters will be available for examination at its next session.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Afghanistan, Argentina, Australia, Austria, Belgium, Cameroon* (Western Cameroon), *Canada, Central African Republic, Chad, China, Colombia, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Finland, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iran, Iraq, Ireland, Israel, Jamaica, Kuwait, Liberia, Malaysia, Mali, Morocco, Netherlands, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Rwanda, El Salvador, Senegal, Sierra Leone, Singapore, Somali Republic, Sweden, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, Venezuela.*

Information supplied by *Luxembourg* and *Mexico* in answer to a direct request has been noted by the Committee.

Convention No. 106 : Weekly Rest (Commerce and Offices), 1957

Requests regarding certain points are being addressed directly to the following States : *Afghanistan, Brazil, Dominican Republic, Guatemala, Haiti, Iraq, Israel, Mexico, Portugal.*

Convention No. 107 : Indigenous and Tribal Populations, 1957

Argentina (ratification : 1960). The Committee notes that once again the report does not contain the detailed information requested since 1963 on the effect given to

¹ The Government is asked to report in detail for the period ending 30 June 1968.

each Article of the Convention and that it continues to refer to earlier reports which were considered inadequate in order to determine to what extent the provisions of the Convention are applied in Argentina. The Committee must therefore once again express the hope that the Government will supply with its next report the information requested under each Article in the report form on this Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Bolivia, Brazil, Ghana, Pakistan, Portugal, El Salvador.*

Convention No. 108 : Seafarers' Identity Documents, 1958

A request regarding certain points is being addressed directly to *Guatemala*.

Convention No. 110 : Plantations, 1958

Liberia (ratification : 1959). The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

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. ... With regard to wages, 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.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Guatemala, Liberia.*

Convention No. 111: Discrimination (Employment and Occupation), 1958

Requests regarding certain points are being addressed directly to the following States : *Brazil, Central African Republic, Cuba, Dominican Republic, Guatemala, Guinea, Iraq, Liberia, Libya, Malawi, Mexico, Niger, Poland, Viet-Nam, Yugoslavia.*

Convention No. 112 : Minimum Age (Fishermen), 1959

Requests regarding certain points are being addressed directly to the following States : *Guatemala, Guinea, Netherlands.*

Convention No. 113 : Medical Examination (Fishermen), 1959

Belgium (ratification : 1963). With reference to a previous direct request, the Committee notes with satisfaction that section 7 of Annex XVIII of the Royal

Order of 14 May 1965 gives effect to the provisions of Article 4, paragraph 1, of the Convention by reducing to 12 months the period of validity of the medical certificate issued to persons under 21 years of age.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Belgium, Brazil, China, Costa Rica, Guatemala, Guinea, Liberia, Spain, Yugoslavia.*

Convention No. 114 : Fishermen's Articles of Agreement, 1959

Yugoslavia (ratification : 1961). See under Convention No. 22.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *China, Costa Rica, Guatemala, Guinea, Liberia, Mauritania, Peru, Spain.*

Convention No. 115 : Radiation Protection, 1960

Iraq (ratification : 1962). Further to its previous comments, the Committee regrets to note that no report has been received for the period 1966-67, and as regards the period 1965-66 notes from the previous report (received too late to be considered during the Committee's 1967 session) that the Government is engaged in the process of amending national legislation, the incompatibility of which with Convention No. 115 was first signified to the Government by a direct request in 1965.

The Committee urges the Government to complete the amendment of national legislation and to supply the Committee with copies of relevant legislation and statutory instruments when amended.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Barbados, Ghana, Guyana, Norway, Spain, Switzerland, United Kingdom.*

Convention No. 117 : Social Policy (Basic Aims and Standards), 1962

Requests regarding certain points are being addressed directly to the following States : *Central African Republic, China, Ghana, Israel, Jordan, Kuwait, Niger, 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 : *Central African Republic, Ireland, Israel, Jordan, Malagasy Republic, Netherlands, Norway, Sweden.*

Convention No. 119 : Guarding of Machinery, 1963

Requests regarding certain points are being addressed directly to the following States : *Central African Republic, Congo (Brazzaville), Cyprus, Ghana, Guatemala, Niger, Syrian Arab Republic.*

Convention No. 120 : Hygiene (Commerce and Offices), 1964

Requests regarding certain points are being addressed directly to the following States : *Bulgaria, Syrian Arab Republic.*

Convention No. 122 : Employment Policy, 1964

A request regarding certain points is being addressed directly to *New Zealand.*

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 29 March 1968

Reports received: 1,551. Reports not received: 282. Total: 1,833.

(Article 22 of the Constitution)

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Afghanistan*	7	4, 13, 41, 45, 95, 105, 106	0	—	7
Albania ¹	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Algeria	21	6*, 10*, 11*, 18*, 19*, 24*, 29*, 32*, 56, 69, 71, 73*, 74*, 81, 92, 94*, 95*, 96*, 99*, 100*, 101*	10	13, 14, 17, 42, 44, 63, 77, 78, 88, 89	31
Argentina	40	2, 4, 6, 8, 10, 12, 13, 16, 17, 18, 19, 20, 22, 23, 27, 29, 32, 34, 35, 36, 41, 42, 45, 50, 52, 53, 68, 71, 73, 77, 78, 79, 81, 87, 88, 90, 95, 98, 105, 107	0	—	40
Australia	13	10*, 12, 16, 18*, 19, 22, 29, 42*, 45, 63, 85, 88, 105	0	—	13
Austria	21	2, 4, 6, 10, 12, 13, 17, 18, 19, 24, 25, 29, 42, 45, 63, 81, 89, 94, 95, 101, 105	0	—	21
Barbados*	15	12, 17, 19, 22, 29, 42, 63, 65, 74, 81, 94, 95, 101, 105, 115	0	—	15
Belgium	33	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45*, 53, 55, 56, 69, 73, 74, 81*, 82*, 85*, 88, 89, 92, 94, 96, 101, 105, 113, 114, 115*	0	—	33
Bolivia	4	19, 42, 96, 107	0	—	4

For footnotes see end of table, p. 126.

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Brazil	26	6, 12, 16, 19, 22, 29, 42, 45, 52, 53, 81, 88, 89, 92, 94, 95, 96, 97, 101, 103, 104, 105, 106, 107, 111, 113	0	—	26
Bulgaria	32	6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29, 34, 42, 44, 45, 52, 53, 55, 56, 69, 71, 73, 77, 78, 79, 81, 94, 95, 113, 120	0	—	32
Burma	13	2, 6*, 16, 17, 18, 19, 22, 29, 41*, 42, 52*, 63, 87	0	—	13
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	10, 16, 29, 45, 52, 77, 78, 79, 87, 90, 95	0	—	11
Cameroon	5	19, 29, 45, 94, 95	0	—	5
Eastern Cameroon . . .	3	4, 6, 13	1	85	4
Western Cameroon . . .	4	16, 65, 81, 105	0	—	4
Canada	8	16, 22, 63, 69, 73, 74, 88, 105	0	—	8
Central African Republic *	23	2, 4, 6, 10, 13, 17, 18, 19, 29, 33, 41, 52, 81, 87, 88, 94, 95, 100, 101, 104, 105, 117, 118	0	—	23
Ceylon	8	16, 18, 41, 45, 63, 81, 90, 96	1	29	9
Chad	7	4, 6, 13, 41, 52, 81, 95	2	29, 105	9
Chile*	18	2, 4, 6, 10, 11, 12, 13, 16, 17, 18, 19, 22, 24, 25, 29, 34, 45, 63	0	—	18
China	13	16, 19, 22, 23, 45, 53, 73, 81, 95, 105, 113, 114, 117	1	118	14
Colombia	16	2, 4, 9, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 52, 95, 105	0	—	16
Congo (Brazzaville)	12	4, 5, 6, 11, 13, 14, 26, 33, 41, 87, 95, 119	1	29	13
Congo (Kinshasa)	10	4, 12, 17, 18, 19, 29, 42, 85, 89, 94	0	—	10

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Costa Rica	13	29, 45, 81, 88, 89, 90, 92, 94, 95, 96, 105, 113, 114	0	—	13
Cuba	32	4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 29, 42, 45, 52, 63, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 101, 104, 105, 111	0	—	32
Cyprus	14	2, 16, 19, 29, 44, 45, 81, 88, 89, 90, 94, 95, 105*, 119	0	—	14
Czechoslovakia	25	10, 12, 13, 17, 18, 19, 24, 25, 29, 34, 35, 36, 37, 38, 39, 40, 42, 44, 45, 52, 63, 88, 89, 90, 115	0	—	25
Dahomey	9	4, 6, 13, 18, 29, 41, 85, 95, 105	0	—	9
Denmark	16	2*, 6, 12, 16, 18, 19, 29, 42, 52, 53, 63*, 81, 92, 94*, 100*, 105*	0	—	16
Dominican Republic . . .	0	—	14	10, 19, 29, 45, 52, 79, 81, 88, 89, 90, 104, 105, 106, 119	14
Ecuador	0	—	12	2, 24, 29, 37, 39, 45, 95, 98, 100, 103, 105, 111	12
Ethiopia	2	2, 88	0	—	2
Finland	20	2, 12, 13, 16, 17, 18, 19, 22, 29, 42, 45, 52*, 53, 63, 73, 81, 92, 94*, 96, 105	0	—	20
France	37	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24*, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	37
Gabon	12	4, 6, 10, 12, 13, 19, 45, 52, 95, 96, 101, 105	3	29, 41, 85	15
Federal Republic of Germany	23	2, 10, 12, 16, 17, 18, 19, 22, 23, 24, 25, 29, 42, 45, 56, 63, 81, 88, 96, 101, 102, 105, 114	0	—	23

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Ghana	22	16, 19, 22, 23, 29, 45, 58, 65, 69, 74, 81, 87, 88, 89, 90, 92, 94, 105, 107, 115, 117, 119	0	—	22
Greece	20	1, 2, 6, 7*, 13, 16*, 17, 19, 29, 42, 45, 52, 69*, 81, 88, 89, 90, 95, 102, 105	0	—	20
Guatemala	20	19, 45, 63, 65, 77, 78, 79, 81, 86, 88, 89, 90, 94, 95, 96, 101, 105, 113, 114, 118	0	—	20
Republic of Guinea	24	3, 4, 5, 6, 10, 11, 13, 14, 16, 17, 18, 26, 29, 33, 41, 81, 87, 95, 98, 105, 111, 112, 113, 114	0	—	24
Guyana	14	2, 10, 12, 19, 29, 42, 45, 65, 81, 82, 94, 95, 105, 115	0	—	14
Haiti	21	1, 5*, 12, 14, 17, 19, 24, 25, 29, 30, 42, 45, 77*, 78*, 81, 90*, 98, 100, 105, 106, 107	0	—	21
Honduras	0	—	8	29, 32, 42, 45, 62, 78, 95, 105	8
Hungary	21	2, 6, 10, 12, 13, 16, 17, 18, 19, 24, 29, 41, 42, 45, 48, 52, 77, 78, 87, 95, 101	0	—	21
Iceland	0	—	3	2, 29, 105	3
India	14	4, 6, 16, 18, 19, 22, 29, 42, 45, 81, 88, 89, 90, 118	0	—	14
Indonesia	0	—	6	19, 27, 29, 45, 98, 100	6
Iran	3	29, 104, 105*	0	—	3
Iraq	16	8, 13, 15, 16, 17, 19, 29, 41, 42, 52, 77, 78, 81, 88, 95, 105	4	18, 22, 26, 115	20
Ireland	20	2, 6*, 10, 12, 16, 19, 22, 23, 29, 42, 44, 45, 63, 69, 74, 81, 89, 92, 105, 118*	0	—	20
Israel	19	10, 19, 29, 48, 52, 77, 78, 79, 81, 88, 90, 94, 95, 96, 100, 101, 105, 117, 118	0	—	19

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Italy	34	2, 4, 6, 10, 12, 13, 16, 18, 19, 22, 23, 29, 42, 44, 45, 48, 52, 53, 55, 69, 71, 73, 77, 78, 79, 81, 88, 89, 90, 94, 95, 96, 101, 114	0	—	34
Ivory Coast	13	4, 6, 13, 18, 19, 29, 41, 45, 52, 85, 95, 96, 105	0	—	13
Jamaica	6	16, 19, 29, 65, 81, 94*	1	105	7
Japan	14	2, 10, 16, 18, 19, 22, 29, 42, 45, 73, 81, 87, 88, 96	0	—	14
Jordan	1	105	4	117, 118, 119, 120	5
Kenya	14	2, 12, 17*, 19, 29, 45, 63*, 65, 81, 88, 89*, 94, 97*, 105*	0	—	14
Kuwait	6	52, 81, 87, 89, 105, 117	0	—	6
Laos	0	—	4	4, 6, 13, 29	4
Lebanon	7	14, 26, 45, 52, 81, 89, 90	0	—	7
Lesotho	4	19, 29, 45, 65	0	—	4
Liberia	0	—	13	29, 53, 55, 58, 65, 87, 98, 104, 105, 110, 111, 113, 114	13
Libya *	4	88, 96, 98, 111	7	29, 52, 89, 95, 100, 104, 105	11
Luxembourg	26	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29*, 42, 45, 77*, 78*, 79*, 81, 88, 89*, 90*, 96, 105*	0	—	26
Malagasy Republic	10	4, 6, 12, 13, 19, 41, 52, 95, 101, 118	1	29	11
Malawi	11	12, 19, 45, 65, 81, 89, 97, 100, 104, 107, 111	0	—	11
Malaysia	5	29, 65, 81, 95, 105	0	—	5
States of Malaya	4	12, 17, 19, 45	0	—	4
State of Sabah	2	16, 94	0	—	2
State of Sarawak	4	12, 16, 19, 94	0	—	4
Mali	9	4, 6, 13, 18, 19, 29, 41, 81, 95	1	105	10

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Malta	13	2, 10, 12, 16, 19, 22, 29, 42, 81, 88, 89, 95, 105	0	—	13
Mauritania	0	—	21	4, 6, 13, 17, 18, 19, 22, 23, 29, 52, 53, 58, 81, 89, 90, 94, 95, 96, 101, 112, 114	21
Mexico	24	9, 12, 13, 16, 17, 19*, 22, 23, 29, 32, 34, 42, 45, 52, 53, 55, 62, 63, 87, 90, 95, 105, 107, 111	0	—	24
Morocco	20	2, 4, 12, 13, 17, 18, 19, 22*, 29, 41, 42, 45, 52, 55, 65, 81, 94, 101, 104, 105	0	—	20
Netherlands	32	2, 10, 12, 13, 16, 17, 19, 22, 23, 24, 25, 29, 42, 45, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101, 105*, 112, 118	0	—	32
New Zealand	22	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 122	0	—	22
Nicaragua	15	2, 4, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 25, 29	0	—	15
Niger	14	4, 6, 13, 18, 29, 41, 65, 85, 95, 104, 105, 111, 117, 119	0	—	14
Nigeria	11	16, 19, 29, 45, 65, 81, 88, 94, 95, 104, 105	0	—	11
Norway	27	2, 10, 12, 13, 18, 19, 22, 24, 25, 29, 42, 44, 53, 63, 69, 71, 73, 81, 88, 90, 92, 95, 96, 101, 105, 115, 118	0	—	27
Pakistan	13	4, 6, 16, 18, 19, 22, 29, 45, 81, 89, 90, 96, 105	0	—	13
Panama	0	—	8	12, 17, 29, 42, 45, 52, 81, 105	8
Paraguay	2	1, 14	0	—	2

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Peru	28	4, 10, 12, 19, 22, 23, 35, 36, 37, 38, 39, 40, 41, 44, 45, 52*, 53, 55*, 56, 69, 71, 73, 87, 88*, 90*, 98, 113*, 114*	11	24, 25, 29, 77, 78, 79, 81, 100, 101, 102, 105	39
Philippines	11	17, 23, 53*, 77, 87, 88*, 89, 90, 94*, 95, 105*	0	—	11
Poland	29	2*, 6*, 10*, 12, 13*, 16*, 17, 18, 19, 22*, 23*, 24, 25, 29*, 42, 45*, 48, 69*, 73*, 74*, 77*, 78*, 79*, 87*, 92*, 96*, 101*, 105*, 115*	1	95	30
Portugal	15	4, 6, 12, 17, 18, 19*, 45, 69, 73, 74, 81*, 89, 92, 104, 105*	1	29	16
Rumania	8	2, 6, 10, 13, 16, 24, 29, 89	0	—	8
Rwanda	9	4, 12, 17, 18, 19, 42, 89, 94, 105	0	—	9
El Salvador	0	—	4	12, 104, 105, 107	4
Senegal*	2	19, 105	14	4, 6, 10, 12, 13, 18, 29, 52, 81, 89, 95, 96, 99, 101	16
Sierra Leone	11	16, 17, 19, 22, 45, 65, 81, 88, 94, 95, 101	2	29, 105	13
Singapore	11	12, 16, 19, 22, 29, 45, 65, 81, 88, 94, 105	0	—	11
Somali Republic	0	—	4	29, 65, 85, 105	4
Former Trust Territory of Somaliland*	2	16, 22	4	17, 19, 23, 45	6
Former British Somaliland*	2	94, 95	0	—	2
Republic of South Africa ²	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Spain	34	2, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 29, 34, 42, 45, 48, 81, 88, 89, 95, 103, 113, 114, 115	0	—	34
Sudan	3	2, 19, 29	0	—	3

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Sweden	21	2, 10, 12, 16, 17, 19, 29, 42, 45, 63, 73, 81, 88, 92, 96, 101, 105, 115, 118, 120, 122	0	—	21
Switzerland	15	2, 6, 16, 18, 19, 23, 29, 44, 45, 63, 81, 88, 89, 105, 115	0	—	15
Syrian Arab Republic . . .	24	2, 17*, 18, 19*, 29*, 45, 52, 53, 63*, 81, 88, 89, 94*, 95, 96, 99, 101*, 104, 105*, 115*, 117*, 118*, 119*, 120*	0	—	24
Tanzania	0	—	10	12, 16, 17, 19, 29, 63, 65, 94, 95, 105	10
Tanganyika	0	—	4	45, 81, 88, 101	4
Zanzibar	0	—	13	5, 7, 11, 15, 26, 50, 58, 59, 64, 85, 86, 97, 98	13
Thailand	1	104	0	—	1
Togo	0	—	7	4, 6, 13, 29, 41, 85, 95	7
Trinidad and Tobago *	6	16, 19, 29, 65, 85, 105	0	—	6
Tunisia	15	4, 6, 12, 13, 17, 18, 19, 45, 52, 65, 81, 89, 90, 95, 104	6	29, 105, 112, 113, 114, 118	21
Turkey	0	—	9	2, 42, 45, 81, 88, 94, 95, 96, 105	9
Uganda	6	12, 19, 45, 65, 81, 94	4	17, 29, 95, 105	10
Ukraine	11	10, 16, 29, 45, 52, 77, 78, 79, 87, 90, 95	0	—	11
U.S.S.R.	10	10, 16, 29, 45, 52, 77, 78, 79, 90, 95	1	87	11
United Arab Republic . .	20	2, 17*, 18*, 19, 29*, 45, 52, 53, 63, 81, 88, 89*, 94*, 95, 96*, 100, 101, 104, 105*, 115	0	—	20
United Kingdom	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42*, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115	0	—	28

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
United States	3	53, 55, 74	0	—	3
Upper Volta*	14	4, 5, 6, 13, 18, 26, 29, 33, 41, 85, 87, 95, 97, 98	0	—	14
Uruguay	26	2, 10, 12, 13, 16, 17, 19, 22, 23, 24, 25, 42, 43, 45, 52, 62, 63, 73, 77, 78, 79, 89, 90, 94, 95, 101	0	—	26
Venezuela	11	2, 6, 13, 19, 22, 26, 29, 41, 45, 88, 105	0	—	11
Viet-Nam	0	—	7	6, 13, 29, 45, 52, 81, 89	7
Yugoslavia	25	2, 12, 13, 16, 17, 18, 19, 22*, 23, 24*, 25, 45, 52, 53*, 56*, 69*, 74*, 81*, 88*, 89*, 90*, 101, 103, 113*, 114*	2	29, 48	27
Zambia	10	12, 17, 18, 19, 29, 45, 65, 89, 105*, 117	0	—	10
<i>Other State :</i>					
Western Samoa	3	29, 65, 104	0	—	3

* Received too late to be summarised in Report III (Part I).

¹ The notice given by Albania of its withdrawal from the I.L.O. expired on 5 August 1967, but this State continues to be bound by the Conventions which it has ratified (article 1, paragraph 5, of the Constitution).

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).

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

(Article 22 of the Constitution)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee ¹		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	— ²	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ³	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1,026	212	20.6	840	81.8	917	89.3
1953-1954	1,175	268	22.8	1,077	91.7	1,119	95.2
1954-1955	1,234	283	22.9	1,063	86.1	1,170	94.8
1955-1956	1,333	332	24.9	1,234	92.5	1,283	96.2
1956-1957	1,418	210	14.7	1,295	91.3	1,349	95.1
1957-1958	1,558	340	21.8	1,484	95.2	1,509	96.8
1958-1959	995 ⁴	200	20.4	864	86.8	902	90.6
1958-1960	1,100 ⁴	256	23.2	838	76.1	963	87.4
1959-1961	1,362 ⁴	243	18.1	1,090	80.0	1,142	83.8
1960-1962	1,309 ⁴	200	15.5	1,059	80.9	1,121	85.6
1961-1963	1,624 ⁴	280	17.2	1,314	80.9	1,430	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	1,395	89.3
1965-1967	1,833 ⁴	323	17.4	1,551	84.5	—	—

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 that, in spite of certain administrative difficulties, a number of the reports due in respect of the Faroe Islands have been supplied, and that arrangements are being made with a view to facilitating the submission of reports. It hopes that, as a result of these arrangements, it will in future be possible to send all the reports in time.

The reports for the Faroe Islands which have been received do not indicate whether copies thereof have been sent to representative organisations of employers and workers, as required by article 23, paragraph 2, of the Constitution. The Committee hopes that in future the reports will indicate whether this has been done.

France

In the light of the information supplied in the reports, the Government may wish to consider the possibility of making declarations of application, for the Overseas Departments and for other territories, in respect of Convention No. 16, and additional declarations, for the overseas territories, in respect of Convention No. 73.

Netherlands

The Committee notes that the reports which have been received in respect of Netherlands Antilles and Surinam do not indicate whether copies thereof have been sent to representative organisations of employers and workers, as required by article 23, paragraph 2, of the Constitution. The Committee hopes that in future the reports will indicate whether this has been done.

United Kingdom

The Committee notes that no reports have been received in respect of the application of Conventions in Southern Rhodesia, and that accordingly no information is available in answer to the observations previously made with respect to this territory concerning Conventions Nos. 81, 82, 84, 86 and 105. In these circumstances, the Committee can only refer to its previous observations.

The Committee also regrets that none of the reports due in respect of the British Virgin Islands and St. Christopher-Nevis-Anguilla has been received. It hopes that the reports in question will be available for examination at its next session.

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, Swaziland).

Convention No. 5 : Minimum Age (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes with regret that for the third consecutive time the Government's report has not been received, and that it therefore has no information available on the progress made in the adoption of the legislation to give effect to the Convention, which has been in the course of preparation since 1955.

As there are at present no legislative provisions prohibiting the employment of children under 14 years of age in industrial undertakings, except as apprentices, the Committee urges the Government to adopt as soon as possible the necessary provisions to give full effect to the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to *United Kingdom* (British Virgin Islands, St. Vincent).

Convention No. 6 : Night Work of Young Persons (Industry), 1919*Denmark**Faroe Islands.*

The Committee notes with regret that once again the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

The Committee 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.

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 6, *France*.

French Territory of the Afars and the Issas.

The Committee notes with regret that the Government's report contains no information in reply to its previous observation. The Committee is bound, therefore, to repeat this observation relating to the following point :

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Denmark* (Greenland), *France* (Comoro Islands).

Information supplied by *France* (Martinique) in answer to a direct request has been noted by the Committee.

Convention No. 7 : Minimum Age (Sea), 1920

A request regarding certain points is being addressed directly to the *United Kingdom* (Brunei).

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920

A request regarding certain points is being addressed directly to the *United Kingdom* (Brunei).

Convention No. 10 : Minimum Age (Agriculture), 1921

United Kingdom

Falkland Islands (Malvinas).

Following its previous direct requests, the Committee notes with satisfaction that the Employment of Children Ordinance, 1966, prohibits agricultural work for children under 12 years of age and authorises work for children of over 12 years outside school hours only, in conformity with the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Jersey).

Information supplied by the *United Kingdom* (Gilbert and Ellice Islands, Seychelles) in answer to direct requests has been noted by the Committee.

Convention No. 11 : Right of Association (Agriculture), 1921

Information supplied by *Denmark* (Faroe Islands) in answer to a direct request has been noted by the Committee.

Convention No. 13 : White Lead (Painting), 1921

Netherlands

Surinam.

The Committee notes with regret that once again the Government's report this year contains no information in reply to its observations. The Committee is bound, therefore, to repeat its previous observation which was as follows :

Article 1 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 delay to ensure full compliance with the above-mentioned provisions of the Convention, on which the Committee has made comments since 1958.¹

Convention No. 14 : Weekly Rest (Industry), 1921

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921

A request regarding certain points is being addressed directly to *Denmark* (Greenland).

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

Denmark

Greenland.

The Committee notes with regret from the information supplied to the Conference Committee in 1967 that the deliberations of the Commission appointed by the Government in 1960 have not resulted in the enactment of legislative provisions providing for medical examination in the cases covered by the Convention ; it notes, however, that these examinations normally take place in practice.

In these circumstances, the Committee can only express once more the hope that in due course measures will be taken to bring the legislation as well as practice into conformity with the Convention. It would also be glad if the Government would indicate in its next report, as previously requested, the number of persons who are holders of valid maritime passports.

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Netherlands

Surinam.

Referring to its previous observations and requests, the Committee notes from the information contained in the report that the draft decree to revise the accident insurance scheme has not yet been adopted. The Committee hopes that the draft in question, the preparation of which has been referred to since 1965, will be submitted to Parliament in the very near future and that it will give effect to the provisions of the Convention, and, particularly, to Article 7 (additional compensation where injury to the workman has necessitated the constant help of another person) and Article 10 (renewal of artificial limbs and surgical appliances).

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925

Netherlands

Surinam.

The Committee notes with regret that the Government's report gives no reply to its comments. It is bound, therefore, to repeat its previous observation which was as follows :

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 workers, 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.

The Committee hopes that the Government will make every effort to take the necessary action without delay.

* * *

In addition, a request regarding certain other points is being addressed directly to *Denmark* (Greenland).

Convention No. 22 : Seamen's Articles of Agreement, 1926

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, St. Christopher-Nevis-Anguilla, Seychelles).

Convention No. 24 : Sickness Insurance (Industry), 1927

United Kingdom

Jersey.

Referring to its previous requests, the Committee notes with satisfaction the enactment of the Health Insurance Law (Jersey), 1967, establishing a system of medical and pharmaceutical services. It hopes that this Law will shortly enter into force.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Guernsey, Jersey).

Convention No. 25 : Sickness Insurance (Agriculture), 1927

A request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

Convention No. 26: Minimum Wage Fixing Machinery, 1928

Information supplied by the *United Kingdom* (St. Christopher-Nevis-Anguilla) in answer to a direct request has been noted by the Committee.

Convention No. 29 : Forced Labour, 1930

Netherlands

Surinam.

The Committee notes the Government's statement, in reply to previous observations, that penal sanctions for the illegal exaction of forced or compulsory labour

have not yet been introduced. As the Committee has been drawing attention since 1957 to the need for such measures to give effect to Article 25 of the Convention, it trusts that the necessary measures will be taken in the near future.

United Kingdom

Fiji.

The Committee notes with satisfaction from the Government's reply to the previous direct request that the Fijian Affairs Social Services Regulations, which permitted compulsory portorage, were repealed by the Fijian Affairs (Revocation) (No. 2) Regulations, 1966.

Swaziland.

The Committee notes with satisfaction, from the Government's reply to its previous direct request, that the Juvenile Offenders' Removal and Apprenticeship Ordinance, which contained provisions for compulsory apprenticeship, has been repealed by the Juvenile Offenders' Removal and Apprenticeship (Repeal) Law, 1966.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *France* (Comoro Islands, French Polynesia), *United Kingdom* (Fiji, Jersey, Swaziland).

Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933

A request regarding certain points is being addressed directly to the *United Kingdom* (Gibraltar).

Convention No. 42 : Workmen's Compensation (Occupational Diseases) (Revised), 1934

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 42, *France*.

Netherlands

Netherlands Antilles.

Further to its previous comments, the Committee notes with satisfaction that the decree of 23 December 1966 on occupational diseases, which came into force on 1 January 1967, established a new list of occupational diseases which corresponds, to a large extent, to the schedule in Article 2 of the Convention.

Surinam.

The Committee once again notes with regret from the Government's reply to its previous observations that the draft decree modifying the accident insurance scheme, which will contain a new list of occupational diseases, has not yet been adopted.

Since the Government has referred to this draft since 1956, the Committee trusts that it will be adopted without delay, and that the list of occupational diseases will be brought into line with Article 2 of the Convention, in respect of the activities corresponding to anthrax infection (which at present do not include the loading, unloading or transport of merchandise in general) and poisoning by phosphorus and

its compounds, arsenic and its compounds, benzene, its homologues and their nitro- and amido-derivatives, the halogen derivatives of hydrocarbons of the aliphatic series, pathological manifestations due to radiation and primary epitheliomatous cancer of the skin (which, like the activities liable to cause them, do not appear in national legislation).¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles), *United Kingdom* (Bermuda, British Honduras, Brunei, Fiji, Gibraltar, Guernsey, Hong Kong, St. Lucia, Solomon Islands).

Convention No. 53 : Officers' Competency Certificates, 1936

United States

Trust Territory of Pacific Islands.

Further to its previous direct requests, the Committee notes with satisfaction that, by virtue of an amendment dated 27 April 1966 to section 10 of Chapter IV of the Regulations of the Board of Maritime Inspectors, masters or skippers who allow any of the duties defined in Article 2 of the Convention to be performed by a person not holding a corresponding or superior certificate are now liable, upon conviction, to penalties, in accordance with Article 6, paragraph 2 (b), of the Convention.

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936

A request regarding certain points is being addressed directly to the *United States* (American Samoa).

Convention No. 56 : Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to the *United Kingdom* (Guernsey).

Convention No. 62 : Safety Provisions (Building), 1937

Netherlands

Surinam.

In its observations, formulated since 1958, the Committee has pointed out that Articles 6, 12, 13 and 16 of the Convention are not applied, and that Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 are only partially applied. Since the report for 1965-67 contains no reply to the previous observations as to the measures taken to ensure application of the above-mentioned provisions of the Convention, the Committee can only draw attention, once again, to the persistent omission of the Government to fulfil its obligations in respect of this Convention. The Committee trusts that the necessary measures will be taken both to give full effect to the Convention and to supply information on the progress achieved in this matter.²

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

² The Government is asked to supply full particulars to the Conference at its 52nd Session.

Convention No. 63 : Statistics of Wages and Hours of Work, 1938

Requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei and St. Lucia).

Information supplied by the *United Kingdom* (St. Helena) in answer to a direct request has been noted by the Committee.

Convention No. 69 : Certification of Ships' Cooks, 1946*France*

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 69, *France*.

Netherlands

Netherlands Antilles.

Further to its previous observations, the Committee notes with interest that examinations were held in September 1967 for the certificate of ships' cook. In these circumstances, the Committee trusts that the Government will now be able to take the necessary measures to give effect to the Convention as a whole, such as the adoption of suitable regulations, to which reference had been made in previous reports.

Convention No. 81 : Labour Inspection, 1947*Netherlands*

Netherlands Antilles.

Further to its previous observations, the Committee notes with satisfaction the General Safety Regulations of 4 February 1966 amending the decree of 1958, section 4A of which empowers labour inspectors to take samples of materials and substances used in the undertaking, in accordance with Article 12, paragraph 1 (c) (iv), of the Convention.

The Committee has also noted with interest the statement that public officials are formally forbidden by their rules of employment to have any direct or indirect interest in an undertaking, in accordance with Article 15 (a) of the Convention.

Surinam.

The Committee notes that, in reply to its observation of 1967, the report merely indicates that, on the one hand, at the present time there are still no legal provisions governing the activities of the labour inspection service and that, on the other hand, certain sections of Decree No. 195 of 1962 establishing the status of officials came into force on 1 January 1966. However, as the extracts which were submitted with the Government's report had no bearing on the Convention, the Committee is unable to ascertain to what extent those sections of the decree of 1962 already in force give effect to Article 6 of the Convention.

Therefore, as no progress has been made in applying the Convention since 1956—this was the first occasion on which the Committee drew the Government's attention to the need for giving effect to Articles 6, 7, 8, 9, 12, 13, 20 and 21 which constitute fundamental provisions of the Convention—the Committee is bound to draw attention once again to the Government's continuing failure to fulfil the obligations incumbent upon it under this Convention. The Committee trusts that the necessary action will be taken in order to supply the detailed information requested

in the report form and to give effect to this important Convention both in law and in practice.

United Kingdom

Brunei.

See paragraph 25 of the General Report.

Grenada.

The Committee notes with interest, from the Government's reply to its 1966 observation, that the Factories Ordinance of 1958 came into force in March 1967. It hopes that, following the entry into force of this Ordinance, a factories inspector will shortly be appointed, and that the Government will be able to prepare, within the periods prescribed by Article 20 of the Convention, an annual general report on the work of the inspection service containing all the information required under Article 21.

Furthermore, the Committee regrets that work on the Labour Code has not yet been completed. It hopes that this Code which should give effect, in particular, to Article 15 (a) of the Convention (secrecy in respect of the source of complaints) will be adopted very shortly and that a copy of it will be submitted with the next report.

Solomon Islands.

Further to its earlier requests, the Committee notes with satisfaction Amendment No. 2 to the Workmen's Compensation Regulations of 6 December 1965, which makes the notification of occupational diseases compulsory under the same conditions as for industrial accidents and thus gives full effect to Article 14 of the Convention.

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* (Antigua, Guernsey, Isle of Man, St. Vincent).

Information supplied by the following States in answer to a direct request has been noted by the Committee: *France* (French Guiana), *United Kingdom* (British Honduras).

Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947

United Kingdom

Antigua.

The Committee notes with regret that the Government's report fails to reply to the previous observation. It is bound, therefore, to repeat this observation which was as follows :

The Committee notes the Government's statement that the legal position is being reconsidered as regards the application of Article 16 of the Convention (advances on wages) in the light of the Committee's observations on this point. Since the Committee has been making these observations since 1958, it trusts that measures to give effect to this Article of the Convention will be adopted in the near future.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

Bahamas.

Following its previous observations, the Committee takes note with satisfaction of the adoption of the laws modifying, in 1965 and 1967, the Truck Act and of the law modifying, in 1966, the Employment of Children Prohibition Act, with a view, in particular, to bringing the legislation of this territory into conformity with Articles 15 and 19 of the Convention.

British Virgin Islands.

Article 19, paragraph 2, of the Convention. The Committee notes with regret that the Government has failed once more to supply a report, so that no reply has yet been received to the direct requests made since 1964 concerning the proposal, mentioned in the report for 1960-61, to declare an age up to which children must attend school in compulsory school attendance areas. The Committee recalls that, according to section 46 of the Education Ordinance of 1955, parents of children between the ages of 5 and 14 years in compulsory attendance areas are required to send them to school, and that by resolution of the Legislative Council all the islands on which there are primary schools were declared to be compulsory school attendance areas as from 1958, under section 44 of the Ordinance. The Committee would therefore be grateful if the Government would confirm that children are at present required to attend school in such areas up to the age of 14 years.

Article 19, paragraph 3. The Committee had also inquired whether the employment of persons below the school-leaving age during school hours has been prohibited in compulsory school attendance areas.

The Committee hopes that the Government will make every effort to provide the information referred to above.

Gibraltar.

Following its previous observation and requests, the Committee notes with satisfaction that the Regulation of Wages and Conditions of Employment (Amendment) Ordinance No. 15 of 1966 modifies the legislation so as to bring it into closer conformity with Article 15 of the Convention. However, since the above-mentioned Ordinance requires that only employers with ten or more workers furnish employees with statements of wages, the Committee hopes that the Government will in due course be able to extend the aforesaid provision to all employees, in conformity with paragraph 1 of Article 15 of the Convention.

St. Christopher-Nevis-Anguilla.

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat its previous observation which was as follows :

Article 16 of the Convention. The Committee notes that, in reply to the direct requests of 1965, the Government states that consideration is being given to the adoption of new legislation to regulate the maximum amounts and manner of repayment of advances on wages, but that the question cannot receive priority, particularly since this Article of the Convention is already applied in practice.

As the Committee has raised the matter since 1958, it firmly hopes that the necessary legislation will be adopted at an early date.

The Committee hopes that the Government will make every effort to take the necessary action in the near future.

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 : *France* (French Territory of the Afars and the Issas, Comoro Islands, New Caledonia), *United Kingdom* (Bermuda, St. Vincent).

Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Southern Rhodesia.*

See General Observation in section II A above.

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947*United Kingdom**Montserrat.*

In reply to the direct request of 1966 concerning the application of Articles 4 and 5 of the Convention (powers and obligations of inspectors), the Government points out that these powers are in fact exercised by the Labour Commissioner when he visits establishments, and that the Committee's comments have been noted.

As the Committee has raised these questions since 1960, it hopes that on an appropriate occasion provisions can be adopted to give effect to these Articles of the Convention and that the next report will contain information on the progress made in this connection.

St. Christopher-Nevis-Anguilla.

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to repeat the following part of its previous observation :

The Committee notes ... that no progress has been made since 1960 in the adoption of a text to amend the Labour Ordinance. Since this text is to permit the transfer to labour officials of certain inspection duties at present carried out by police officers, the Committee hopes that, in accordance with the instructions of the Minister of Labour, to which the Government refers in its report, this text will receive priority in examination and will be shortly adopted.

The Committee hopes that the Government will make every effort to take the necessary action without delay.¹

St. Lucia.

The Committee notes from the Government's reply to its direct requests of 1966, that the draft Labour Act, which is to contain provisions conferring on labour inspectors certain powers prescribed under Article 4 of the Convention, has not yet been brought before the House of Assembly, but that the Government will make every effort to submit this draft as soon as possible.

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

As the Government has referred to this draft Act since 1960, the Committee trusts that the text in question will shortly be adopted and that a copy of it will be forwarded with the Government's next report.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Fiji, St. Helena).

Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947

United Kingdom

Southern Rhodesia.

See General Observation in section II A above.

**Convention No. 87 : Freedom of Association and Protection
of the Right to Organise, 1948**

Requests regarding certain points are being addressed directly to the following States : *Netherlands* (Surinam), *United Kingdom* (British Virgin Islands, St. Vincent).

Information supplied by *Denmark* (Faroe Islands), *United Kingdom* (St. Christopher-Nevis-Anguilla) in answer to direct requests has been noted by the Committee.

Convention No. 88 : Employment Service, 1948

Netherlands

Surinam.

The Committee notes with regret, from the Government's reply to its previous requests, that no provision has yet been made for the institution of advisory committees in accordance with Articles 4 and 5 of the Convention and that no information is supplied on Article 6, paragraph (a) (iv) (reference of applicants from one employment office to another). The Committee notes, however, that a start has been made with regard to the implementation of Article 6, paragraph (c) (collection and analysis of the employment market information) and paragraph (e) (assistance of the employment service to other bodies in social and economic planning).

The Committee trusts that the Government will take the necessary measures to establish advisory committees and that information will be supplied in the next report on the progress made in the implementation of Article 6, paragraphs (a) (iv), (c) and (e), of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles), *United Kingdom* (Bahamas, British Honduras).

Convention No. 89 : Night Work (Women) (Revised), 1948

France

Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).

See under Convention No. 89, *France*.

Convention No. 94 : Labour Clauses (Public Contracts), 1949*Netherlands**Surinam.*

The Committee notes with regret that the Government's report contains no new information in reply to its previous observations.

The Committee must therefore stress again, as it has done since 1956, the need for the inclusion in all public contracts falling within the scope of 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.

The Committee requests the Government once more to take the necessary measures in the near future to secure the effective application of the Convention, which has been in force in Surinam since 1955.¹

*United Kingdom**Dominica.*

Further to its previous direct requests, the Committee notes with satisfaction that an amendment of 28 February 1967 to the Fair Wages Rules requires contractors to post notices in conspicuous places at the establishments and workplaces concerned with a view to informing workers of their conditions of employment, in accordance with Article 4, paragraph (a) (iii), of the Convention.

British Virgin Islands.

The Committee regrets that no report has been received again this year in reply to the direct request which it first made in 1962.

It trusts that the Government will not fail to send, for examination by the Committee at its next session, a report which will supply information as previously requested on the measures taken by heads of departments to implement the instructions contained in clauses 8, 9, 10 and 11 of the circular providing for the insertion of labour clauses in public contracts.

Solomon Islands.

The Government indicates again in reply to the Committee's direct request, that it will review the position. The Committee recalls that while the Convention appears to be partly applied in practice, the Government has, on several occasions, merely stated that it intends to issue rules to give full effect to its provisions. It hopes, therefore, that the Government will issue the rules in question in the near future, and that the next report will contain full information thereon.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States : *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Bahamas, Brunei, Dominica, Grenada, St. Christopher-Nevis-Anguilla, St. Vincent).

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Convention No. 95 : Protection of Wages, 1949*Netherlands*• *Surinam.*

The Committee regrets to note that no measures have yet been taken to give statutory effect to the Convention as regards manual workers in public employment (Article 2) and to ensure (i) that the value attributed to allowances in kind is fair and reasonable (Article 4, paragraph 2 (b)), (ii) that, when access is not possible to stores other than works stores, the latter are not operated for profit but for the benefit of the workers concerned (Article 7, paragraph 2) and (iii) that records are kept in all appropriate cases (Article 15 (d)).

As the Committee has been making comments on these points since 1958, it hopes that the Government will endeavour to take the necessary action in the very near future.¹

*United Kingdom**Gibraltar.*

The Committee notes with satisfaction that, following its earlier comments, the Regulation of Wages and Conditions of Employment (Amendment) Ordinance No. 15 of 1966 contains provisions ensuring improved legislative conformity with Article 4 (remuneration in kind) and Article 14 (b) (information of the workers regarding particulars of their wages for each pay period) of the Convention.

Grenada.

The Committee regrets to note that no further progress has been made in the enactment of legislation to give effect to Article 3, paragraph 1, Article 4, Article 6, Article 8, paragraph 2, Article 10, Article 13 and Article 15, paragraphs (b), (c) and (d), of the Convention, although the Government's previous report stated that such legislation was in the final stages of preparation. As the introduction of the relevant legislation was first announced by the Government in its report for 1959-61, the Committee trusts that the Government will make every effort to take the necessary measures at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Bahamas, British Honduras, Brunei, Dominica, Jersey, Montserrat, St. Lucia, St. Vincent, Solomon Islands).

Information supplied by *France* (French Guiana) in answer to a direct request has been noted by the Committee.

Convention No. 96 : Fee-Charging Employment Agencies (Revised), 1949

Information supplied by *Netherlands* (Surinam) in answer to a direct request has been noted by the Committee.

Convention No. 97 : Migration for Employment (Revised), 1949

A request regarding certain points is being addressed directly to the *United Kingdom* (British Honduras).

¹ The Government is asked to supply full particulars to the Conference at its 52nd Session and to report in detail for the period ending 30 June 1968.

Convention No. 98 : Right to Organise and Collective Bargaining, 1949

Denmark

Faroe Islands.

The Committee notes with regret that once again the Government's report has not been received. Since 1963 the Committee has made direct requests concerning the application of this Convention. In these circumstances, 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.

* * *

A request regarding certain points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951

Information supplied by the *United Kingdom* (St. Christopher-Nevis-Anguilla) in answer to a direct request has been noted by the Committee.

Convention No. 101 : Holidays with Pay (Agriculture), 1952

Requests regarding certain points are being addressed directly to the following States : *Netherlands* (Surinam), *United Kingdom* (Antigua, St. Vincent, Swaziland).

Convention No. 105 : Abolition of Forced Labour, 1957

United Kingdom

Southern Rhodesia.

See General Observation in section II A above.

* * *

Requests regarding certain points are being addressed directly to the following States : *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Antigua, Bahamas, Bermuda, British Virgin Islands, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, Seychelles, Solomon Islands, Swaziland).

Convention No. 106 : Weekly Rest (Commerce and Offices), 1957

Denmark

Faroe Islands.

Since 1964 the Committee has made direct requests concerning the application of the Convention. Since once again this year no report has been supplied, the Committee is bound to refer to the matter again in a new direct request.

The Committee trusts that the Government will not fail to communicate the next report and to supply the information requested.

* * *

In addition, requests regarding certain other points are being addressed directly to *Denmark* (Faroe Islands, Greenland).

Convention No. 108 : Seafarers' Identity Documents, 1958

Requests regarding certain points are being addressed directly to the *United Kingdom* (Brunei, Isle of Man and Seychelles).

Convention No. 112 : Minimum Age (Fishermen), 1959

A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 115 : Radiation Protection, 1960

A request regarding certain points is being addressed directly to the *United Kingdom* (British Honduras).

* * *

Information supplied by the *United Kingdom* (Jersey) in answer to a direct request has been noted by the Committee.

Convention No. 118 : Equality of Treatment (Social Security), 1962

Requests regarding certain points are being addressed directly to the *Netherlands* (Netherlands Antilles, Surinam).

**Appendix. Detailed Reports Received and Detailed Reports Not Received
by 29 March 1968**

(Non-Metropolitan Territories)

Reports expected: 1,426. Reports received: 1,196. Reports not received: 230.

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 1967 are printed in *italic type*.

The territories enumerated below are listed without prejudice to any questions of a political character, regarding which the Committee is not competent to express an opinion.

(Articles 22 and 35 of the Constitution)

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Australia	52		0		
Nauru ²	13	10, 12, 16, 18*, 19, 22, 29, 42*, 45, 63, 85, 88, 105	0	—	6
New Guinea	13	10, 12, 16*, 18*, 19, 22, 29, 42*, 45, 63, 85, 88, 105	0	—	1,576
Norfolk Island	13	10, 12, 16, 18, 19, 22, 29, 42, 45, 63, 85, 88, 105	0	—	1
Papua	13	10, 12, 16*, 18*, 19, 22, 29, 42*, 45, 63, 85, 88, 105	0	—	573
Denmark	45		17		
Faroe Islands*	14	2, 9, 11, 12, 21, 29, 52, 63, 81, 87, 92, 100, 102, 111	17	5, 6, 7, 8, 14, 15, 16, 18, 19, 42, 53, 58, 94, 98, 105, 106, 112	37
Greenland*	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	0	—	41
France	329		0		
Overseas Departments:					
French Guiana	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24*, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	0	—	37

For footnotes see end of table, p. 149.

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
France (concl.) :					
Guadeloupe	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24*, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	0	—	319
Martinique	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24*, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	0	—	327
Réunion	36	2, 6, 10*, 12, 13, 16, 17, 18, 19, 22, 23, 24*, 29*, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 88, 89, 92, 94, 95, 96, 101	0	—	410
Overseas Territories:					
Comoro Islands . . .	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	225
French Polynesia . . .	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	90
French Territory of Afars and Issas . .	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	81
New Caledonia . . .	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	93
St. Pierre and Miquelon	37	2, 6, 10, 12, 13, 16, 17, 18, 19, 22, 23, 24, 29, 42, 44, 45, 52, 53, 55, 56, 63, 69, 71, 73, 74, 77, 78, 81, 82, 85, 88, 89, 92, 94, 95, 96, 101	0	—	5

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Netherlands	44		25		
Netherlands Antilles *	27	2, 10, 12, 13, 16, 17, 19, 22, 23, 29, 42, 45, 48, 63, 69, 71, 73, 74, 81, 88, 89, 90, 92, 94, 95, 96, 101	7	24, 25, 32, 62, 105, 112, 118	210
Surinam	17	2*, 13, 17*, 19*, 29*, 42*, 62*, 81*, 87*, 88, 94*, 95, 96, 101*, 105, 112*, 118*	18	10, 12, 16, 22, 23, 24, 25, 33, 45, 48, 63, 69, 71, 73, 74, 89, 90, 92	345
New Zealand	71		31		
Cook Islands	10	11, 14, 29, 50, 64, 65, 82, 84, 99, 104	30	1, 2, 9, 10, 12, 15, 16, 17, 21, 22, 26, 30, 32, 42, 44, 45, 47, 49, 52, 53, 58, 59, 63, 74, 81, 88, 89, 97, 101, 122	21
Niue	39	1, 2, 9, 10, 11, 12, 14, 15, 16, 17, 21, 22, 26, 29, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 63, 64, 65, 74, 81, 82, 84, 88, 89, 97, 99, 101, 104	1	122	5
Tokelau Islands	22	2, 10, 12, 16, 17, 22, 29, 42, 44, 45, 52, 53, 63, 65, 74, 81, 82, 88, 89, 101, 104, 122	0	—	2
United Kingdom	640		157		
Aden ³	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115	0	—	250
Antigua *	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115	0	—	60
Bahamas	28	2, 10, 12, 16, 17, 19*, 22, 24, 25, 29, 42, 44, 45*, 56, 63, 65, 69, 74, 81, 82*, 85, 88*, 92, 94*, 95*, 101, 105*, 115	0	—	140
Bermuda	30	2*, 10, 12*, 16, 17, 19*, 22*, 24, 25, 29*, 42*, 44*, 45, 56, 63*, 65, 69, 74, 81*, 82*, 85*, 87*, 88*, 92, 94, 95*, 101, 105*, 108*, 115*	0	—	50

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>cont.</i>):					
British Honduras	28	2*, 10, 12*, 16, 17*, 19, 22, 24, 25, 29, 42*, 44, 45, 56, 63*, 65, 69, 74, 81*, 82*, 88*, 92, 94*, 95*, 97*, 101, 105*, 115*	0	—	102
British Virgin Islands . .	0	—	31	2, 5, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 98, 101, 105, 108, 115	9
Brunei	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 82, 88, 92, 94, 95, 101, 105, 115	0	81	104
Dominica *	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115	0	—	68
Falkland Islands (Malvinas)	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115*	0	—	2
Fiji	29	2, 10, 12, 16, 17*, 19, 22, 24, 25, 29*, 42*, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 85*, 87*, 88, 92, 94, 95, 101, 105*, 115	0	—	478
Gibraltar	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42*, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 88, 92, 94*, 95*, 101, 105, 115*	0	—	25
Gilbert and Ellice Islands*	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115	0	—	54

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 (cont.):					
Grenada *	29	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 99, 101, 102, 105, 115	0	—	97
Guernsey	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115	0	—	115
Hong Kong	27	2, 10, 12, 16, 17, 19, 22*, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82*, 88, 92*, 94, 95, 101, 105, 115	0	—	3,716
Jersey	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105, 115	0	—	115
Isle of Man	25	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 56, 63, 69, 74, 81, 88, 92, 94, 95, 101, 105, 108, 115	3	45, 65, 82	50
Mauritius ³	27	2*, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63*, 65, 69, 74, 81, 82, 88, 92, 94, 95, 101, 105*, 115	0	—	759
Montserrat	28	2, 10, 12, 16, 17, 19, 22*, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81*, 82*, 85*, 88, 92, 94, 95*, 101*, 105, 115	0	—	14
St. Christopher-Nevis-Anguilla	0	—	39	2, 10, 12, 15, 16, 17, 19, 22, 24, 25, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 56, 63, 65, 68, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 102, 105, 108, 115	61
St. Helena	30	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 87, 88, 92, 94, 95, 98, 101, 105, 115*	0	—	5

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom (<i>concl.</i>):					
St. Lucia	9	12*, 17*, 19*, 42*, 63, 74*, 82*, 85*, 95*	19	2, 10, 16, 22, 24, 25, 29, 44, 45, 56, 63, 69, 81, 88, 92, 94, 101, 105, 115	103
St. Vincent *	20	2, 5, 12, 16, 17, 19, 22, 24, 29, 44, 45, 56, 63, 69, 74, 88, 92, 95, 101, 115	14	7, 10, 25, 32, 42, 63, 81, 82, 87, 94, 97, 98, 105, 108	90
Seychelles	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42, 44, 45, 56, 63, 65, 69, 74, 81, 82, 85, 88, 92, 94, 95, 101, 105, 115	0	—	49
Solomon Islands	27	2, 10, 12, 16, 17, 19, 22, 24, 25, 29, 42*, 44, 45, 56, 63, 65, 69, 74, 81*, 82, 88, 92, 94*, 95*, 101, 105*, 115	0	—	140
Southern Rhodesia ⁴	0	—	51	2, 5, 7, 8, 10, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 50, 56, 63, 64, 65, 68, 69, 74, 81, 82, 84, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 115	4,400
Swaziland ⁴	28	2, 10, 12, 16, 17, 19, 22, 24, 25, 29*, 42, 44, 45, 56, 63*, 65, 69, 74, 81, 82, 85*, 88*, 92, 94*, 95*, 101, 105, 115	0	—	390
United States	15		0		
American Samoa	3	53, 55, 74	0	—	27
Guam	3	53, 55, 74	0	—	79
Puerto Rico	3	53, 55, 74	0	—	2,668
Trust Territory of Pacific Islands	3	53, 55, 74	0	—	94
Virgin Islands	3	53, 55, 74	0	—	50

* Reports received too late to be summarised in Report III (Part I).

¹ Source: United Nations: *Demographic Year Book*, 1966.

² Reports for the period ending 30 June 1967, communicated by the Government of Australia.

³ Reports for the period ending 30 June 1967, communicated by the Government of the United Kingdom.

⁴ Territory 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)

Algeria

The Committee notes the information communicated to the Conference Committee in 1967 indicating that the Conventions adopted at the 47th, 48th and 49th Sessions of the Conference and the Recommendations adopted at its 49th Session were submitted to the Secretariat General of the Government. The Committee wishes to draw attention to the fact that, by virtue of article 19 of the Constitution of the I.L.O., the expression "competent authority" means the body empowered to legislate in respect of the questions to which the Convention or Recommendation relates. The Committee trusts that the Government will take the appropriate measures to submit the instruments adopted since the 47th Session to the competent authorities and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Belgium

The Committee notes with interest the information supplied by the Government indicating that the instruments adopted at the 47th and 48th Sessions of the Conference have been submitted to Parliament and that the Government hopes to terminate the examination of the instruments adopted at the 49th Session in the very near future. The Committee trusts that the Government will indicate whether the instruments adopted at the 49th Session as well as those adopted at the 50th Session have now been submitted to Parliament and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Bolivia

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 indicating that the necessary steps would be taken by 1968 regarding the submission to the competent authorities of the instruments adopted by the Conference. As no further information has since been supplied on the submission of these instruments to the competent authorities, the Committee can only reiterate the hope that the Government will take the necessary steps to submit to the competent authorities the instruments adopted since 1948 which are listed in the last column of the table in Appendix I of this section and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Bulgaria

The Committee notes the information supplied by the Government that the instruments adopted by the Conference at its 50th Session were submitted to the

Presidium of the National Assembly. In the absence of any other new information, the Committee once more expresses the hope that the Government will find it possible to communicate these instruments also to the National Assembly and to supply the information and documents called for in the Memorandum adopted by the Governing Body and in particular the information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations.

Burma

Following its previous observations, the Committee notes with interest the information supplied by the Government that the instruments adopted at the 44th, 45th, 46th, 47th, 48th, 49th and 50th Sessions of the Conference have been submitted to the competent authorities. It hopes that the Government will soon be able to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Burundi

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 that it has not been possible, due to serious difficulties, to submit the instruments adopted by the Conference to the competent authorities. The Committee hopes that the Government will soon be able to overcome these difficulties and to take the necessary steps, in accordance with article 19, paragraphs 5 (b) and 6 (b), of the I.L.O. Constitution, to submit to the competent authorities the instruments adopted at the 47th, 48th, 49th and 50th Sessions of the Conference, as well as to 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 indicating that the instruments adopted at the 50th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this regard, the Committee reiterates 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 once more requests the Government to supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection and, in particular, the information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations.

Ceylon

The Committee notes from the information supplied by a Government representative to the Conference Committee in 1967 that the necessary steps had been taken to submit to the competent authorities the instruments adopted at the 47th and 48th Sessions of the Conference and that the texts of the instruments adopted at the 49th Session were being printed with a view to their submission to Parliament. In the absence of any further information in this respect, the Committee hopes that the Government will indicate whether these instruments as well as those adopted at the 50th Session have now been submitted to Parliament and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection. The Committee trusts moreover that the Government will supply information on the action taken or proposed on the instruments

adopted at the 44th, 45th and 46th Sessions, the texts of which were previously submitted to Parliament.

Chile

The Committee notes the information supplied by the Government indicating that the instruments adopted at the 46th Session of the Conference have been submitted to the National Congress. It hopes that the Government will soon indicate whether the instruments adopted at the 49th and 50th Sessions have also 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.

Colombia

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 indicating that several Conventions have been submitted to the Congress and that the Government was taking action to submit to the next session of the Congress all the remaining instruments. As no further information has been supplied in this regard, the Committee trusts that the Government will soon be able to indicate that the instruments listed in the last column of the table of Appendix I of this section 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.

Dahomey

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 that it was not possible to take the necessary measures to submit to the competent authorities the instruments adopted since 1960 due both to certain political changes that have taken place in the country and to certain administrative difficulties. The Committee notes, on the other hand, from the information since supplied by the Government that in the near future, with the establishment of the appropriate institutions, it will be possible to submit to the competent authorities the instruments adopted by the Conference. The Committee trusts that the Government will soon be able to take the necessary measures to submit to the competent authorities the instruments adopted since the 45th Session and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Dominican Republic

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 1967 indicating that the Secretary of State for Labour had communicated to the Secretary of External Affairs for submission to the National Congress the texts of a number of Conventions and Recommendations. The Committee requests the Government to indicate whether these instruments have now in fact been submitted to the National Congress. It further hopes that the Government will supply full information on the submission to the competent authorities of the remaining instruments listed in the last column of the table to Appendix I of this section in accordance with the Memorandum adopted by the Governing Body in this connection.

Ecuador

The Committee notes the information supplied by the Government as well as the statement made by a Government representative to the Conference Committee in 1967 regarding the establishment of a permanent legislative committee to which the Ministry of Labour would periodically submit the Conventions adopted by the Conference.

The Committee deems it necessary to recall that Recommendations as well as Conventions must be submitted, *in all cases*, to the authorities vested with the power to legislate in respect of the questions to which the Convention or Recommendation relates, even if it is not proposed to ratify Conventions or give effect to the Recommendations. The Committee therefore hopes that the Government will soon be able to submit to the competent authorities the numerous instruments listed in the last column of the table in 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, as well as indications as to the nature and functions of the permanent legislative committee.

Ethiopia

The Committee notes the information supplied by the Government that the instruments adopted at the 50th Session of the Conference have been submitted to the competent authorities. It further notes with interest the statement made by a Government representative to the Conference Committee in 1967 that it had been decided that Conventions and Recommendations would be submitted, not only to the Council of Ministers, but to Parliament also and that appropriate measures would be taken in regard to the instruments already submitted to the Council of Ministers as well as those adopted at future sessions of the Conference. The Committee hopes that the Government will indicate whether these instruments, as well as those adopted at the 50th Session of the Conference, are now submitted to Parliament and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

France

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 indicating that the Government would take fully into account the procedure advocated in the Memorandum adopted by the Governing Body with regard to the submission to the competent authorities of instruments adopted by the Conference. In the absence, however, of any further information and, in particular, of the information and documents called for in the Memorandum adopted by the Governing Body in this connection, the Committee must once again express the hope that the Government will soon be able to supply all the information and documents in question.

Greece

The Committee notes from the information supplied by the Government that the instruments adopted at the 47th and 50th Sessions of the Conference have been submitted to the competent legislative authorities. It further notes the information communicated to the Conference Committee in 1967 indicating that several of the instruments adopted from the 31st to 46th Sessions were being examined by the competent ministries. The Committee hopes that the Government will soon be able to indicate whether the numerous instruments listed in the last column of the table

to Appendix I of this section have also 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.

Guatemala

The Committee notes with regret that the Government has supplied no information in reply to its observation of 1967 which drew the Government's attention to the fact that, by virtue of the obligation imposed by article 19 of the Constitution of the I.L.O., Recommendations as well as Conventions must be submitted to the competent authorities *in all cases*. The Committee trusts that the Government will 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

Further to its previous observation, the Committee notes from the information supplied by the Government that the instruments adopted by the Conference will be submitted to the Secretary of State for Foreign Affairs and to the Legislative Chambers at its session in April 1968. The Committee trusts that the Government will pursue the necessary steps to submit to the Legislative Chambers the numerous instruments listed in the last column of the table in 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.

Honduras

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 that the instruments adopted by the Conference had not been submitted to the competent authorities because of the incompatibility of some of their provisions with the national legislation, but that the Government would endeavour to fulfil this obligation. 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 if it is not proposed to ratify Conventions or to take measures to give effect to the Recommendations. The Committee trusts that the Government will take the necessary steps to submit to the competent authorities the instruments adopted since the 45th Session and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Hungary

The Committee notes the information supplied by the Government indicating that the instruments adopted at the 49th and 50th Sessions of the Conference have been submitted to the Presidential Council. As the Government states that it considers this procedure to be in conformity with article 19 of the Constitution of the I.L.O., since the ratification of international instruments is within the competence of the Presidential Council, the Committee must recall that, by virtue of article 19 of the Constitution of the I.L.O., the authorities to which Conventions and Recommendations should be submitted are those which are vested with the power to

legislate in respect of the questions to which the Convention or Recommendation relates.

The Committee moreover expresses the hope that the Government will also find it possible to communicate the instruments adopted by the Conference to the National Assembly itself. In addition, it once more requests the Government to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection and in particular information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations.

Iraq

The Committee notes from the information supplied by the Government that Conventions Nos. 87, 90, 123 and 124 and Recommendation No. 83 were submitted to the Council of Ministers. The Committee wishes to emphasise that, by virtue of article 19 of the Constitution of the I.L.O., the expression "competent authority" means the body empowered to legislate in respect of the questions to which the Convention or Recommendation relates, i.e. as a rule the Parliament. The Committee hopes that the Government will soon be able to take the necessary measures to submit to Parliament also the instruments already submitted to the Council of Ministers, as well as the Conventions and Recommendations listed in the last column of the table in Appendix I to this section.

Jordan

The Committee notes the information supplied by the Government to the Conference Committee in 1967 indicating that, after the adoption of the draft Labour Code, the authorities will be able to discharge their obligations in a satisfactory manner. The Committee deems it necessary to recall that the obligation incumbent on member States by virtue of article 19 of the Constitution of the I.L.O. to submit to the competent authorities the Conventions and Recommendations adopted by the Conference must be fulfilled even if the Government proposes not to ratify Conventions nor to take measures to give effect to the Recommendations. The Committee, therefore, expresses the hope that the Government will soon take the necessary steps to submit to the legislative body the numerous instruments listed in the last column of the table in 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.

Laos

The Committee notes with regret that the Government has not supplied any information in reply to its requests of 1966 and 1967. 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 48th, 49th and 50th Sessions of the Conference 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 1967 indicating that careful consideration was being given to the elimination of the difficulties encountered in submitting to Parliament the instruments adopted by the Conference, and that the Government hoped to find

a solution. In the absence of any further information the Committee can only reiterate the hope that the Government will soon be able to submit to Parliament the numerous instruments adopted by the Conference since its 31st Session (listed in the last column of the table in 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 indicating that the instruments adopted at the 48th, 49th and 50th Sessions of the Conference have been submitted to the President. In this connection, the Committee recalls that, by virtue of article 19 of the Constitution of the I.L.O., the expression "competent authority" means the body empowered to legislate in respect of the questions to which the Convention or the Recommendation relates, i.e. as a rule the Legislature. The Committee therefore hopes that the Government will soon be able to take the necessary measures to submit to the Legislature also the instruments already submitted to the President, as well as the Conventions and Recommendations listed in the last column of the table in Appendix I to this section.

Libya

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1967 as well as the information supplied by the Government indicating that the instruments adopted from the 35th to the 49th Sessions of the Conference have been submitted to Parliament. The Committee would be glad if the Government would indicate whether the instruments adopted at the 50th Session of the Conference have been submitted to Parliament and would supply the information and documents called for in the Memorandum adopted by the Governing Body with regard to the submission of the instruments adopted since the 35th Session.

Mali

The Committee notes with interest from the information supplied by the Government that the instruments adopted at the 50th Session of the Conference were submitted to the National Assembly in September 1967. It further notes the information supplied by the Government to the Conference Committee in 1967 indicating that since August 1966 the instruments adopted at the 47th, 48th and 49th Sessions of the Conference have been submitted to the National Assembly. In these circumstances the Committee hopes that the Government will soon supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection, including in particular information on the proposals and comments with regard to the action to be taken on these instruments.

Mauritania

The Committee notes with regret that the Government has not replied to its requests of 1966 and 1967, pointing out that the information supplied by the Government in 1965 merely indicated that the instruments adopted at the 48th Session of the Conference were submitted to the competent authorities without stating the nature of the said authorities and without supplying the information and documents called for in the Memorandum adopted by the Governing Body in this connection. The Committee recalls in this regard that the authorities to which the instruments should be submitted are those vested with the power to legislate.

The Committee trusts that the Government will supply further information and will also indicate whether Recommendation No. 115 as well as the instruments adopted at the 47th, 49th and 50th Sessions of the Conference have been submitted to the competent authorities.

Mexico

The Committee notes the statement made by a Government representative to the Conference Committee in 1967 indicating that, since the Recommendations adopted by the 49th Session of the Conference do not call for ratification, they could not be submitted to the Senate, but were being examined by the competent governmental departments. It further notes with regret that the report listing the action taken on the Conventions and the Recommendations adopted since the 31st Session of the Conference, supplied by the Government, does not contain any indication on whether these instruments have been submitted to the National Congress. In these circumstances, the Committee can only reiterate that, by virtue of article 19 of the Constitution of the I.L.O., Recommendations as well as Conventions must be submitted *in all cases* to the authorities within whose competence the matter lies for enactment of legislation or other action and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation. The Committee, therefore, expresses the hope that the Government will soon be able to indicate whether the instruments listed in the last column of the table in Appendix I to this section have been submitted to the National Congress and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

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 in Appendix I to this section have also been submitted to the competent authorities.

Nicaragua

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 1967 indicating that all the Conventions adopted up to the 50th Session of the Conference have been submitted to the National Congress, and that the necessary steps will be taken to submit to the competent authorities Recommendations Nos. 123, 124 and 125. It hopes that the Government will soon be able to supply full information on the submission to the National Congress of all the Recommendations adopted since the 40th Session of the Conference.

Pakistan

The Committee notes with interest the information supplied by the Government that the instruments adopted from the 45th to 50th Sessions of the Conference have been submitted to the competent authorities. It would be grateful if the Government would indicate the authorities to which these instruments were submitted and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Panama

The Committee notes with regret that the Government has supplied no information in reply to its observation of 1967. Recalling that, except for those Conventions which have been ratified, the Government does not appear to have taken the necessary measures to submit to the competent authorities the instruments adopted since the 31st Session of the Conference, the Committee can only stress once more the importance of the obligation incumbent upon member States to submit to the competent authorities the Conventions and Recommendations adopted by the Conference. The Committee urges the Government to comply with this obligation in the near future and to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Paraguay

The Committee once more notes with deep regret that, in spite of its repeated comments, the Government has supplied no information regarding the submission to the competent authorities of the instruments adopted by the Conference. It appears to the Committee that, except for the Conventions ratified, the Government has failed to take any measures to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 40th Session. The Committee can only draw the Government's attention once again to the importance of the obligation incumbent upon member States by virtue of article 19 of the Constitution of the I.L.O. to submit *in all cases* the Conventions and Recommendations adopted by the Conference, even when it is not proposed to ratify these Conventions or to give effect to the Recommendations. The Committee therefore urges the Government to take the necessary steps in the near future to submit to the competent authorities the instruments in question, 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 regret that the Government has supplied no information in reply to its observation of 1967. As the Government had previously stated that measures were being taken to submit additional Conventions to the National Congress shortly, the Committee hopes that all the Conventions and Recommendations listed in the last column of the table in Appendix I to this section will soon be submitted to the competent authorities and that the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Poland

In the absence of a reply to its observation of 1967, the Committee reiterates the hope that the Government will soon indicate whether the instruments listed in the last column of the table in Appendix I to this section have been submitted to the competent authorities and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Portugal

The Committee notes that the instruments adopted at the 50th Session of the Conference have been submitted to the National Assembly, but that the Government has failed to supply the information and documents called for in the Memo-

randum adopted by the Governing Body in this connection. The Committee hopes that the Government will take the necessary steps to supply the information and documents in question.

El Salvador

The Committee once more notes with regret that the Government has failed to supply any information in reply to its previous comments. Recalling 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 *in all cases* to the competent authorities the instruments adopted by the Conference, the Committee once more urges the Government to do everything possible to submit to the competent authorities in the near future the instruments adopted since the 31st Session of the Conference (except Conventions Nos. 104, 105 and 107, which have been ratified) and to supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Senegal

The Committee notes the information supplied by the Government that Recommendation No. 118 has been submitted to the Cabinet. It wishes to draw the Government's attention to the fact that, in order to fulfil the objectives contemplated in article 19 of the I.L.O. Constitution, the instruments adopted by the Conference should be transmitted to the national legislative body, whether or not the Government intends to ratify a Convention or to take action on a Recommendation. The Committee hopes that the Government will soon submit to the competent legislative authorities Recommendation No. 118 as well as the instruments listed in the last column of the table in 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.

Sierra Leone

The Committee notes from the information supplied by the Government that the instruments adopted at the 50th Session of the Conference have been submitted to the competent authorities. As the Government has not replied however to its requests of 1966 and 1967 concerning the submission of the instruments adopted at the 46th, 47th, 48th and 49th Sessions of the Conference (except Convention No. 119, which has been ratified) to the competent authorities, the Committee trusts that the Government will take the necessary action in the near future and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Somali Republic

The Committee notes with regret that the Government has supplied no information in reply to its previous comments concerning the submission to the competent authorities of the instruments adopted since the 45th Session of the Conference. 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 from the 45th to 50th Sessions and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Spain

Following its previous comments, the Committee notes with interest the information communicated by the Government to the Conference Committee in 1967 indicating that, in introducing a new practice, the Council of Ministers has decided to send to the Cortes for examination the four Conventions adopted at the 49th and 50th Sessions of the Conference. The Committee ventures 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 give effect to the Recommendations. The Committee therefore expresses the hope that the Government will soon be able to supply full information on the submission to the Cortes of the remaining 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.

Syrian Arab Republic

The Committee notes the information supplied by the Government indicating that several further Conventions and Recommendations adopted by the Conference have been submitted to the competent legislative 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 in 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 from the information supplied by the Government that, due to the volume and pressure of work at the National Assembly, there was an unavoidable delay in submitting to it the instruments adopted at the 47th, 48th, 49th and 50th Sessions of the Conference. It hopes that the Government will soon be able to indicate that all these instruments have been submitted to the National Assembly and to 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 1967, indicating that the instruments adopted at the 48th, 49th and 50th Sessions of the Conference have been submitted to the Constituent Assembly. The Committee would be grateful if the Government would 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).

Togo

As the Government has not replied to its requests of 1966 and 1967, the Committee can only recall that according to the information supplied previously the instruments adopted at the 44th, 45th and 46th Sessions of the Conference were submitted to the Council of Ministers, but there was no indication whether they were also submitted to the National Assembly. The Committee recalls that the

authorities to which Conventions and Recommendations should be submitted *in all cases* are those which are vested with the power to legislate, and trusts that the Government will indicate whether the instruments adopted at the 44th, 45th and 46th Sessions as well as those adopted at the 49th and 50th Sessions have been submitted to the National Assembly.

Tunisia

The Committee notes the information supplied by the Government to the Conference Committee in 1967 indicating the procedures followed in submitting to the National Assembly the Conventions adopted by the Conference. The Committee must draw the Government's attention to the fact that, according to article 19 of the Constitution of the I.L.O., Recommendations as well as Conventions must be submitted to the authorities which are vested with the power to legislate, i.e. the National Assembly, although the Government is free to decide as to the nature of the proposals and comments to be presented to the National Assembly or on the action to be taken on these instruments. The Committee hopes that the Government will soon indicate whether the competent authorities to which Conventions and Recommendations are submitted are those vested with the power to legislate, i.e. the National Assembly.

The Committee would also be glad if the Government would indicate whether the instruments adopted at the 50th Session of the Conference 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.

Ukraine

The Committee notes the information supplied by the Government indicating that the Conventions and Recommendations adopted at the 50th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this regard, the Committee reiterates 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 once more requests the Government to supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection and, in particular, the information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations.

U.S.S.R.

The Committee notes the information supplied by the Government indicating that the Conventions and Recommendations adopted at the 50th Session of the Conference have been submitted to the Presidium of the Supreme Soviet. In this regard, the Committee reiterates 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 once more requests the Government to supply the information and documents called for in the Memorandum adopted by the Governing Body and, 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 regrets that the Government has supplied no information in reply to its observation of 1967. Recalling the statement made by the Government

to the Conference Committee in 1966 that the delay in supplying full information on the submission of the instruments adopted by the Conference to the competent authorities was due to administrative difficulties, the Committee can only reiterate the hope that these difficulties will soon be 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 the numerous instruments listed in the last column of the table in Appendix I to this section.

Viet-Nam

The Committee notes the information supplied by the Government that Parliament is in session for the first time since 1963 and preparation is being made for the submission to it of the instruments adopted at the Conference. The Committee hopes that it will thus be possible for the instruments adopted from the 45th to 50th Sessions of the Conference to be submitted to Parliament and that the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Yugoslavia

The Committee notes with regret that the Government has supplied no information in reply to its direct requests of 1966 and 1967 concerning the submission of the instruments adopted at the 48th and 49th Sessions of the Conference to the Federal Assembly. The Committee trusts that the Government will soon be able to indicate that these instruments as well as those adopted at the 50th Session have been submitted to the Assembly, 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, Chad, China, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Czechoslovakia, Finland, Gabon, Iceland, Indonesia, Iran, Israel, Italy, Ivory Coast, Jamaica, Kuwait, Malagasy Republic, Malawi, Malaysia, Niger, Nigeria, Philippines, Rwanda, Singapore, Sudan, Trinidad and Tobago, Uganda, Upper Volta, Uruguay, Venezuela, Yemen.*

**Appendix I. Position of the Individual Members with Regard to the Obligation
to Submit Conference Decisions to the Competent Authorities**

(31st to 50th Sessions of the International Labour Conference, 1948-66)

Note: The number of the Convention or Recommendation is given in brackets, preceded by the letter "C" or "R" as the case may be, when only some of the decisions adopted at any one session have been submitted. Ratified Conventions are considered as having been submitted.

Account has been taken of the date of admission or readmission of States Members to the I.L.O. for determining the sessions of the Conference whose decisions are taken into consideration.

State	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 45th	46th, 47th, 48th, 49th and 50th
Algeria	—	47th, 48th, 49th and 50th
Argentina	31st to 50th	—
Australia	31st to 50th	—
Austria	31st to 46th (C 117; R 116, 117), 47th, 48th, 49th and 50th (C 125, 126; R 126)	46th (C 118) and 50th (R 127)
Belgium	31st to 48th	49th and 50th
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, 49th and 50th
Brazil	31st to 43rd, 44th (C 115), 45th, 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122) and 49th (C 123, 124)	44th (R 113, 114), 46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123, 124, 125) and 50th
Bulgaria	31st to 50th	—
Burma	31st to 50th	—
Burundi	—	47th, 48th, 49th and 50th
Byelorussia	37th to 50th	—
Cameroon	44th to 49th	50th
Canada	31st to 50th	—
Central African Republic	45th, 46th, 47th and 48th	49th and 50th
Ceylon	31st to 46th	47th, 48th, 49th and 50th

REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Chad	45th to 49th	50th
Chile	31st to 48th	49th and 50th
China	31st to 50th	—
Colombia	31st to 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108) to 44th and 45th (C 116)	40th (R 104), 41st (C 108; R 107, 109), 45th (R 115), 46th, 47th, 48th, 49th and 50th
Congo (Brazzaville) . .	45th to 49th	50th
Congo (Kinshasa) . . .	45th to 50th	—
Costa Rica	31st to 50th	—
Cuba	31st to 50th	—
Cyprus	45th to 50th	—
Czechoslovakia	31st to 49th	50th
Dahomey	—	45th, 46th, 47th, 48th, 49th and 50th
Denmark	31st to 50th	—
Dominican Republic . .	31st to 43rd, 47th (C 119)	44th, 45th, 46th, 47th (R 118, 119), 48th, 49th and 50th
Ecuador	31st (C 87), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90), 35th (C 102, 103), 36th, 38th (C 104), 40th (C 105) and 42nd (C 111)	31st (C 88, 89, 90; R 83), 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, 49th and 50th
Ethiopia	31st to 50th	—
Finland	31st to 49th	50th
France	31st to 50th	—
Gabon	45th to 50th	—
Germany (Federal Republic)	34th to 50th	—
Ghana	40th to 50th	—
Greece	31st, 32nd, 34th (C 99, 100), 35th (C 101, 102, 103), 40th (C 105), 41st (C 108), 47th, 48th, 49th and 50th	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

SUBMISSION TO COMPETENT AUTHORITIES.

State	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)
Guatemala	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100), 35th (C 101, 102), 39th, 40th (C 105, 106), 41st, 42nd, 43rd (C 112, 113, 114), 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), 49th and 50th
Republic of Guinea . .	43rd to 50th	—
Guyana	50th	—
Haiti	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th, 48th, 49th and 50th	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, 49th and 50th
Hungary	31st to 50th	—
Iceland	31st to 49th	50th
India	31st to 50th	—
Indonesia	33rd to 38th, 40th, 41st, 43rd to 46th, 48th and 49th	39th, 42nd, 47th and 50th
Iran	31st to 49th	50th
Iraq	31st, 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), 45th (C 116) and 49th (C 123, 124)	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, 49th (R 123, 124, 125) and 50th
Ireland	31st to 49th	50th
Israel	32nd to 49th	50th
Italy	31st to 49th	50th
Ivory Coast	45th to 49th	50th
Jamaica	47th	48th, 49th and 50th
Japan	35th to 50th	—

REPORT OF THE COMMITTEE OF EXPERTS

State	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Jordan	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 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), 47th (R 118, 119), 48th (C 121, 122; R 120, 121, 122), 49th (R 123, 124, 125) and 50th
Kenya	48th to 50th	—
Kuwait	45th to 50th	—
Laos	—	48th, 49th and 50th
Lebanon	31st (C 89, 90)	31st (C 87, 88; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th and 50th
Liberia	31st (C 87), 32nd (C 98), 38th (C 104), 40th (C 105), 42nd, 43rd (C 112, 113, 114), 48th, 49th and 50th	31st (C 88, 89, 90; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86), 33rd, 34th, 35th, 36th, 37th, 38th (R 99, 100), 39th, 40th (C 106, 107; R 103, 104), 41st, 43rd (R 112), 44th, 45th, 46th and 47th
Libya	35th to 49th	50th
Luxembourg	31st to 50th	—
Malagasy Republic	45th to 48th and 49th (C 123, 124)	49th (R 123, 124, 125) and 50th
Malawi	48th and 50th	49th
Malaysia	41st to 49th	50th
Republic of Mali	44th to 50th	—
Malta	49th and 50th	—
Mauritania	45th (C 116), 46th and 48th	45th (R 115), 47th, 49th and 50th
Mexico	31st, 32nd (C 95), 34th (C 99, 100; R 89, 90), 35th (C 102), 40th to 44th and 45th (C 116)	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 (R 115), 46th, 47th, 48th, 49th and 50th
Morocco	39th to 50th	—
Netherlands	31st to 40th (C 105, 106), 41st (C 108, 109), 42nd (C 111), 43rd (C 112, 113; R 112), 44th to 49th	40th (C 107; R 103, 104), 41st (R 105, 106, 107, 108, 109), 42nd, 43rd (C 114) and 50th

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
New Zealand	31st to 50th	—
Nicaragua	40th (C 105, 106, 107), 41st (C 108, 109), 42nd (C 110, 111), 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124) and 50th (C 125, 126)	40th (R 103, 104), 41st (R 105, 106, 107, 108, 109), 42nd (R 110, 111), 43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123, 124, 125) and 50th (R 126, 127)
Niger	45th to 50th	—
Nigeria	45th (C 116) and 48th	45th (R 115), 46th, 47th, 49th and 50th
Norway	31st to 50th	—
Pakistan	31st to 50th	—
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, 49th and 50th
Paraguay	42nd (C 111), 44th (C 115), 47th (C 119), 48th (C 120), 49th (C 124)	40th, 41st, 42nd (C 110; R 110, 111), 43rd, 44th (R 113, 114), 45th, 46th, 47th (R 118, 119), 48th (C 121, 122; R 120, 121, 122), 49th (C 123; R 123, 124, 125) and 50th
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, 48th (R 120, 121, 122), and 50th
Philippines	31st to 50th	—
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 (C 108), 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), 49th and 50th
Portugal	31st to 50th	—
Rumania	39th to 50th	—

REPORT OF THE COMMITTEE OF EXPERTS

State	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)
Rwanda	—	47th, 48th, 49th and 50th
El Salvador	38th (C 104) and 40th (C 105, 107)	31st to 37th, 38th (R 99, 100), 39th, 40th (C 106; R 103, 104), 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th and 50th
Senegal	45th (C 116), 46th (C 117; R 116, 117), 47th (R 118, 119), 48th and 49th (R 123, 124, 125)	44th, 45th (R 115), 46th (C 118), 47th (C 119), 48th, 49th (C 123, 124) and 50th
Sierra Leone	45th, 47th (C 119) and 50th	46th, 47th (R 118, 119), 48th and 49th
Singapore	50th	—
Somali Republic	—	45th, 46th, 47th, 48th, 49th and 50th
Spain	39th to 43rd (C 112, 113, 114), 44th (C 115), 45th (C 116), 49th and 50th	43rd (R 112), 44th (R 113, 114), 45th (R 115), 46th, 47th and 48th
Sudan	39th to 47th	48th, 49th and 50th
Sweden	31st to 50th	—
Switzerland	31st to 50th	—
Syrian Arab Republic . .	31st, 32nd, 34th, 35th, 36th, 38th (C 104; R 99), 39th, 40th, 41st, 42nd, 43rd (C 112, 113, 114), 44th, 45th (C 116), 46th, 47th and 48th	33rd, 37th, 38th (R 100), 43rd (R 112), 45th (R 115), 49th and 50th
Tanzania	46th	47th, 48th, 49th and 50th
Thailand	31st to 50th	—
Togo	44th to 48th	49th and 50th
Trinidad and Tobago . .	47th, 48th and 49th	50th
Tunisia	39th to 49th	50th
Turkey	31st to 50th	—
Uganda	47th to 49th	50th
Ukraine	37th to 50th	—
U.S.S.R.	37th to 50th	—
United Arab Republic . .	31st (C 87, 88, 89; R 83), 32nd (C 94, 95, 96, 98), 34th (C 100), 35th (C 101), 38th, 39th, 40th, 42nd, 44th, 45th and 46th (R 116, 117)	31st (C 90), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th (C 102, 103; R 93, 94, 95), 36th, 37th, 41st, 43rd, 46th (C 117, 118), 47th, 48th, 49th and 50th

SUBMISSION TO COMPETENT AUTHORITIES

State	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
United Kingdom	31st to 50th	—
United States	31st to 48th, 49th (C 124; R 123, 125) and 50th	49th (C 123; R 124)
Upper Volta	45th, 48th and 49th	46th, 47th and 50th
Uruguay	31st to 47th	48th, 49th and 50th
Venezuela	31st to 50th	—
Viet-Nam	33rd to 44th	45th, 46th, 47th, 48th, 49th and 50th
Yemen	—	49th and 50th
Yugoslavia	31st to 47th	48th, 49th and 50th
Zambia	49th and 50th	—

Appendix II. Position of Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

TABLE I. NUMBER OF STATES WHICH HAVE COMMUNICATED, WITHIN THE PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES

Number of States in which, according to information supplied by governments—	Sessions at which decisions were adopted																			
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)	38th (June 1955)	39th (June 1956)	40th (June 1957)	41st (April /May 1958)	42nd (June 1958)	43rd (June 1959)	44th (June 1960)	45th (June 1961)	46th (June 1962)	47th (June 1963)	48th (June /July 1964)	49th (June 1965)	50th (June 1966)
All the decisions have been submitted	16	17	21	25	25	28	29	24	38	38	33	36	34	38	34	38	32	37	49	53
Some of the decisions have been submitted	7	2	— ¹	4	3	1	— ¹	4	1	13	3	6	8	1	9	6	9	6	6	2
None of the decisions has been submitted (including cases in which no information has been supplied by the government)	37	42	42	35	38	37	40	41	37	26	43	37	38	44	58	58	67	67	59	60
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	115

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 29 MARCH 1968

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)	50th (June 1966)
All the decisions have been submitted	52	49	49	51	53	55	56	56	63	62	64	65	62	63	76	71	73	79	71	35
Some of these decisions have been submitted	7	10	— ¹	9	6	—	— ¹	5	—	13	5	9	9	8	11	8	9	6	8	2
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	1	2	14	4	7	11	13	8	13	2	10	5	9	12	14	23	26	25	35	60
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	115

¹ At this session the Conference adopted one Recommendation only.

PART THREE

FORCED LABOUR

**General Survey on the Reports concerning the
Forced Labour Convention, 1930 (No. 29),
and the Abolition of Forced Labour
Convention, 1957 (No. 105)**

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CHAPTER I

INTRODUCTION

BACKGROUND TO THE SURVEY

1. In accordance with article 19 of the Constitution of the International Labour Organisation, the Governing Body of the International Labour Office requested those governments which had not ratified the Conventions dealing with forced labour to supply reports in 1967 indicating the position of their law and practice in regard to the standards contained in these Conventions. The supply of these reports has provided an opportunity for the Committee of Experts, in accordance with its usual practice, to make a general review of the situation in the field covered by the forced labour Conventions, both in ratifying States and in countries which have not ratified both or either of these Conventions.

2. The forced labour Conventions were chosen by the Governing Body for reports under the article 19 procedure as part of the action undertaken by the I.L.O., on the occasion of the International Year for Human Rights, to review the effectiveness of the measures taken by the Organisation to promote and safeguard human rights and to explore new avenues of advance. Such a review was called for in the 1966 Conference resolution on the contribution of the I.L.O. to the International Year for Human Rights, and will be at the centre of the discussion to be undertaken by the Conference at its 1968 session on the basis of the report concerning I.L.O. action in the human rights field which the Director-General is submitting to it. The present survey of the situation in regard to one important area of human rights protection of concern to the I.L.O. may thus assist the Conference in seeing in fuller perspective the problems and potentialities of the Organisation's action.

3. The present survey also acquires added significance in view of the adoption by the United Nations General Assembly in December 1966 of the human rights Covenants. The Covenant on Civil and Political Rights contains specific provisions against forced or compulsory labour¹, and the Covenant on Economic, Social and Cultural Rights recognises the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts.² The work of the International Labour Organisation in analysing the problems arising in the implementation of its own Conventions dealing with forced labour accordingly serves to clarify issues which are liable to arise also in relation to the putting into effect of obligations under the Covenants.

4. Forced labour was the first basic human rights subject within the Organisation's competence to be dealt with in I.L.O. standards. Given the close historical and institutional relationship between slavery and forced labour, international action against the latter was seen as an extension of earlier measures aimed at the

¹ Article 8, para. 3.

² Article 6.

suppression of slavery, and indeed the steps which resulted in the drawing up of the Forced Labour Convention of 1930 were initiated as a result of discussions which took place in the League of Nations at the time of adoption of the Slavery Convention of 1926. While the elimination of slavery and slavery-like practices is receiving the continuing attention of the United Nations, the ending of all forms of forced labour remains a major preoccupation of the International Labour Organisation. As recently as 1965 the International Labour Conference reaffirmed its condemnation of forced labour and all practices involving the use of forced labour, and urged that the necessary action be taken to put an end to these practices.

DEVELOPMENT OF I.L.O. STANDARDS

5. When the first I.L.O. Convention on forced labour was adopted in 1930, forced labour was largely a colonial phenomenon. In large areas of the world then under a colonial administration various forms of coercion were in use in order to obtain labour which was not forthcoming spontaneously for the development of communications and the general economic infrastructure, and for the working of mines, plantations and other activities. Compulsion to work was developed within a system of administration frequently relying on traditional tribal relationships. Accordingly, although the Convention of 1930 was not limited in scope to countries of any particular political or economic status, but was intended to be an instrument of general application¹, its provisions were fashioned to take account of conditions then prevalent in colonial territories. Since that time, significant changes have taken place. On the one hand, as a result of the world-wide trend towards independence, there has been a major evolution in the political status and conditions of many of the territories concerned. On the other hand, far-reaching changes have taken place in labour market conditions, which are characterised no longer by reluctance of populations to offer their services for wage-earning employment, but in many instances rather by a rural exodus and the resultant problems of finding employment for large numbers of work-seekers, particularly the young. The question of free choice of employment thus arises today in a political and economic setting which is radically different from that prevailing when the first forced labour Convention was framed, and forms part of the wider problem of developing positive employment policies designed to meet both individual and national needs.

6. Already before the above transformations manifested themselves, the I.L.O. had come to adopt new approaches to the problems of forced labour. Discussions which took place both in the United Nations and in the I.L.O. in the years following the Second World War suggested that in a number of countries systems of forced labour had been established which went beyond the situations examined in the preparatory work leading to the 1930 Convention. International inquiries were undertaken by an Ad Hoc Committee on Forced Labour established jointly by the United Nations and the I.L.O., which reported in 1953², and subsequently by an I.L.O. Committee on Forced Labour.³ These inquiries revealed the existence in

¹ See *Forced Labour*, Report I, International Labour Conference, 14th Session, Geneva, 1930, pp. 126-128, and the general observation on this Convention in *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Appendix), International Labour Conference, 32nd Session, Geneva, 1949, pp. 25-26.

² *Report of the Ad Hoc Committee on Forced Labour*, United Nations document E/2431, I.L.O. Studies and Reports, New Series, No. 36 (Geneva, 1953).

³ See Report of the I.L.O. Committee on Forced Labour (1956-1957), I.L.O. : *Official Bulletin*, Vol. XLII, 1959, No. 6, p. 269, and Report of the I.L.O. Committee on Forced Labour (1959), *ibid.*, p. 236.

the world of systems of forced labour as a means of political coercion, as a regular and normal means of carrying out state plans and projects for economic development, and as a punishment for infringement of labour discipline. The Abolition of Forced Labour Convention, adopted in 1957 as a result of these inquiries, accordingly had two main purposes: to abolish compulsory mobilisation and use of labour for economic purposes in the present-day political and economic setting, and also to abolish forced labour as a means of political coercion or of punishment in various circumstances. A clause against forced labour as a means of discrimination was also inserted in the new instrument.

1962 SURVEY BY THE COMMITTEE OF EXPERTS AND SUBSEQUENT DEVELOPMENTS

7. While the adoption of the Abolition of Forced Labour Convention and the operation of the regular supervision procedures in relation to a constantly growing number of ratifying States were seen as an essential part of the intensification of the I.L.O.'s action in this field, it was also considered necessary to pursue more general inquiries. Thus, the work of the I.L.O. Committee on Forced Labour was continued for a further two years, and it was decided to call for reports on the forced labour instruments under article 19 of the Constitution (that is, from non-ratifying States) in 1961, only two years after the entry into force of the 1957 Convention. Following the receipt of these reports, the Committee of Experts proceeded in 1962 to a general survey of the effect given to the I.L.O.'s standards concerning forced labour.¹

8. As regards measures for the compulsory call-up of labour for economic purposes, the Committee's survey noted the considerable influence which the Forced Labour Convention, 1930, had had in the progressive reduction and even elimination of forced labour in many countries. However, the Committee also noted a trend in recent years in certain countries towards the adoption of new legislation providing for various forms of compulsion to labour. The Committee's comments on this matter gave rise to much discussion at the following session of the International Labour Conference, where it was sought—both in the Committee on the Application of Conventions and Recommendations and in plenary session of the Conference—to clarify the nature and aims of the legislative measures in question and the problems which they were designed to meet. In his reply to the discussion of his report, the Director-General of the International Labour Office undertook that the problems raised would receive special attention by the I.L.O. with a view to finding acceptable ways of overcoming them. Research by the Office brought out the magnitude and particular urgency of problems arising in connection with the training and employment of young people. The Conference in 1966 adopted a resolution dealing with the development of the I.L.O.'s action in this field. The Governing Body decided in November 1967 to place the question of special youth employment and training schemes for development purposes on the agenda of the Conference in 1969. The aim of the proposed Conference discussion is to lay down new standards which may provide guidance on the objectives and organisation of the schemes in question. The Conference discussion will also provide an opportunity to clarify the relationship between the rules governing participation in youth employ-

¹ I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 46th Session, Geneva, 1962, Part Three: Forced Labour. References to the reports of the Committee of Experts are hereafter indicated by the abbreviation "R.C.E.", followed by the year.

ment and training schemes and the existing instruments concerning forced or compulsory labour.

9. At its session in March 1966, in view of suggestions which had already been made to the Governing Body by the Director-General concerning a Conference discussion of the above-mentioned issues, the Committee of Experts decided to defer further comment on compulsory service of youth in economic and social activities in individual observations and requests on the application of the forced labour Conventions, until the results of the Conference deliberations became available.¹ However, the Committee requested governments to continue to provide information on any relevant developments in their national law and practice in their reports on these Conventions.

10. The present survey provides an opportunity to assess the developments which have taken place in national law and practice relating to the call-up of labour since the Committee's previous study in 1962. Whereas in 1962 the Committee had frequently to base its conclusions exclusively on the texts of recently adopted laws, in the intervening period the governments concerned have been able, in their reports and in information provided to the Conference, to explain the circumstances which led to the adoption of certain laws, the ends aimed at, and the use made in practice of the legislation in question. In possession of this more ample information on the factual situation, the Committee is in a better position to determine the true effect of national law and practice. The survey likewise provides an opportunity to clarify the scope and purpose of the provisions of the existing Conventions and, in the light of such clarification, to indicate the nature of the problems which now exist in regard to their implementation.

11. Difficulties in ensuring respect for the principle of free choice of work are symptomatic of imbalances in the development and utilisation of a nation's manpower resources. The elimination of all forms of compulsion to labour therefore finds its surest guarantee in a comprehensive, positive manpower programme.² Particular importance accordingly attaches to a further development in the I.L.O.'s standard-setting work which has taken place since the Committee's survey of 1962, namely the adoption in 1964 of the Employment Policy Convention and Recommendation. In laying down as a major goal of social policy the promotion of full, productive and freely chosen employment, the Conference reaffirmed the principle of freedom of labour in the context of measures aimed at stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment. At the same time, it sought to provide guidance as to the practical programmes and measures which should be taken to realise this policy, both generally and in conditions of economic underdevelopment. The suggestions concerning methods of application contained in the Recommendation in several instances refer to the need for consistency of the measures taken with the provisions of the two forced labour Convention.³

12. The Committee noted in its survey of 1962 the not inconsiderable progress which had been achieved in various countries in which the U.N.-I.L.O. Ad Hoc

¹ R.C.E., 1966, Part One, paras. 10-12.

² This point was emphasised by the two Commissions of Inquiry appointed under article 26 of the I.L.O. Constitution which examined complaints concerning the observance of the Conventions under consideration—see I.L.O.: *Official Bulletin*, Vol. XLV, No. 2, Apr. 1962, Supplement II, paras. 762-763; *ibid.*, Vol. XLVI, No. 2, Apr. 1963, Supplement II, para. 456.

³ Annex to the Recommendation, paras 8 and 10.

Committee on Forced Labour had in 1953 found the existence of systems of forced labour. However, as regards the new aspects of the forced labour problem which had been taken up in the Abolition of Forced Labour Convention, 1957—that is, forced labour as a means of political coercion or as punishment in certain circumstances—the Committee indicated that the comments made in its survey must be considered of a preliminary nature. It pointed out that an examination of the observance of the provisions of the 1957 Convention necessitated the study of a large variety of legislative texts and that the true effect of legislation could in many cases be ascertained only on the basis of information concerning its practical application. As the first reports on the application of the Convention received from ratifying States had been examined by the Committee only the previous year, it had not yet been possible to obtain the necessary supplementary information on numerous points. In the years which have passed since the previous survey, it has been possible for governments to provide a considerable volume of additional material and for the I.L.O. supervisory bodies to evaluate this material and to clarify its bearing on the observance of the 1957 Convention. At the present time, the Committee is therefore in a better position to identify and to give guidance as to the main problems arising in the implementation of the Abolition of Forced Labour Convention.

RATIFICATIONS AND DECLARATIONS OF APPLICATION

13. The Conventions dealing with forced labour remain among the most widely accepted I.L.O. instruments. Indeed, the Forced Labour Convention, 1930, is the most widely ratified Convention, and now binds a total of 143 countries, having been ratified by 99 States and being applicable (without modification) to 44 territories. The Abolition of Forced Labour Convention, 1957, binds a total of 112 countries, namely 80 States and 32 territories (in all except two cases, without modification). Altogether 101 countries (69 States and 32 territories) are bound by both Conventions. Detailed indications of the countries bound by these instruments will be found in Appendix II to this survey.

INFORMATION AVAILABLE

14. As already indicated, the present survey is based both on reports supplied under article 19 of the I.L.O. Constitution by countries which have not ratified the Conventions concerned and on the reports supplied under article 22 of the Constitution by countries bound by these instruments. The total number of reports supplied under article 19 is 20 in respect of the Forced Labour Convention, 1930, and 38 in respect of the Abolition of Forced Labour Convention, 1957. Detailed indications of the countries which have supplied these reports, as well as of the countries for which information has been available in reports supplied under article 22, will be found in Appendix II to this survey. The total number of countries whose reports have been taken into consideration in the preparation of this survey is 162 (113 States and 49 territories). As usual, the Committee, in addition to examining the information contained in the reports, has also sought to take account of relevant legislation.¹ In two cases, it noted comments which had been made upon governments' reports by employers' and workers' organisations.²

¹ See footnote to para. 16 below.

² Japan (comments by the General Council of Trade Unions of Japan on the report concerning Convention No. 105); Uruguay (comments by the Building League of Uruguay concerning Conventions Nos. 29 and 105).

ARRANGEMENT OF THE SURVEY

15. The various kinds of forced or compulsory labour covered by the Conventions of 1930 and 1957 may be considered to fall into two broad categories. On the one hand, there are cases of call-up of labour, the imposition of obligations of service or production or the imposition of other restrictions upon free choice of work. Here the primary emphasis is on the work or service to be obtained, that is, the product of the obligations imposed. On the other hand, there are cases of labour imposed as a means of political coercion or education¹ or as punishment in various other circumstances. In these cases, the primary emphasis is on the effect intended to be produced on the individuals concerned. The possibility of overlap of these main categories of forced or compulsory labour of course exists, as where labour exacted as a means of coercion or punishment is also utilised for the execution of works of economic importance. However, for purposes of convenience, it is proposed to examine the available material under two broad headings corresponding to the above-mentioned categories. The following chapters will therefore deal successively with forced or compulsory labour for the purpose of production or service and with forced or compulsory labour as political coercion or education or as punishment in various other circumstances.

16. A survey of the situation concerning the implementation of the standards on forced labour differs somewhat from surveys relating to international labour standards in other fields. Normally, surveys of this kind are designed to ascertain to what extent national law and practice meet (or even go beyond) the positive standards set in the international instruments under consideration. The forced labour Conventions require the non-existence of certain practices. Consequently, attention in the present survey will be devoted to problems arising in the implementation of these Conventions rather than to the attainment of positive standards. The survey will seek to indicate in what respects difficulties exist in achieving the full observance of the forced labour Conventions and how these difficulties may be overcome. Within this perspective, and having regard to the great variety of situations which may exist, the references to national law and practice will be illustrative of the main problems examined rather than purport to present an exhaustive list of all the situations which have given or might give rise to comments by supervisory bodies.²

* * *

17. Mr. Gubinski, member of the Committee, expressed reservations concerning certain propositions contained in the report. These reservations are principally the result of his view that the report went outside the sphere of the Conventions and

¹ The case involved here relates to the imposition of "forced or compulsory labour" as a means of "political education" covered by the 1957 Convention, and is to be distinguished from general obligations to receive education or training, for which see para. 26.

² As has already been recalled, in the case of the forced labour Conventions the I.L.O. supervisory bodies have to scrutinise a wide range of national laws and regulations in order to satisfy themselves that no form of forced or compulsory labour falling within the scope of one or other of these Conventions is provided for or might be imposed as result of the practical application of such legislation. In many instances the Committee is able to conclude, from the terms of the legislation or as a result of clarification provided by governments of the manner in which it is interpreted and applied by national authorities, that no incompatibility with the relevant international standards exists. For this reason, the Committee has considered it appropriate on this occasion—in contrast to its normal practice in surveys relating to instruments calling for positive national standards—not to append to this review a comprehensive list of legislation consulted, but to confine itself to indicating relevant national provisions in regard to the specific cases mentioned in the course of the survey.

Recommendations dealing with forced labour and compulsion to work. He considers that Article 2, paragraph 2 (c), of Convention No. 29, which excludes from the legal definition of forced or compulsory labour cases where work or service is exacted from any person as a consequence of a conviction in a court of law, is also applicable to other instruments of the International Labour Organisation relating to this question, and particularly to Convention No. 105. None of them, with the exception of Convention No. 29, in effect contains an exhaustive definition of the term "forced or compulsory labour", relying, as regards its meaning and scope, precisely on this instrument. Accordingly, Mr. Gubinski is of the opinion that the report has largely gone beyond the scope of the subject to be examined in the present study. He has in mind the parts containing an analysis and criticism of the penal legislation of numerous States. The fact that in many prison systems the serving of a prison sentence, passed by a court, involves an obligation to work for the convicted person does not justify the inclusion of such work within the scope of the prohibitions laid down in Convention No. 105. Professor Lunz associated himself with the statement made by Mr. Gubinski.

18. The Committee was not able to accept the above-mentioned views. It maintains the position already stated in the general survey on forced labour made in 1962¹, on the basis of the text of the Abolition of Forced Labour Convention, 1957, and the preparatory work leading to the adoption of that Convention, namely that the Convention prohibits the use of "any form" of forced or compulsory labour (including forced or compulsory labour resulting from a conviction in a court of law) in the five cases enumerated in Article 1 of that instrument. On the other hand, the Convention is not concerned with labour imposed as a consequence of a conviction in a court of law in circumstances not falling within any of these five cases. More detailed indications on this matter will be found in paragraphs 81 to 88 of the present survey.

¹ Op. cit., paras. 10 and 11.

CHAPTER II

FORCED OR COMPULSORY LABOUR FOR THE PURPOSE OF PRODUCTION OR SERVICE

MEASURES CALLED FOR BY THE CONVENTIONS ON FORCED LABOUR¹

19. The basic undertaking entered into by States which ratify the Forced Labour Convention, 1930, is to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to specific conditions and guarantees laid down in the Convention.² The Convention contains a general definition of forced or compulsory labour, but provides that, for the purposes of the Convention, five kinds of work or service shall be excluded from this definition: compulsory military service, certain civic obligations, certain forms of prison labour, work exacted in emergencies and minor communal services.³ The definition and exceptions to it will be considered in greater detail later. The position under the Convention is thus as follows:

- (a) Certain forms of compulsory service, covered by the exceptions to the definition of forced or compulsory labour, remain entirely outside the scope of this Convention.
- (b) Certain other forms of compulsory service must be immediately abolished, either because of express prohibitions or because they fall outside the circumstances in which the Convention exceptionally permits recourse to forced or compulsory labour during the transitional period. This category includes forced or compulsory labour for the benefit of private individuals, companies or associations⁴, forced or compulsory labour exacted from women, from men under 18 years or over 45 years, or from disabled persons⁵, compulsory cultivation otherwise than as a precaution against famine or a deficiency of food supplies⁶, forced or compulsory labour for work underground in mines⁷,

¹ The substantive Articles of the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, are reproduced in Appendix I to this survey.

² Article 1.

³ Article 2.

⁴ Articles 4 and 6.

⁵ Article 11.

⁶ Article 19.

⁷ Article 21.

and forced or compulsory labour exacted by persons or authorities to whom under the terms of the Convention such power should not be granted.¹

- (c) Lastly, certain forms of forced or compulsory labour may be used as an exceptional measure for public purposes only during the transitional period, subject to the conditions and guarantees laid down in the Convention. These conditions and guarantees aim at limiting the power to exact the work or service in question to specified authorities¹, to ensure that labour is exacted only in cases of present or imminent necessity for work of important direct interest to the community called upon to perform it², to safeguard the social and physical conditions of the population³, and to ensure the observance of certain minimum standards as regards hours of work, weekly rest, remuneration, workmen's compensation, health and welfare.⁴ Special conditions are laid down with regard to compulsory portage and compulsory cultivation.⁵

20. With a view to ensuring the effective implementation of its provisions, the Convention provides that complete and precise regulations shall be issued governing the use of forced or compulsory labour (including rules for the lodging and consideration of complaints).⁶ Measures must be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied and to bring the regulations to the knowledge of persons affected.⁷ Full information must also be supplied to the I.L.O. regarding the extent to which recourse has been had during each reporting period to forced or compulsory labour.⁸

21. The Forced Labour Convention also lays down that the illegal exaction of forced or compulsory labour must be punishable as a penal offence, and that the penalties imposed by law must be really adequate and be strictly enforced.⁹

22. As the Committee has previously had occasion to point out¹⁰, the undertaking by ratifying States "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period" precludes them from introducing new forms of forced or compulsory labour within the scope of the Convention and also from having recourse to any forms of such labour which, while existing at the time of entry into force of the Convention for the country concerned, had in the meantime been abolished. Having regard to this effect of the undertaking arising out of ratification and also to the nature of the forms of compulsion to be found in some existing laws, relatively few of the countries bound by the Convention are still in a position to avail themselves of the transitional arrangements permitted by this instrument.¹¹

¹ Articles 7 and 8.

² Articles 9 and 10.

³ Articles 9-12.

⁴ Articles 13-17.

⁵ Articles 18 and 19.

⁶ Article 23.

⁷ Article 24.

⁸ Article 22.

⁹ Article 25.

¹⁰ R.C.E., 1962, Part Three, para, 69; R.C.E., 1964, pp. 72, 74 and 79.

¹¹ See, for example, Burundi (decree of 14 July 1952 on native political organisation, Ordinance No. 21/86 of 10 July 1953, and decree of 10 May 1957 on native districts), Congo (Kinshasa) (Labour Code of 9 August 1962, section 2, and decree of 10 May 1957 on native districts), Fiji (Fijian Affairs Regulations), Kenya (Native Authority Ordinance (Cap. 128), section 13), Malaysia (Sarawak) (Local Authority Ordinance), Sudan (Local Government Ordinance, First Schedule, para. 15 A).

23. The Abolition of Forced Labour Convention, 1957, requires ratifying States to secure the immediate and complete abolition of the use of any form of forced or compulsory labour in five specified cases. In the present chapter, only two of these cases will be examined. They relate respectively to any form of forced or compulsory labour "as a method of mobilising and using labour for purposes of economic development" (Article 1 (b) of the Convention) and any form of forced or compulsory labour "as a means of racial, social, national or religious discrimination" (Article 1 (e)).¹

24. The preceding indications bring out the difference of approach adopted in the two Conventions. The Forced Labour Convention, 1930—subject to specified exceptions—requires the abolition, either immediately or after a transitional period, of forced or compulsory labour in all its forms.² The Abolition of Forced Labour Convention, 1957, provides for the abolition of the use of forced or compulsory labour in a defined number of cases; such abolition must be immediate, without any transitional period.

DEFINITION OF "FORCED OR COMPULSORY LABOUR" IN THE FORCED LABOUR CONVENTION, 1930, AND EXCEPTIONS

25. For the purposes of the Convention of 1930, the term "forced or compulsory labour" is defined to mean "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".³ Apart from the express exceptions to be considered later, the Committee has had occasion in examining governments' reports to consider certain aspects of this definition to distinguish certain cases falling within the scope of the Convention from others which could be regarded as being beyond its purview.

26. In the first place, the definition refers to "work or service". The exaction of work or service may be distinguished from cases in which an obligation is imposed to undergo education or training. The principle of compulsory education is recognised in international standards as a means of securing the right to education⁴, and it is also provided for in several I.L.O. instruments.⁵ A similar distinction is to be found in existing international labour standards between work and vocational training.⁶ The Committee has also pointed out, in relation to the Forced Labour

¹ This case will be considered here only in relation to the exaction of forced or compulsory labour for the purpose of production or service. It will be further considered in the next chapter in relation to forced or compulsory labour as political coercion or education or as punishment in various other circumstances.

² The reference in the 1930 Convention to suppression of forced or compulsory labour "in all its forms" appears to relate both to the manner and to the purpose of exaction of the labour. The reference in the introductory part of Article 1 of the 1957 Convention to "any form" of forced or compulsory labour relates to the manner of exaction, the ends for which that Convention prohibits recourse to compulsion being defined in the succeeding paragraphs of that Article—see I.L.O. : *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 709, para. 10.

³ Article 2, para. 1.

⁴ Universal Declaration of Human Rights, article 26; International Covenant on Economic, Social and Cultural Rights, articles 13 and 14.

⁵ Provisions concerning the prescription of a school-leaving age—paras. 1, 2 and 4 of the Unemployment (Young Persons) Recommendation, 1935 (No. 45); Article 19, para. 2, of the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82); Article 15, para. 2, of the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

⁶ The Unemployment (Young Persons) Recommendation, 1935 (No. 45), provides for compulsory attendance by unemployed juveniles at continuation courses combining general

Convention, that a compulsory scheme of vocational training, by analogy with and considered as an extension of compulsory general education, does not constitute compulsory work or service within the meaning of the Convention.¹ This distinction may have considerable importance in relation to a number of schemes to be mentioned later in this chapter. It needs to be borne in mind that vocational training normally includes a certain amount of practical work. It is by reference to the different aspects of systematic organisation necessarily involved in the provision of training that it becomes possible to determine whether a particular scheme is unequivocally one of vocational training or on the contrary involves the exaction of work or service within the definition of "forced or compulsory labour".²

27. To fall within the definition of "forced or compulsory labour" in the 1930 Convention, work or service must be exacted "under the menace of any penalty". It was made clear during the consideration of the draft instrument by the Conference that the penalty here in question need not be in the form of penal sanctions, but might take the form also of a loss of rights or privileges.³ This may occur, for instance, where persons who seek to terminate their employment in contravention of legislative restrictions may not be taken into employment by another undertaking, being thus impelled to continue in particular work under the menace of being deprived of the right to free choice of employment.

28. Compulsory labour as defined in the 1930 Convention may be distinguished from obligations imposed in certain cases on occupiers of land in connection with land use. For instance, where holders of irrigated land are required to participate in the maintenance of irrigation channels from which they derive direct benefit, their obligations—provided that these are commensurate with the benefits enjoyed—may be regarded as a form of consideration due from the land holder.⁴ The obligations in this case arise directly in relation to the occupiers' use of their own land, and are to be distinguished from obligations which may be imposed on holders of land to render services to other persons for purposes unconnected with the use of their own land. Several governments have in their reports on the Forced Labour Convention, 1930, mentioned measures to abolish labour services of the latter type.⁵

29. Apart from distinctions arising from the terms of the definition of "forced or compulsory labour" mentioned in the 1930 Convention, the latter provides that, for the purposes of the Convention, the definition shall not include specified forms of

and vocational education (paras. 8 and 9). The instrument also provides for the establishment of special employment centres the principal object of which is not to give vocational training but to provide work; it states that attendance at such centres should be strictly voluntary (paras. 19 and 20).

¹ R.C.E., 1965, p. 140.

² Ibid. Reference may be made to various aspects of training dealt with in the Vocational Training Recommendation, 1962 (No. 117).

³ *Record of Proceedings*, International Labour Conference, 14th Session, Geneva, 1930, p. 691.

⁴ For example, India (Punjab Minor Canals Act, 1905, sections 26 and 27; Central Provinces Irrigation Act, 1931, as amended, sections 69 and 72). The position is different if the obligations also cover persons who do not derive benefit from the works concerned, e.g. India (Punjab Compulsory Service Act, 1961, sections 3-5).

⁵ See Report III (Part I), International Labour Conference, 48th Session, Geneva, 1964, p. 74 (India); R.C.E., 1965, p. 61 (Peru). See also the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, Article 1 (b), and the draft Recommendation concerning the conditions of life and work of tenants and share-croppers submitted to the Conference for second discussion in Report IV (2), 52nd Session, Geneva, 1968.

compulsory service.¹ These forms, which would otherwise have fallen within the general definition of "forced or compulsory labour", are thus excluded from the scope of the Convention. Most of the exceptions are made subject to the observance of certain conditions. The Committee is therefore obliged to verify in all cases where countries bound by the Convention have recourse to the excepted categories of compulsory service that the conditions set by the Convention are observed. The various cases will be considered below.

Compulsory Military Service

30. The Convention excepts from its provisions "any work or service exacted in virtue of compulsory military service laws for work of a purely military character".² The discussions which occurred while the draft Convention was under consideration by the Conference help to explain both the purpose and scope of this exception. There was general agreement that compulsory military service as such should remain beyond the purview of the Convention. Considerable discussion however took place in regard to systems existing at the time in various territories, whereby persons liable to military service but not in fact incorporated in the armed forces might be called up for public works. It was pointed out that to sanction this form of labour implicitly by excluding it from the scope of the Convention would be to sanction a system which ran counter to the avowed purpose of the Convention—namely the abolition of forced or compulsory labour in all its forms, for public purposes as well as for private employers. It was also stressed that the reason and justification for compulsory military service was the necessity for national defence, and that no such reason or justification existed for imposing compulsory service obligations for the execution of public works. The Conference accordingly decided that compulsory military service should be excluded from the Convention only if used for work of a purely military character.³

31. The preparatory work leading to the adoption of the 1930 Convention contains certain other indications which clarify the bearing of the Convention on work performed during compulsory military service. In the first place, it was recognised that the Convention would permit the employment of soldiers in the same way as other citizens in cases of emergency.⁴ The use of conscripts in such circumstances for non-military purposes would be covered by the separate exception in respect of work or service exacted in cases of emergency (considered below). Conscripts performing their military service may, for example, be used in the event of natural disasters, or where on account of insurgency or other threats to national security the armed forces assume responsibility for various services which under normal conditions are entrusted to civil authorities.

32. It was also accepted that the Convention, in limiting compulsory military service to work of a purely military character, would not affect the labour of military engineers, pioneers or other arms which is performed as a part of their military training or for the defence of the national territory.⁴

¹ Article 2, para. 2.

² Article 2, para. 2 (a).

³ Report I, International Labour Conference, 14th Session, Geneva, 1930, pp. 137-140; *Record of Proceedings*, International Labour Conference, 14th Session, Geneva, 1930, Vol. I, p. 301.

⁴ Report I, International Labour Conference, 14th Session, Geneva, 1930, p. 138.

33. Frequently, apart from training which is intended for defence purposes, conscripts undergoing military service are provided with general education and vocational training intended to facilitate their subsequent resettlement in civilian life. They may even be organised, for this purpose, in formations distinct from the armed forces. In these cases, provided that the arrangements present the objective characteristics of training schemes, they may be considered as lying outside the scope of the Convention, on the basis of the distinction between "work and service" and education and training previously mentioned.¹

34. Many countries provide in their compulsory military service laws for the exemption from military service of conscientious objectors, but may require them to perform alternative service of a non-military character. While the 1930 Convention—unlike certain subsequent international instruments²—does not refer specifically to this matter, the Committee has considered that in such cases conscientious objectors are in a more favourable position³ than in countries where their status is not recognised and where refusal to serve is punishable with imprisonment.

35. The preceding paragraph deals with a case of a special concession granted to certain individuals. The question has been raised whether, in countries where part of the contingent liable to call-up under compulsory military service laws may be used for work of a non-military character, the fact that a choice is given between military service proper and non-military work affects the application of the Convention. While the existence of a choice may provide a useful safeguard, the Committee has considered that this does not in itself exclude the application of the Convention, since the choice between different forms of service is made within the framework and on the basis of a compulsory service obligation. It has contrasted such a situation with bona fide exemptions from military service which are provided for in most countries (even in time of war) on account of the importance of certain occupations.⁴

36. It should be remembered that the restrictions on the execution of non-military work resulting from the provisions of the Convention considered in the preceding paragraphs apply only in relation to persons called up for compulsory military service. The Convention does not deal with the utilisation of persons who are serving in the armed forces on a voluntary basis.

Normal Civic Obligations

37. The Forced Labour Convention excepts from its provisions "any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country".⁵ The Convention itself—in other exceptions to its provisions—refers to certain forms of work or service which constitute normal civic obligations: compulsory military service, work or service in cases of emergency, and minor communal services. Other examples of normal civic obligations are compulsory jury service, the duty to assist a person in danger or to assist in the enforcement of law and order. The Committee has had occasion to point out that

¹ See para. 26 above.

² International Covenant on Civil and Political Rights, article 8; European Convention for the Protection of Human Rights and Fundamental Freedoms, article 4.

³ Article 19, para. 8, of the I.L.O. Constitution.

⁴ R.C.E., 1964, pp. 75-76.

⁵ Article 2, para. 2 (b).

this exception must be read in the light of other provisions of the Convention, and cannot be invoked to justify recourse to forms of compulsory service which are contrary to such other provisions.

Prison Labour

38. The Convention excepts from its provisions "any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations".¹ Unlike the other exceptions provided for in the Convention, which are concerned with cases of calling up persons for the purposes of performing particular work or services, this case relates to the consequences of punishment imposed as a result of the conduct of the individuals concerned. It will accordingly be considered in greater detail in the next chapter. Two of the conditions laid down in regard to the exaction of prison labour are however of significance also in the context of the present chapter, concerned with forced or compulsory labour for the purpose of production or service. These are that prison labour may be imposed only as a consequence of a conviction in a court of law and that the persons concerned should not be placed at the disposal of private individuals, companies or associations. Both are important guarantees against the administration of the penal system being diverted from its true course by coming to be considered as a means of meeting labour requirements.² It is significant that the imposition of labour by non-judicial authorities frequently relates to vagrancy laws or analogous legislation designed to enforce an obligation to work.³

Emergencies

39. The Convention excepts from its provisions "any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population".⁴ It should be recalled that, where forced labour is exacted for public purposes as an exceptional measure during the transitional period pending complete suppression, the Convention provides that it must be for work "of present or imminent necessity". The permanent exception in respect of emergencies applies in more limited circumstances where a calamity or threatened calamity endangers the existence or well-being of the whole or part of the population. The concept of emergency—as indicated by the enumeration of examples in the Convention⁵—involves a sudden, unforeseen happening calling for instant

¹ Article 2, para. 2 (c).

² See, for example, the Report of the U.N.-I.L.O. Ad Hoc Committee on Forced Labour, op. cit., para. 369, and R.C.E., 1965, p. 120 (Dominican Republic). See, further, paras. 77-79 below.

³ These cases are examined in para. 99 below.

⁴ Article 2, para. 2 (d).

⁵ This enumeration was retained in the Convention as "an indication of a restrictive character as to the nature of cases of emergency"—see Report I, International Labour Conference, 14th Session, Geneva, 1930, pp. 142-143.

counter-measures.¹ To respect the limits of the exception provided for in the Convention, the power to call up labour should be confined to genuine cases of emergency. Moreover, the duration and extent of compulsory service, as well as the purpose for which it is used, should be limited to what is strictly required by the exigencies of the situation.² The Committee, in examining reports from countries bound by the Convention, is accordingly concerned to satisfy itself that both law and practice with regard to the exaction of work or service in cases of emergency remain within these limits.³

Minor Communal Services

40. The Convention excepts from its provisions "minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services".⁴ The Committee has had occasion to draw attention to the criteria which determine the limits of this exception and serve to distinguish it from other forms of compulsory service which, under the terms of the Convention, should be abolished (such as forced labour for general or local public works). These criteria are as follows :

- the services must be "minor services", i.e. relate primarily to maintenance work and—in exceptional cases—to the erection of certain buildings intended to improve the social conditions of the population of the community itself (a small school, a medical consultation and treatment room, etc.) ;
- the services must be "communal services" performed "in the direct interest of the community", and not relate to the execution of works intended to benefit a wider group ;
- the members of the community" (i.e. the community which has to perform the services) or their "direct" representatives (e.g. the village council) must "have the right to be consulted in regard to the need for such services".⁵

MEANING OF "FORCED OR COMPULSORY LABOUR" IN THE ABOLITION OF FORCED LABOUR CONVENTION, 1957

41. As has already been noted, whereas the Forced Labour Convention, 1930, aimed at the suppression of forced labour generally, subject to specified exceptions,

¹ Direct request to Chad, 1965, in which the Committee pointed out that the exception in respect of cases of emergency provided for in the Convention does not cover the exaction of labour intended to deal with a general condition of underdevelopment. The state of development may however affect the relative gravity for a community of a particular happening, and thus determine whether in the given circumstances it creates an emergency within the meaning of the Convention.

² A similar approach has been adopted, for example, in the International Covenant on Civil and Political Rights, article 4 of which permits derogations from its provisions in time of public emergency which threatens the life of the nation, to the extent strictly required by the exigencies of the situation.

³ For example, R.C.E., 1949, p. 28 ; R.C.E., 1957, p. 113 (where the Committee stated that it assumed that the disappearance of the exceptional circumstances which had justified the adoption of emergency regulations would enable the Government to apply the letter as well as the spirit of the Convention).

⁴ Article 2, para. 2 (e).

⁵ R.C.E., 1961, p. 256 ; R.C.E., 1964, p. 72.

the Abolition of Forced Labour Convention, 1957, provides for the abolition of forced or compulsory labour in a defined number of cases. In view of this difference of approach, while a general definition of "forced or compulsory labour", accompanied by an enumeration of exceptions, was considered necessary for the purposes of the earlier Convention, no definition was included in the Convention of 1957¹. The instrument bans the use of "any form of forced or compulsory labour" in the five cases which it enumerates.

42. It has nevertheless been necessary for the Committee to determine, within the framework of its examination of reports on the application of the Abolition of Forced Labour Convention, whether particular arrangements instituted for a purpose falling within one of the specified cases constitute "forced or compulsory labour". Neither the terms of the Convention nor the preparatory work leading to its adoption² have the effect of incorporating in it, as a matter of law, any of the provisions of the Convention of 1930. The Committee has however considered that, having regard to the general validity of the definition of the concept of forced labour contained in Article 2, paragraph 1, of the earlier Convention on the same subject, that definition can properly serve also to determine what constitutes "forced or compulsory labour" within the meaning of the 1957 Convention—namely "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

43. The Abolition of Forced Labour Convention is however concerned only with cases where the exaction of labour is for one of the purposes specified in Article 1 of that Convention. In regard to call up of labour for the purpose of production or service, it is to be noted that Article 1 (b) prohibits the use of forced or compulsory labour "as a method of mobilising and using labour for purposes of economic development". This paragraph of the Convention accordingly applies only where recourse to forced or compulsory labour has a certain quantitative significance³ and is used for economic ends.

44. A further question which the Committee has had to consider is whether compulsory services which are excepted from the scope of the Forced Labour Convention, 1930, may fall within the provisions of the Convention of 1957. As previously noted, the latter instrument does not, as a matter of law, incorporate any of the provisions of the earlier Convention. This is also true of the exceptions which are laid down in Article 2, paragraph 2, of the 1930 Convention "for the purposes of this Convention". The question is rather whether the forms of compulsory service concerned would fall within the positively defined cases mentioned in the 1957 Convention. In so far as concerns Article 1 (b) of the 1957 Convention, it would appear that most of the categories of compulsory service excepted from the 1930 Convention—compulsory military service, normal civic obligations, labour in emergencies, minor communal services—would not, if remaining within the limits laid down in the 1930 Convention previously indicated in this chapter, constitute cases of "mobilising and using labour for purposes of economic development".

¹ Report VI (2), International Labour Conference, 39th Session, Geneva, 1956, p. 72.

² In its report presenting the draft Abolition of Forced Labour Convention to the Conference in 1957, the Committee on Forced Labour stated that the Convention of 1930 and the new instrument were quite independent—*Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 708, para. 6.

³ The Conference declined to limit the prohibition in Article 1 (b) to the use of forced labour as a "normal" method of mobilising and using labour for purposes of economic development—*Record of Proceedings*, International Labour Conference, 39th Session, Geneva, 1956, p. 723, para. 11; *ibid.*, 40th Session, Geneva 1957, p. 709, para. 11.

The same appears to be true in the great majority of cases of labour or service exacted as a consequence of a conviction in a court of law, although—as previously indicated¹—it is necessary to consider national law and practice to ensure that systems of penal labour are not diverted into methods of mobilising and using labour for purposes of economic development.

45. In seeking to secure the abolition of any form of forced or compulsory labour as a method of mobilising and using labour for purposes of economic development, the Conference had in mind, in addition to cases of direct compulsion in the call-up of labour, systems of mobilisation of labour through certain indirect forms of coercion.² Reference was made, on the one hand, to the combination of various practices and institutions such as coercive methods of recruiting, the inflicting of heavy penalties for breaches of contracts of employment, the abusive use of vagrancy legislation, restrictions on freedom of movement, restrictions on the possession and use of land, etc., and, on the other, to various general measures involving compulsion in the recruitment, mobilisation and direction of labour which, taken in conjunction with other restrictions on freedom of employment and stringent rules of labour discipline, deprived the individual of the free choice of employment and freedom of movement.³ Having regard to these considerations, the Committee has, in its examination of reports on the application of the Abolition of Forced Labour Convention, given attention, for example, to the safeguards against compulsion needed in countries where there still exists a significant volume of recruiting of workers who do not offer their services spontaneously to an employer or at an employment office.⁴ It has likewise examined to what extent national legislation and practice relating to vagrancy might become a means of mobilising labour for purposes of economic development.⁵

The Abolition of Forced Labour Convention specifically prohibits the use of forced or compulsory labour as a means of labour discipline.⁶

¹ See para. 38 above.

² Principles designed to avoid the use of indirect coercion had already been defined, at the time of the adoption of the Forced Labour Convention, in the Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35).

³ Report of the U.N.-I.L.O. Ad Hoc Committee on Forced Labour, op. cit., paras. 554 and 558. A particular example considered by the Ad Hoc Committee related to the legislative system applicable to the African population of the Union of South Africa—*ibid.*, paras. 329-375. This system, including its subsequent development, is further described in the I.L.O. *Programme for the Elimination of "Apartheid" in Labour Matters in the Republic of South Africa* (1964), paras. 36-72, and in the *Special Report of the Director-General on the Application of the Declaration concerning the Policy of "Apartheid" of the Republic of South Africa*, International Labour Conference, 49th Session, Geneva, 1965, pp. 8-19. As the Republic of South Africa is not now a Member of the I.L.O. and is not bound by either of the two Conventions dealing with forced labour, the situation in that country does not come within the scope of the present survey. In accordance with a decision taken by the Governing Body pursuant to the Declaration concerning the Policy of *Apartheid* of the Republic of South Africa, the South African Government had been requested in 1964 and 1965 to supply reports on the two Conventions concerned, under the provisions of article 19 of the I.L.O. Constitution, but failed to do so.

⁴ See, for example, the *Special Report by the Committee of Experts on the Application of Conventions and Recommendations concerning the Measures Taken by the Government of Portugal to Implement the Recommendations of the Commission Appointed under Article 26 of the I.L.O. Constitution to Examine the Observance by Portugal of the Abolition of Forced Labour Convention, 1957 (No. 105)*, in Report III (Part IV), International Labour Conference, 50th Session, Geneva, 1966, paras. 55-66.

⁵ See para. 56 below.

⁶ Article 1 (c). Although this case will be considered in the next chapter, it should be borne in mind that it may form a component of a system of compulsory labour for purposes of production or service.

46. Article 1 (*e*) of the Abolition of Forced Labour Convention prohibits the use of any form of forced or compulsory labour as a means of racial, social, national or religious discrimination. In relation to the matters considered in the present chapter, it would require the abolition of any discriminatory distinctions on racial, social, national or religious grounds in the exaction of labour for the purpose of production or service. The prohibition applies to "any form of forced or compulsory labour". As previously indicated, the provisions excepting certain forms of compulsory service from the scope of the 1930 Convention are not automatically applicable to the 1957 Convention. The Committee has considered that the prohibition laid down in Article 1 (*e*) of the latter instrument would extend to any discrimination on one of the stated grounds in relation to compulsory military service, labour exacted as part of normal civic obligations, labour exacted in emergencies, or compulsory minor communal services.¹

PRESENT-DAY PROBLEMS IN NATIONAL LAW AND PRACTICE

47. As has already been noted, the two forced labour Conventions are today in force in a very considerable number of countries. Taking account also of information supplied by governments of countries not bound by these instruments, this survey covers a total of 162 countries. In many of these countries, national legislation and practice do not authorise any form of forced or compulsory labour for purposes of production or service within the scope of the provisions considered in the present chapter. Guarantees of freedom of labour are frequently embodied in national constitutions, and—even in the absence of constitutional sanction—are made effective by provisions of criminal legislation punishing violations of individual liberty and by procedural safeguards through which individuals may seek redress against unlawful interference with their freedom, whether by private persons or public authorities. Specific prohibitions of forced labour have also been incorporated in the labour codes or general employment legislation of numerous countries, which have frequently drawn upon the terminology of the relevant Conventions. The Committee has also continued in recent years to note a number of instances in which changes have been made in national legislation and practice to take account of the requirements of the Conventions under consideration. In one case, the Committee noted that, in order to implement the obligation to suppress forced labour in all its forms arising under the Forced Labour Convention, administrative instructions had been issued to discontinue recourse to compulsory portage and compulsory labour for public works.² In other cases, measures have been taken to repeal provisions permitting recourse to forced labour for general or local public works³, for compulsory cultivation⁴, for portage⁵, for the rendering of personal services to chiefs⁶, requiring persons completing certain kinds of studies

¹ Discrimination in relation to the exaction of labour as a consequence of a conviction in a court of law will be considered in the next chapter.

² R.C.E., 1962, p. 55 (Tanganyika; the relevant statutory provisions remain to be repealed).

³ R.C.E., 1962, p. 146 (North Borneo); R.C.E., 1964, p. 77 (Kenya), p. 171 (Fiji, Northern Rhodesia, Solomon Islands); R.C.E., 1966, p. 136 (Bechuanaland); R.C.E., 1968, pp. 52-53 (India).

⁴ R.C.E., 1964, p. 171 (Fiji), pp. 184-185 (Southern Rhodesia).

⁵ R.C.E., 1968, pp. 52-53 (India), pp. 132-133 (Fiji).

⁶ R.C.E., 1962, p. 146 (Fiji); R.C.E., 1964, p. 170 (Bechuanaland); R.C.E., 1968, p. 51 (Cameroon (Western Cameroon)).

to work for a specified period in designated employment¹, or imposing penalties on workers in cases of termination of employment without official consent.² In the two cases in which Commissions of Inquiry were appointed under article 26 of the I.L.O. Constitution to examine the observance of the Conventions dealing with forced labour, a series of significant changes in legislation and practice were made at the time the inquiries were proceeding, and certain further measures have been noted by the Committee of Experts subsequently.³

48. However, certain problems still exist in a number of countries regarding the abolition of all forms of forced or compulsory service for purposes of production or service. The various forms of work or service concerned and their bearing on the implementation of the Conventions dealing with forced labour will be examined below.

General Powers to Call up Labour

49. In a limited number of countries, the public authorities enjoy extensive powers to impose compulsory labour subject to penal sanctions. In one case, with a view to ensuring the economic and social promotion of the nation, citizens of either sex may be called up for successive two-year periods to perform work or services of national interest.⁴ In another country, all able-bodied men are required to work full time in "priority zones" of each village, sub-prefecture and prefecture to attain the objectives of the five-year plan of economic and social development.⁵ Such legislation is clearly contrary to both the Convention of 1930 and that of 1957.

50. A very general power to direct labour may result where by law all persons, male and female, aged between 16 and 25 years are declared members of an organisation whose objectives are "to promote revolutionary education by work, vocational training and the mystique of liberation through work", and "to ensure by revolutionary means the rapid liquidation of the technical and economic underdevelopment" of the country.⁶

51. Extended powers of imposing labour service may be granted by legislation relating to national security. Thus, in one country, all inhabitants of 14 years or

¹ R.C.E., 1968, pp. 51-52 (Czechoslovakia).

² R.C.E., 1966, p. 56 (Bulgaria); R.C.E., 1967, p. 54 (Czechoslovakia).

³ As regards observance by Portugal of the Abolition of Forced Labour Convention, 1957, see the report of the Commission of Inquiry in I.L.O.: *Official Bulletin*, Vol. XLV, No. 2, Apr. 1962, Supplement II, paras. 727-728, and the Special Report made by the Committee of Experts in 1966, op. cit., the Committee's conclusions being summarised in para. 67 of that report. As regards the observance by Liberia of the Forced Labour Convention, 1930, see the report of the Commission of Inquiry in *Official Bulletin*, Vol. XLVI, No. 2, Apr. 1963, Supplement II, paras. 417-418, and R.C.E., 1967, pp. 55-61.

⁴ Upper Volta—Act No. 6/63/AN of 29 January 1963, as amended by Ordinance No. 45/PRES of 3 October 1966. The Act of 1963 originally provided that work might be in public or private employment. The ordinance of 1966 deleted these words, substituting a reference to work of "national interest". A representative of the government concerned had stated before the Conference Committee on the Application of Conventions and Recommendations in 1965 that certain private undertakings, because of their importance to the country, were considered to be of national interest.

⁵ Dahomey—Ordinance No. 62 of 29 December 1966; see also Act No. 62-21 of 14 May 1962, mentioned in relation to para. 55 below.

⁶ Guinea—Decree No. 416PR of 22 October 1964. Information requested by the Committee concerning the nature and terms of service in this organisation remains to be supplied.

more who are not performing military service may be called up to satisfy the needs of national security when interests vital to the integrity of the State are threatened, interfered with or disturbed and when it becomes necessary to preserve internal order, the well-being of the community, and the normal and full development of activities and services which ensure the development of the nation or contribute to the preparation and maintenance of war effort.¹ These provisions—which, it will be noted, are additional to legislation on compulsory military service—appear to go far beyond the exception in respect of emergencies permitted by the Forced Labour Convention, 1930, and to permit the mobilisation of labour for purposes of economic development within the meaning of the Abolition of Forced Labour Convention, 1957.

52. In a number of other countries, legislation which according to the government is intended to permit the call-up of labour in cases of emergency is worded in terms which might permit its application in a wider range of circumstances. This is the case, for example, where labour may be called up to carry out shock work or work of extreme urgency which because of its importance cannot be carried out by other means (such as the use of voluntary labour)²; where the inhabitants of regions deprived of mechanised transport may be called up for work of public interest which becomes indispensable for the exercise of governmental authority or to meet the economic, health or social needs of the region concerned³; where the mobilisation of the civilian population may be ordered for the purpose of meeting abnormal situations of any kind which hinder the economic reconstruction of the country or disturb the machinery of the State and the social structure of the country⁴; where workers of all services or undertakings contributing to the provision of products and food necessary to meet the vital needs of the population may be called up⁵; or where compulsory labour service may be imposed in case of shortage of labour for carrying out important state work.⁶ A similar situation may result where an ad hoc granting of emergency powers—whether through special legislation or as a consequence of the declaration of a state of emergency—authorises the exaction of labour in circumstances which do not constitute an emergency within the meaning of the relevant international standards. This appears to be the case where, *inter alia*, the power of mobilisation of the civil population is granted for a 12-month period because of evidence of infiltration into the country of persons

¹ Argentina—National Defence Act, No. 16970 of 6 October 1966 and Act No. 17192 of 2 March 1967 on civil defence service. The explanatory note published with Act No. 16970 justified the need for new legislation, *inter alia*, by the fact that the previous law did not take account of the interdependence of the security and the development of the nation.

² Czechoslovakia—Government Order No. 40 of 28 April 1953 concerning civilian labour service. The Government has stated in all reports on the Forced Labour Convention supplied since the entry into force of the Convention for Czechoslovakia that this Order has not been applied in practice.

³ Congo (Brazzaville)—Act No. 24/60 of 11 May 1960 on requisitions, section 3.

⁴ Greece—Act No. 1984 of 21-23 September 1939 concerning the organisation of civilian and economic mobilisation of the country, section 2 (7) (inserted by Emergency Act No. 450 of 7 July 1945).

⁵ Tunisia—Decree of 7 August 1936 on civil requisitions. The Government has stated that the revision of this legislation is to be considered.

⁶ Ukraine—Labour Code, section 11; U.S.S.R.—Labour Code of the Russian S.F.S.R., section 11. Both these countries have stated in their reports on the Forced Labour Convention that, except in rare cases of natural calamity, these provisions have not been used, and that new draft labour legislation under consideration would omit the possibility of imposing compulsory labour service.

with the intention of creating tension and subversion¹ or "because of uncertain conditions prevailing in the world today".²

53. In certain other cases, powers to call up labour originally granted during a period of emergency appear to have been maintained in force for prolonged periods even after the immediate conditions which occasioned the emergency have ceased.³

54. As has already been indicated⁴, in order to ensure that recourse to compulsory call-up of labour under emergency powers remains within the limits laid down in the Forced Labour Convention and does not develop into mobilisation of labour for purposes of economic development, certain conditions should be observed. Recourse to such call-up should be confined to cases where it is necessary to meet a calamity or threatened calamity endangering the existence or well-being of the whole or part of the population. The duration and extent of compulsory service, and the purposes for which it is used, should be limited to what is strictly required by the exigencies of the situation. In order to avoid any uncertainty as to the scope of national provisions or their compatibility with the applicable international standards, it should be clear from the legislation itself that recourse to compulsory labour as an emergency measure is confined within the limits indicated above. Where this is not the case, and the country is bound by either of the two Conventions under consideration, appropriate amendments should be made. Where emergency powers are granted by ad hoc legislation, it is important that authority to impose compulsory labour should be given only in circumstances constituting an emergency within the meaning of the relevant international standards. In all cases, recourse to compulsory labour should continue only so long as strictly required to meet the emergency situation, and should then—unless automatically limited in duration—be terminated by a formal and public decision or declaration.

General Obligation to Work

55. Various national constitutions, particularly where they contain provisions concerning the rights and duties of citizens, refer to a duty to work. In many cases, this remains a general statement of principle not translated into precise legal obligations or supported by sanctions, and does not affect the application of the Conventions under consideration. In some countries, however, national legislation goes further and creates a legal obligation for all able-bodied citizens to engage in a

¹ Liberia—Act of 9 February 1966 to restore, supplement and enlarge emergency powers granted the President of Liberia. This Act gave authority to mobilise all able-bodied members of the civil population, male and female, for social, industrial and military work necessary for the defence of the Republic (section 1 (d)) and to mobilise and conscript all labour, manual mechanical or otherwise, for economic, social and industrial services for defence purposes (section 1 (g)).

² Liberia—Act of 21 March 1967 extending emergency powers granted the President of Liberia, containing the same powers to mobilise and conscript labour as the Act of 9 February 1966.

³ Morocco—Dahir of 15 June 1946, keeping in force until further decision the powers of labour conscription provided for in the Dahir of 13 September 1938 on the general organisation of the country in time of war (as amended); Decree No. 2-063-436 of 6 November 1963, bringing the same provisions into force (without limitation of time); Pakistan—Control of Employment Ordinance, 1965, Control of Employment Rules, 1965, Defence of Pakistan Ordinance, 1965, and Defence of Pakistan Rules, 1965 (rule 126). Information requested by the Committee since 1963 remains to be supplied by Tanzania (Zanzibar) concerning the termination of a state of emergency declared in 1961 and measures which might have been taken by virtue thereof to impose compulsory labour.

⁴ See paras. 39 and 44 above.

gainful occupation ; in the absence of being able to prove such an occupation, they are liable to compulsory direction to specific work, subject to penal sanctions.¹ The obligation to work in these cases thus constitutes a basis for the imposition of forced or compulsory labour incompatible with the standards laid down in the Conventions of 1930 and 1957.²

56. At the time of adoption of the Forced Labour Convention, attention was drawn to the fact that, where vagrancy offences were defined in an unduly extensive manner (for example, if they applied to persons by the mere fact of not being in employment and even to persons who might be holding and cultivating land for their own needs), the resulting situation might be similar to that existing in countries where the law imposed a general obligation to work.³ In many countries, vagrancy is defined in relatively strict terms which tend to show that the dominant purpose of the legislation is to protect society against disturbance of public order and tranquillity.⁴ Even in these cases, it is important that the legislation should be applied in a manner consistent with this purpose. In certain other countries, far more extensive definitions of vagrancy are to be found, which appear capable of being applied to persons by the mere fact of their having no employment and may even cover persons engaged in small-scale cultivation.⁵ The possibility that such

¹ Central African Republic—Ordinances Nos. 4 of 8 January 1966 and 66/38 of 3 June 1966 (all persons, of either sex, aged between 18 and 55 years, who are not incapacitated from work or registered at an educational establishment, and who are unable to prove that they belong to one of eight specified categories of the active population, can be punished by imprisonment and fine and directed to work of general interest, particularly cultivation of land); Dahomey—Act No. 62-21 of 14 May 1962 (all able-bodied citizens between 18 and 50 years who are not able to give proof of engaging regularly in permanent and lawful employment providing normal resources can be called up for work of general interest; the Government has stated in its reports that in practice these provisions have not been applied); Gabon—Ordinance No. 50/62 of 21 September 1962 (every citizen over 18 years must prove an occupation unless physically unfit or registered at an educational establishment; any citizen without an occupation must accept any available employment indicated by the authorities; the Government stated in 1966 that this legislation had never been applied and would be repealed); Malagasy Republic—Ordinance No. 62-062 of 25 September 1962, as amended by Act No. 65-006 of 7 July 1965, and Decree No. 63-268 of 15 May 1963 (all able-bodied men between 18 and 55 years who cannot give proof of regular work may be required to undertake agricultural work in accordance with officially prescribed conditions as to area of land, types of crops, etc.).

² Certain of the laws in question appear to make it possible to impose forced labour even in private employment, since they permit direction to "any available employment" (Gabon) or to "work of general interest" (Central African Republic, Dahomey). These laws are silent as to the duration of the compulsory service or the terms of employment.

³ *Report on Forced Labour* to the International Labour Conference, 12th Session, Geneva, 1929, para. 365. See, further, para. 45 above.

⁴ In a number of countries, a person can be convicted of vagrancy only if three elements are proved: lack of gainful occupation, lack of lawful means, and lack of fixed abode—see, for example, the Penal Codes of Chile (section 305), Rumania (section 339), Senegal (section 242), Syrian Arab Republic (section 600). In certain other countries, the test is absence of lawful means of subsistence, accompanied by wilful refusal or neglect to engage in any activity which will provide means of support—for example, Brazil (Minor Offences Act, section 59), Philippines (Penal Code, section 202), Trinidad and Tobago (Summary Conviction Offences Ordinance, section 50).

⁵ For example, Costa Rica—Act No. 3550 of 20 October 1965 concerning vagrancy and begging, section 2 (defining as vagrants, *inter alia*, persons without known lawful means of subsistence who are fit for work in a useful occupation but do not work, this definition being intended, according to the Government, to cover all situations deriving from unemployment or underemployment); Dominican Republic—Penal Code, section 270 (defining as vagrants, *inter alia*, persons engaged in agriculture who do not have a permanent holding of at least 6,290 square metres of land in a good state of cultivation and are not employed by any person

legislation will become a means of compulsion to work is enhanced where, as in some of these cases¹, charges of vagrancy are tried by non-judicial authorities (a matter to be further considered in the next chapter). In countries bound by the Conventions under consideration where laws on vagrancy and assimilated offences are worded in such general terms as to lend themselves to application as means of direct or indirect compulsion to work, amendments should be made to bring the legislation within the narrower conception of vagrancy to which reference has been made above.

Imposition of Labour for Specified Purposes

57. In various countries, legislation authorises the imposition of labour within a more narrowly defined framework, in terms of the circumstances, purposes or duration of recourse to such labour. In a number of these cases, the conditions under which labour may be exacted correspond to those laid down in the Forced Labour Convention, 1930, as applicable where recourse is had to forced or compulsory labour as an exceptional measure during the transitional period pending its complete suppression. Having regard to the provisions of that Convention, it is proposed to examine these cases under the headings of general public works and services (which may involve the removal of the workers from their place of habitual residence), local public works (not involving such removal), transport, cultivation and miscellaneous purposes.

General public works and services.

58. In several countries, in the absence of a sufficient supply of voluntary labour, adult able-bodied men may be called up for limited periods for paid employment for the construction and maintenance of public buildings and roads, afforestation and irrigation works², for the conservation of natural resources³, for public

or company); Guatemala—Vagrancy Act (Decree No. 118 of 24 May 1945), section 2 (covering, *inter alia*, occupiers or holders of rural land who do not derive sufficient income from it (and from any other work) for their own and their family's subsistence, as well as peasants who do not personally engage in cultivation on their own account or for an employer according to their physical aptitudes and local conditions); Honduras—Police Act (Decree No. 7 of 8 February 1906) (Title III, Chapters I, XIV and XV, provides for extensive police control over artisans and labourers; persons not regularly engaging in an occupation, being absent from or deserting their work, not properly performing their work, or unable on demand by a police officer to produce a certificate of employment may be sentenced as vagrants, and persons without employment may be directed to employment by the police; provision is also made for pursuit and arrest by the police of workers who desert their employment for compulsory return to their employer. The Government stated in 1966 that these provisions were no longer applied).

¹ Costa Rica (by virtue of section 9 of Act No. 3550 of 1965, offences under Act are tried by police authorities); Dominican Republic (section 271 of the Penal Code makes communal mayors responsible for trying vagrancy cases); Honduras (under Title VI of the Police Act, offences against this Act are tried by officials and agents of the police).

² Congo (Kinshasa)—Decree of 10 May 1957 on native districts, section 73. Service is limited to 15 days, except where required by public health. In a report in 1966, the Government stated that these provisions remained necessary as a provisional measure. The Labour Code of 9 August 1967 did not expressly repeal the decree of 1957, and permitted compulsory labour for work of public interest as an exceptional and transitional measure as specified by presidential ordinance.

³ Kenya—Native Authority Act (Cap. 128), sections 13-18. The work must be of present or imminent necessity and of direct interest to the community concerned. Call-up is limited to African men between 18 and 45 years, and to 60 days in any period of 12 months.

purposes¹, or for purposes of sanitation, education or construction.² In certain other cases, powers to call up labour—for example, for works of afforestation, irrigation or improvement of pastures³, for the conservation of natural resources or the promotion of good husbandry⁴, or for work essential to the well-being or preservation of the community, including the maintenance of communication⁵—are not dependent on the non-availability of voluntary labour and in certain other respects are also less closely regulated. In one case, in accordance with a recommendation made by a commission of inquiry, the position concerning the manner of obtaining labour for construction and maintenance of secondary roads and public works other than those executed under major contracts remains to be clarified.⁶ On the other hand, the governments of several countries have stated in reports on the Conventions under consideration that the statutory powers mentioned above had never been used in practice or had fallen into disuse⁷ and that it was intended to repeal them.⁸ In the case of countries bound by the Abolition of Forced Labour Convention, 1957, all forms of forced labour for purposes of economic development should be abolished. In the case of countries bound only by the Forced Labour Convention, 1930, the powers in question should be used only as an exceptional measure during a transitional period pending complete suppression, and subject to precise regulations laying down the conditions and guarantees required by the Convention; moreover, full information on the extent of recourse to these powers should be included in governments' reports on the Convention.

Local public works.

59. In a few cases, legislation authorises the exaction of paid labour for local

¹ Laos—Decree of 21 August 1930 to regulate compulsory labour; order of 5 February 1932 to regulate recourse to compulsory labour for public purposes; decree of 30 December 1936 to regulate conditions of work of Natives of Indo-China and assimilated persons. The work must be of present or imminent necessity. Call-up is limited to men between 18 and 45 years, and to 60 days in any period of 12 months.

² Syrian Arab Republic—Legislative Decree No. 133 of 29 October 1952 concerning compulsory labour, sections 1-16. Inhabitants may be called up for not more than two months, and are then exempt from further call-up for a year. Under section 27, persons in certain professions may also be required to work in specific regions for defence purposes or for the provision of social services.

³ Burundi—Decree of 14 July 1952 on native political organisation, sections 45-53, and Ordinance No. 21/86 of 10 July 1953. Able-bodied men may be called up for up to 40 days.

⁴ Southern Rhodesia—African Land Husbandry Act, Part V, permitting the call-up of able-bodied male Africans aged between 21 and 55 years for up to 90 working days in any calendar year. In addition, the African Affairs Act, section 42, imposes the duty on every African to assist actively in measures taken in the district in which he lives for the conservation of natural resources, the improvement of grazing and farming land, etc.

⁵ Sudan—Local Government Ordinance, 1951 (as amended), First Schedule, para. 15 A. The statutory power relates to the call-up of able-bodied males. There are no binding provisions to regulate the conditions of such call-up (for example, as to maximum duration, remuneration, age limits, etc.), these matters being the subject merely of a model local order for the guidance of local authorities. In addition, under the Defence of the Sudan (General) Regulations, 1958 (as amended), regulation 33 A, able-bodied persons who wilfully neglect to maintain themselves and their families may be called up for work which is necessary or expedient in the public welfare.

⁶ Liberia—see R.C.E., 1967, pp. 58-59.

⁷ Laos, Southern Rhodesia (report for 1961-63), Syrian Arab Republic.

⁸ Southern Rhodesia (report for 1961-63), Syrian Arab Republic.

purposes.¹ More frequently, labour which has to be provided for local purposes is unpaid², being assimilated either expressly or implicitly to a form of taxation of the local population. In some of these cases, provision is made for commutation by a cash payment of the obligation to render services.³ Certain governments have stated that the legislation in question is not being used in practice⁴, applies only to a very limited extent⁵, or is used only for minor services within the definition of "minor communal services" contained in the Forced Labour Convention.⁶ In countries bound by this Convention, in so far as the exaction of services of this kind is not restricted to "minor communal services" (a restriction which should be made clear by the terms of the legislation), they should be progressively abolished.⁷ At the time of adoption of the 1930 Convention, the solution envisaged, failing the outright abolition of compulsory labour for local purposes, was its replacement by a system of taxation in cash. In the case of countries bound only by the Abolition of Forced Labour convention, action would be required to abolish—by measures of immediate application—the call-up of labour for purposes of economic development.⁸

Transport.

60. In a few countries, legislative provisions still exist which authorise the imposition of compulsory labour for transport.⁹ In a number of these cases, the

¹ Albania—Decree No. 747 of 30 December 1949, permitting the call-up of men between 18 and 45 years for road works, for up to six days a year; Pakistan—Northern India Canal and Drainage Act, 1873 (section 65, last paragraph), authorising call-up of labourers for maintenance of irrigation works.

² Bulgaria—Act of 6 February 1958 and Ordinance No. 1 of 19 January 1968 concerning self-taxation of the population, permitting imposition of labour on men between 18 and 60 years and women between 18 and 55 years for local improvement schemes, for up to 40 hours (exceptionally 80 hours) a year; China—National Labour Service Act of 4 December 1943, providing for service by men between 18 and 50 years for local works of public utility, for up to 80 (exceptionally 160) hours a year; Denmark—Act No. 229 of 20 December 1929 concerning compulsory labour in communes, under which certain local authorities may impose compulsory labour for the construction and maintenance of local roads; Fiji—Rotuma (Communal Services) Regulation (No. 18), permitting call-up of inhabitants of a district or village, *inter alia*, for building and repair of houses and work on roads through native coconut lands; India—Uttar Pradesh Panchayat Act, 1947 (as amended), permitting call-up of men not over 45 years for work of general public utility undertaken by the local authority, for up to 96 hours in a year; Punjab Compulsory Labour Act, 1961, permitting the call-up of men between 16 and 60 years for work in connection with the development or clearance of drainage works, for up to five days in three months; Swaziland—Swazi Administration Proclamation (Cap. 60), authorising the making of orders in relation to anti-soil erosion works, road works and tribal or communal water supplies (section 9); Syrian Arab Republic—Decree No. 133 of 29 October 1952 concerning compulsory labour, permitting call-up of inhabitants of villages for road works and other works of local interest (section 28).

³ Bulgaria, Denmark, Fiji, India (in the case of the Uttar Pradesh Panchayat Act).

⁴ Albania, Fiji, India, Syrian Arab Republic.

⁵ Denmark—according to the Government, Act No. 229 of 1929 is now in force in only a small number of rural communes, covering far less than 1 per cent. of the country's population.

⁶ Swaziland.

⁷ See Article 10.

⁸ As to the scope of this provision, see para. 43 above. A distinction might be made between mere maintenance work and development or construction projects.

⁹ Burma—Village Act (sections 7, 8, 11 (d) and Towns Act (section 9); Congo (Brazzaville)—Act No. 24/60 of 11 May 1960 on requisitions (section 3); Congo (Kinshasa)—Legislative Ordinance of 11 June 1940 on civil requisitions; Fiji—Rotuma (Communal Services) Regulation (Rotuma Regulation No. 18); Laos—order of 6 February 1932 to consolidate regulations for the transport of staff and administrative stores; Malaysia (Sarawak)—Local Authority (Provision of Transport) Regulations, 1949; Pakistan—Bengal Troops Transport and Travellers' Assistance Regulations, 1806.

government has however stated that these provisions have fallen into disuse¹ or are rarely used.² The abolition of this form of forced labour was expressly provided for in the Forced Labour Convention.³

Cultivation.

61. Legislative provisions permitting the imposition of compulsory cultivation vary considerably in scope. In a number of countries, such powers may be used only in the event of actual or threatened famine, and by reason of their character as emergency measures fall outside the scope of the international standards under consideration. In cases where powers to impose cultivation are not confined to emergency situations, they may be aimed at providing adequate subsistence for the communities directly concerned⁴, or at securing the staple food needs of the population in general.⁵ In a number of countries, compulsory cultivation extends to cash crops as well as food crops, sometimes within the framework of a general obligation for citizens to engage in a gainful occupation or under general powers to impose compulsory labour⁶, sometimes by virtue of legislative provisions dealing specifically with cultivation.⁷ Some governments have stated that the legislative provisions in question are not being used⁸ or are to be repealed.⁹ In other cases, according to the terms of the legislation itself or the information given by governments in their reports, compulsory cultivation is imposed within the framework of national development.¹⁰ In certain other countries, it would appear from the legislation that an obligation is imposed on agricultural co-operatives to attain an officially determined volume of production, although the modalities of discharging this obligation are fixed by a contract concluded with the competent purchasing agencies.¹¹ Subject only to the above-mentioned exception relating to emergencies, all forms of compulsory cultivation—whether imposed by reference to prescribed areas of land or the production of prescribed quantities of commodities, and whether

¹ Burma, Fiji, Laos.

² Congo (Kinshasa).

³ Article 18.

⁴ Fiji—Rotuma (Lands Cultivation) Regulation and Rotuma (Communal Services) Regulation; Kenya—Native Authority Act (Cap. 128), section 11; Malaysia (Sarawak)—Local Authority Ordinance (Cap. 117), section 30; Sierra Leone—Chieftdom Councils Act (Cap. 61), section 8.

⁵ Malaysia (States of Malaya)—Malacca Lands Customary Rights Ordinance, Straits Settlements Rice Cultivation Ordinance and Rice Cultivation Rules, 1934, and Negri Sembilan Cultivation of Rice Enactment; Malaysia (Sabah)—Native Rice Cultivation Ordinance.

⁶ Central African Republic—see first foot note to para. 55 above; Dahomey—see second footnote to para. 49 and first footnote to para. 53 above (in addition, Decree No. 239 of 1 June 1962 had provided for the maintenance in each village of collective fields in accordance with official directives as to area, crops, etc., but according to the Government collective fields are no longer organised); Malagasy Republic—see first footnote to para. 55 above (Decree No. 63-268 of 15 May 1963 provides for the annual determination for each rural commune of the minimum areas and crops to be cultivated).

⁷ Burundi—Decree of 14 July 1952 on native political organisations; Congo (Kinshasa) decree of 10 May 1957 on native districts, sections 71 and 72; Tanzania (Tanganyika)—Local Government Ordinance (as amended by Act No. 64 of 1962), section 52, subsection 1 (45).

⁸ Dahomey (as regards Act No. 62-61 of 14 May 1962 and Decree No. 239 of 1 June 1962). Kenya.

⁹ Sierra Leone.

¹⁰ Dahomey (as regards Ordinance No. 62 of 29 December 1966), Malagasy Republic, Tanzania (Tanganyika).

¹¹ The questions arising in this connection are the subject of direct requests addressed to several countries.

affecting persons already holding land or persons directed to undertake cultivation—are incompatible with the Forced Labour Convention (Articles 1 and 19). In the case of countries bound only by the Abolition of Forced Labour Convention, the situation would be similar except where the scope of the obligations imposed is too limited to have significance for purposes of economic development (Article 1 (b)).

Miscellaneous purposes.

62. In several countries, forced labour may be imposed as a means of recovery of taxes.¹ Isolated cases are still to be found of compulsory services for chiefs.² In one country, workers may be called up, in case of need, to speed up the unloading of ships.³ In another country, the government is still under contractual obligations to assist certain private companies to secure and maintain an adequate labour supply.⁴

National Service Obligations

63. In the cases considered hitherto, recourse to compulsion is based either on the enforcement of a general obligation to work or on the necessity to carry out particular work. In the former case, the obligation binds the members of the active population (in certain instances women as well as men) during their entire working lives. In the latter case, liability to call-up tends similarly to cover the entire male (occasionally also female) able-bodied adult population, but call-up is irregular in its incidence as regards the persons actually affected as well as in its periodicity. These cases may be distinguished from national service which is imposed for a fixed period on a given section of the population, defined in terms of age or educational status, and is considered as the satisfaction of a general obligation towards society. The most generalised form of such national service is compulsory military service. It has already been noted that such service, if confined to work of a purely military character, is excluded from the scope of the Forced Labour Convention, 1930, and in these conditions would likewise be unaffected by the Abolition of Forced Labour Convention, 1957.⁵ Indications have also been given of certain activities by conscripts performing national service which have been recognised as not inconsistent with these Conventions, such as work in cases of emergencies, work performed by military engineering corps as part of their training or for defence purposes, and education and vocational training undertaken within the framework of or as an alternative to compulsory military service.⁶ Recent years have witnessed the establishment of a number of schemes under which national service obligations have provided a basis not only for meeting defence needs, but also for training, employment and development works. As has already been noted, recent

¹ Chad—General Code of Direct Taxation, section 260*bis* (inserted by Act No. 28-62 of 28 December 1962); Malagasy Republic—Ordinance No. 62-065 of 27 September 1962, section 10; Upper Volta—Act No. 25-60 of 3 February 1960, section 14 (as amended by Ordinance No. 43/PRES of 3 October 1966). Abolition of such labour is provided for in Article 10 of the Forced Labour Convention.

² Fiji—Rotuma (Personal Services) Regulation (Rotuma Regulation No. 17). Abolition of such labour is provided for in Article 7 of the Forced Labour Convention.

³ Tunisia—Decree of 28 January 1946 on the operation of commercial ports, section 4. The revision of this legislation is reported to be under consideration.

⁴ Liberia—see R.C.E., 1967, pp. 57-58. If acted upon, these obligations might involve contravention of Articles 4 and 6 of the Forced Labour Convention, as well as of Article 1 (b) of the Abolition of Forced Labour Convention.

⁵ See paras. 30 and 44 above.

⁶ See paras. 31-35 above.

research by the I.L.O. has led to the placing on the agenda of the Conference of the question of special youth employment and training schemes for development purposes. From the indications given by governments in their reports as well as from the recent research, it is apparent that considerable variance may exist between legislation and actual practice in this field. Conscripts performing military service may be used for development works without any specific provision to this effect in the legislation. Conversely, schemes which according to the relevant legislative provisions are aimed at the use of conscripts for general development works may in practice be used primarily for vocational training and may also, within the scope of the material possibilities, rely on voluntary enlistment rather than conscription. These factors need to be borne in mind in determining the extent and nature of present-day problems in relation to the existing forced labour instruments. These problems will be reviewed below in relation to the use for non-military purposes of persons performing compulsory national service respectively within the armed forces themselves and in distinct formations. Reference will also be made to provisions in force in some countries under which, apart from any compulsory military service obligations which may exist, persons who have received certain kinds of education or training are required to serve for a defined period in posts to which they are directed by the authorities.

Use of conscripts in the armed forces for non-military purposes.

64. In several countries with systems of compulsory military service, the functions of the armed forces are defined in the Constitution to include participation in national development.¹ Certain governments have provided information or development works in which the armed forces (including conscripts) have been engaged in recent times, including the opening up of remote regions, particularly by the construction of roads and land clearance, and work of a social nature, such as the provision of schools, housing, sanitation and water supplies.² In some countries, agricultural work and training are combined with military service.³ A number of governments have stated that one of the objects of the schemes concerned is the acquisition of skills by conscripts which would facilitate their finding employment upon release from service. Arrangements appear to exist in these cases for a certain number of conscripts to receive training at vocational training centres; however, for most of them facilities tend to be limited to training on the job in the course of execution of the various works schemes. Some governments have stressed the significance of the work undertaken in combating civil unrest in certain regions⁴, or have stated that construction works of a non-military character are undertaken only in the absence of sufficient works of military importance, for the purpose of

¹ For example, Bolivia—article 208 of the Constitution; Honduras—article 316 of the Constitution, which refers, *inter alia*, to work in agriculture, conservation of natural resources, road building, communications, and settlement schemes.

² For example, Colombia, France (Overseas Departments of French Guiana, Guadeloupe and Martinique), Honduras, Peru. Works of a similar character appear also to be undertaken by conscripts in various other countries—see I.L.O.: *International Labour Review*, Vol. 95, No. 4, Apr. 1967, p. 315.

³ The Government of Guinea has referred to agricultural work undertaken by the army within the framework of the nation's economic development. In Israel, a provision under which all persons performing military service would undergo a period of agricultural training and work (Defence Service Law, 1959, section 16 (a)) has not yet been brought into operation, and the Government has stated that only volunteers are assigned to such activities—see R.C.E., 1964, pp. 75-77.

⁴ For example, Colombia.

ensuring the practical training of engineering corps.¹ In some countries, compulsory military service laws which previously permitted the use of conscripts for works of national interest have recently been amended to abolish this possibility²; or to limit it to exceptional circumstances.³

National service in formations distinct from the armed forces.

65. In a number of countries, persons liable to military service but not in fact called up for such service may be required to satisfy their national service obligations in alternative forms. In one country, where there exist treaty limitations on the size of the armed forces, persons who cannot be enlisted for military service are assigned to special labour services engaged in construction and agricultural work.⁴ In other cases, although a similar use for persons surplus to military requirements is provided for in national legislation, the governments have indicated that the measures taken in practice have assumed a different form. Thus, where persons in excess of military needs or not fit for military service are assigned to groups for the execution of public works, the government has stated that these groups are in fact intended for works of a military character.⁵ In some cases where national service legislation provides that persons not called up for military service may be conscripted for participation in economic or social development⁶, or for work of general interest⁷, the governments have stated that these powers have not in fact been used. In a number of countries, the objects of such alternative forms of national service, as defined in national legislation, refer both to general, civic and vocational training and to the execution of works of national interest or of economic and social development. The government of one of these countries has referred to the importance of such activities in meeting the needs of national development.⁸ However, most of the governments concerned have indicated that the main emphasis has in practice been on training, with a view to providing the young with knowledge and skills which would permit them subsequently to engage in gainful

¹ Greece—Decree of 14-17 March 1928 on the assignment of military units for carrying out certain communal works.

² Niger—Act No. 62-010 of 16 March 1962 on the organisation of recruitment for the national armed forces, section 3 (as amended by Act No. 67-005 of 11 February 1967).

³ Upper Volta—Act No. 49-AN of 21 December 1962 on recruitment for the national army, section 5 (as amended by Ordinance No. 44/PRES/DN of 3 October 1966). The Government of Norway has stated that, as a result of a decision taken by Parliament in 1963, the temporary use of conscripts for harvest work, pursuant to section 9 (2) (b) of the Military Service Act, 1953, has been discontinued, and that this provision would henceforth be used only in cases of quite unforeseen or extraordinary conditions.

⁴ Bulgaria—Act of 1958 on compulsory military service (amended in 1959), section 3; decree of 27 March 1954 concerning Special Labour Services (amended in 1955), sections 2 and 3. See R.C.E., 1964, p. 71.

⁵ United Arab Republic—Military and National Service Act, 1955, sections 31 and 32.

⁶ Central African Republic—Act No. 62-304 of 8 May 1962 providing for civic service in the Organisation of National Youth Pioneers, section 4.

⁷ Chad—Ordinance No. 2/PC/CM of 27 May 1961 on the organisation and recruitment of the armed forces, section 7, and Decree No. 9 of 6 January 1962 issued in application of this ordinance, section 4.

⁸ Malagasy Republic—Ordinance No. 60-118 of 30 September 1960 to provide for the organisation of the defence of Madagascar and the creation of a national service (as amended by Ordinance No. 62-022 of 19 September 1962), section 5; Decree No. 62-623 of 28 November 1962 to provide for the experimental introduction of the civic service; Order No. 411 of 11 February 1963 to make provisional arrangements for the general organisation of the civic service. See Report III (Part I), International Labour Conference, 48th Session, Geneva, 1964, p. 76; *ibid.*, 50th Session, Geneva, 1966, p. 91.

work.¹ In addition, in a number of cases, although the legislation would permit compulsory call up, it has been indicated that in practice enlistment is being organised on a voluntary basis.² In several countries where legislation originally envisaged the utilisation of conscripts for economic and social activities in the course of military service itself, the schemes were subsequently modified to separate these two forms of service.³ Various legislative changes have also been undertaken or are stated to be under consideration with a view to clarifying the objects and nature of special youth service schemes.⁴ Finally, it would appear from the available information that the schemes considered here have generally remained of relatively limited proportions, in view of the demands made by them in terms of material and administrative resources and technical and supervisory personnel.

66. The schemes mentioned above have as their aim the collective employment and training of young persons within the framework of national service obligations, frequently with a view to opening up new employment prospects for those who have had insufficient opportunities for education and training. In contrast, in some countries persons called up under national service laws who have had a secondary or higher education may be utilised to secure the provision of certain services to the community, in fields such as education, health and promotion of local community development.⁵

67. As has already been mentioned, in view of the proposal for the consideration by the Conference of the question of special youth employment and training

¹ Gabon—Act No. 19-61 of 12 May 1961 on the organisation of national defence. Decree No. 294/PR of 12 September 1963, section 7, Act No. 36-66 of 31 December 1966 providing for the creation of a national civic youth service, Order No. 415/PR-MENSC of 8 April 1967 to provide for the functioning and programme of the civic service, sections 8 and 9; Ivory Coast—Act No. 61-210 of 12 June 1961 on recruitment for the armed forces, section 2; Mali—Act No. 60-15 of 11 June 1960 to establish a rural civic service, Decree No. 247/P.G.-R.M. of 21 December 1963 to provide for the organisation, recruitment and conditions of service of the civic service, section 1; Senegal—Ordinance No. 60-54 of 14 November 1960 to provide for the general organisation of defence (amended by Act No. 65-08 of 4 February 1965), section 21, Act No. 65-21 of 9 February 1965 creating the national civic service of the youth of Senegal, sections 1 and 2.

² Central African Republic (as regards service in the National Youth Pioneers of young persons between 10 and 19 years under Act No. 62-304 of 8 May 1962), Ivory Coast (civic service), Mali (rural civic service), Senegal (as regards the civic service, Act No. 65-21 of 9 February 1965 has provided that in principle recruitment should be on a voluntary basis, but young persons without a regular occupation may be called up for service; Ordinance No. 60-54 of 14 November 1960 (as amended) still permits conscription for a defence service for the purpose, *inter alia*, of contributing to national construction, but it has been stated that in practice the volume of volunteers exceeds the number who can be enlisted in the defence forces).

³ Dahomey (as regards agricultural work and training by persons liable to service under Act No. 63-5 of 26 June 1963 on recruitment), Ivory Coast (civic service), Senegal (civic service).

⁴ For example, in Congo (Brazzaville), Acts Nos. 65-147 and 65-148 of 25 May 1965 provided for the replacement of the former civic service by a Rural Renovation Movement, the conditions of recruitment for which are to be determined by ministerial order; however, the possibility of call-up for service in national works would appear still to exist under Acts Nos. 16-61 and 17-61 of 16 January 1961 concerning the organisation of defence and the armed forces. The Government of the Central African Republic stated in 1965 that Act No. 62-304 concerning the Organisation of National Youth Pioneers would be amended to bring it into conformity with the Forced Labour Convention. The Government of the Ivory Coast has indicated its intention to provide in the legislation relating to the civic service that enlistment should be on a voluntary basis.

⁵ For example, Iran—Legislative Decrees of the Council of Ministers of 26 October 1962 and 3 December 1963 regarding the creation of an Education Corps. See *International Labour Review*, Vol. 93, No. 5, May 1966, p. 521.

schemes, the Committee decided in 1966, pending such Conference discussion, to defer further comments on such schemes in relation to the application of the Conventions dealing with forced labour. It may, however, be useful to draw certain general conclusions from the review which has been made in the preceding paragraphs of various forms of national service used for purposes which are not of a directly military character. Where the employment of conscripts in such schemes is organised as part of military service itself, four objectives may be in view: contribution to national development, reinforcement of national security by works which may have strategic utility or may contribute to stabilisation of conditions in regions affected by unrest, the training of military engineering units, and vocational training of conscripts. Several of these objectives may be pursued at the same time, without a clear predominance of one or the other among them. Thus, where vocational training is among the stated objectives, it tends frequently to take the form of learning on the job in the course of execution of development works. Similarly, schemes stated to be aimed at security or the training of military engineers may in practice contain a significant component of general development works. In the case of national service in formations distinct from the armed forces, the statutory definition of their objectives generally refers both to the execution of works of national interest and to training. In some countries, emphasis has been placed on the direct contribution of such schemes to the realisation of development projects. However, in many cases such service appears in practice to be directed primarily to providing participants with general, civic and vocational education and training, as evidenced by the programmes and practical organisation of the schemes concerned. A number of governments have indicated that, although legislation provides authority for compulsory call-up for such schemes, in fact the number of volunteers exceeds the places available. It may be noted in this connection that various other countries have introduced analogous youth service schemes on the principle of voluntary enlistment.¹ In general, where legislative provisions do not reflect the true nature of schemes, either as regards their objectives or as regards the manner of recruitment, it would appear desirable to make appropriate amendments. This would serve to avoid misunderstanding and uncertainty, and at the same time eliminate certain extensive powers of compulsory call-up of labour which are recognised not to correspond to present needs and realities.

Obligations of service in relation to or on completion of studies.

68. In a number of countries, apart from any general national service obligations which may exist, persons who have completed certain kinds of studies may be required to work for a specified period in employment to which they are directed by the authorities. Sometimes such an obligation applies only to a narrow range of professions, particularly in the medical field.² In other cases, more general obligations may be imposed, for example where university graduates are liable to com-

¹ For example, Ghana, Jamaica, Kenya, Zambia—see document G.B.170/2/1 (Appendix III).

² Hungary—Legislative Decree No. 46 of 1957 to repeal provisions relating to compulsory professional service, as amended by Legislative Decree No. 31 of 1958 (maintaining service obligations only for the medical and nursing professions); Norway—Temporary Act of 21 June 1956 concerning compulsory service for dentists, as prolonged by Acts of 29 June 1962 and 25 June 1965 (the Government has stressed the provisional nature of this legislation, pending adoption of longer-term solutions—see R.C.E., 1966, p. 63); United Arab Republic—Act No. 183 of 1961 concerning requisitioning of new doctors, pharmacists and dentists (under section 3 of this Act, the initial two-year period of service may be renewed for similar periods).

pulsory public service of up to five years' duration¹, or where persons completing studies at higher or specialised secondary educational establishments are required to work in officially designated employment for a period of three years, during which other undertakings are prohibited from taking them into employment.² Where an obligation of service in connection with studies applies only to certain specified professions, it appears to arise out of concern to ensure the provision of an essential service to the population in general, particularly in rural or remote areas for which recruitment otherwise proves difficult. On the other hand, in certain countries persons completing their studies who have received their education and accommodation without payment are made to discharge their obligation to society by working in a specific sphere. The questions arising in this field will no doubt receive attention within the framework of the proposed Conference discussion of special youth employment and training programmes.³

69. It may be of interest to note arrangements adopted in some countries with similar objectives but without involving the imposition of similar obligations. In one country, for example, members of certain professions may normally not practise in urban areas unless they have practised for at least two years in rural areas.⁴ In another case, admission of graduates of universities and secondary vocational schools to employment with a central or regional authority or an institution for scientific research or development is conditional on their having worked for three years in certain kinds of employment.⁵

Restrictions on Freedom of Workers to Terminate Employment

70. In several countries, restrictions are placed on the freedom of workers to terminate contracts of employment of indefinite duration. In one case, official consent is required for the termination of an employment relationship unless such termination is by mutual consent or there exist circumstances of such a nature that the employee cannot reasonably be expected to allow the employment to continue.⁶ In another country, persons in any kind of government employment may not terminate their employment without the employer's consent.⁷ In one

¹ Ceylon—Compulsory Public Service Act, No. 70 of 1961.

² Bulgaria—Ordinance respecting the allocation and placement of young specialists finishing their training in higher educational establishments, intermediate-level institutes, technical colleges and specialised secondary and technical trade schools, approved by Resolution No. 159 of the Council of Ministers of 24 September 1962, as amended by Resolution No. 188 of the Council of Ministers of 23 November 1962 (the allocation system, however, does not apply to trades or professions considered, on the basis of annual assessment, to be sufficiently represented in the labour force—section 2 of the ordinance); U.S.S.R.—Rules for the placement of young specialists graduating from higher and specialised secondary educational establishments, approved by Decision No. 302 of the Minister of Higher and Specialised Secondary Education of 1 October 1963.

³ See para. 138 below.

⁴ Syrian Arab Republic—Legislative Decree No. 15 of 22 January 1967 prohibiting doctors, dentists and pharmacists from practising in the principal towns of certain provinces, regions and districts.

⁵ Czechoslovakia—Government Ordinance No. 38 of 29 March 1967 respecting the placement of persons completing their studies at universities, conservatoires and secondary vocational schools.

⁶ Netherlands—Extraordinary (Labour Relations) Decree, 1945, section 6. These provisions do not apply to employees of a public body, teachers, etc. (section 2). The Government has stated that their repeal is envisaged.

⁷ Pakistan—Pakistan Essential Services (Maintenance) Act, 1952, section 5, West Pakistan Essential Services (Maintenance) Act, 1958 (applicable also to employees of any agency set

case, persons employed in utilities and institutions of public interest, undertakings manufacturing or trading in food or medical supplies, or transport undertakings may not leave their employment without the consent of the civil defence authorities.¹ Although in such cases the employment initially results from a freely concluded agreement, the effect of the statutory restrictions preventing termination by means of notice of reasonable length is to turn a contractual relationship based on the will of the parties into service by compulsion of law. The Committee has accordingly considered such obligations to be incompatible with the Conventions relating to forced labour. It should moreover be noted that the protection of workers against arbitrary dismissal by the imposition of certain restrictions on termination by employers—as advocated in the Termination of Employment Recommendation, 1963 (No. 119)—provides no justification for depriving a worker of his right to free choice of employment.

71. In the case of several countries where the possibility for members of agricultural co-operatives to take up wage-earning employment appears to be subject to certain administrative requirements, the Committee has requested fuller information to ascertain whether analogous restrictions to those considered above are operative.

Discrimination in the Imposition of Labour for Purposes of Production or Service

72. In various countries, liability to perform certain services is limited to a part of the population defined in terms of race.² This appears mainly to be the result of legislative distinctions made during a period of colonial administration. Several countries have indicated their intention to repeal the provisions in question.³ There are also rare cases of distinctions in call-up based on social position.⁴ As has previously been indicated, under Article 1 (e) of the Abolition of Forced Labour Convention, distinction in the exacting of labour based on racial, social, national or religious grounds should be eliminated, even where the abolition of the particular form of compulsory service would not otherwise be required by that Convention or the Forced Labour Convention.⁵

Effective Enforcement of the Prohibition of Forced or Compulsory Labour

73. To ensure the effective observance of the Conventions relating to forced labour, it is important not only that any possibility of exacting services within the scope of these instruments should be removed from national legislation, but also

up by the West Pakistan Government, a local authority, or any service relating to transport or civil defence), East Pakistan Essential Services (Second) Ordinance, 1958. Further restrictions on termination of employment may be imposed under the Control of Employment Rules, 1965, Rule 10, adopted as an emergency measure but still in force.

¹ Iraq—Civil Defence Law, No. 5 of 1962, section 4. The Government stated in 1965 that measures would be taken to ensure that these provisions would be limited to cases of emergency as defined in the Forced Labour Convention.

² For example, Kenya—Native Authority Act; Malaysia (Sabah)—Native Rice Cultivation Ordinance; Sierra Leone—Chiefdom Councils Act; Southern Rhodesia—African Land Husbandry Act, African Affairs Act; Swaziland—Swazi Affairs Proclamation. As regards the Republic of South Africa, see second footnote to para. 45 above.

³ Sierra Leone, Southern Rhodesia (report for 1961-63).

⁴ For example, India—Orissa Compulsory Labour Act, 1948 (amended by Act No. 10 of 1955), making distinctions between labouring and other classes as regards call-up for work to prevent or repair damage by flood or inundation.

⁵ See para. 46 above.

that guarantees be established against any *de facto* imposition of labour. It is with this aim that the Forced Labour Convention requires the illegal exaction of labour to be made punishable as a penal offence and calls for measures to ensure that the penalties imposed by law are really adequate and are strictly enforced. While in the great majority of cases appropriate legal provisions exist in this regard, there are some countries in which the necessary penal provisions have not yet been adopted¹ are insufficient in their scope², or do not impose really adequate penalties.³

74. The public authorities should ensure not only that there exists legislation prescribing adequate penalties for the illegal exaction of labour, but also that such legislation is strictly enforced. Wherever abuses are known to have occurred, active measures should be taken to ensure their elimination.⁴ In this connection, particular importance attaches to the existence of effective labour inspection services and to measures in the manpower field designed to promote the spontaneous offer of labour free from any risk of undue pressure or coercion.⁵

¹ Haiti, Liberia (see R.C.E., 1967, pp. 55-56), Surinam, Syrian Arab Republic.

² Morocco—Penal Code, section 195; United Arab Republic—Penal Code, sections 117 and 131. These provisions do not cover illegal exaction of labour by persons other than public officials.

³ For example, Laos—Decree of 30 December 1936 to regulate conditions of work of natives of Indo-China and assimilated persons, sections 3 and 116, imposing a maximum fine of 10 francs.

⁴ See R.C.E., 1965, p. 61 (Peru), concerning measures to ensure the strict enforcement of legislation to eliminate certain remaining forms of exploitation and unpaid services.

⁵ See, particularly, the Committee's special report (in R.C.E., 1966) on the measures taken by the Government of Portugal to implement the recommendations of the Commission appointed under article 26 of the I.L.O. Constitution, op. cit., paras. 50-66, and R.C.E., 1967, pp. 59-60 (Liberia).

CHAPTER III

FORCED OR COMPULSORY LABOUR AS POLITICAL COERCION OR EDUCATION OR AS PUNISHMENT IN VARIOUS OTHER CIRCUMSTANCES

75. Whereas in the previous chapter consideration has been given to forced or compulsory labour imposed in circumstances where the primary emphasis has been on the work or service to be obtained, the present chapter will review international standards and national legislation and practice relating to the imposition of labour with primary emphasis upon the coercive, educative or punitive effect to be produced on the individuals concerned.

STANDARDS LAID DOWN IN THE CONVENTIONS ON FORCED LABOUR

Forced Labour Convention, 1930

76. It will be recalled that the Forced Labour Convention sought to deal with the suppression of forced or compulsory labour generally, subject only to stated exceptions. One of these exceptions relates to prison or penal labour, defined as "any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations".¹ It follows from the terms of this exception that compulsory labour imposed as correction or punishment falls outside the scope of the 1930 Convention only if certain conditions are met.

77. In the first place, the labour must be imposed "as a consequence of a conviction". It follows that persons who are in detention but have not been convicted—such as prisoners awaiting trial or persons detained without trial should not be under an obligation to perform labour (as distinct from certain limited obligations intended merely to ensure cleanliness). The Convention of course does not prevent work from being made available to such prisoners at their own request, to be performed on a purely voluntary basis. It also follows from the reference to a "conviction" that the person concerned must have been found guilty of an offence; in the absence of such a finding of guilt, compulsory labour may not be imposed, even as a result of a decision by a court of law.

78. Secondly, the labour must be imposed as a result of a conviction "in a court of law". Compulsory labour imposed by administrative or other non-judicial bodies or authorities is not compatible with the Convention. In stipulating a decision by a court of law, the Convention aimed at ensuring that penal labour would not be imposed unless the guarantees laid down in the general principles of law recognised

¹ Article 2, para. 2 (c).

by the community of nations were observed, such as the presumption of innocence, equality before the law, regularity and impartiality of proceedings, independence and impartiality of courts, guarantees necessary for defence, non-retroactivity and clear definition of criminal law.¹

79. Thirdly, the work must be carried out under the supervision and control of a public authority and the prisoner must not be hired to or placed at the disposal of private individuals, companies or associations. In adopting this provision, the Conference expressly rejected an amendment which would have permitted the hiring of prison labour to private undertakings engaged in the execution of public works.² It is, for example, not sufficient to limit the use of prison labour to works of public interest, since such works may be carried out by private undertakings. However, in certain countries, selected prisoners may, particularly during the period preceding their release, voluntarily accept employment with private employers, subject to guarantees as to the payment of normal wages and social security contributions, consent of trade unions, etc. The Committee has considered that, provided the necessary safeguards exist to ensure that the persons concerned offer themselves voluntarily without being subjected to pressure or the menace of any penalty, such employment does not fall within the scope of the Convention.³

80. The Convention of 1930 also provides that "collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment".⁴ From the terms of the Convention and from the preparatory work leading to its adoption⁵, it would appear that this provision is applicable whether or not the punishment is imposed by a court of law.

Abolition of Forced Labour Convention, 1957

81. As previously noted, the Abolition of Forced Labour Convention requires the abolition of the use of any form of forced or compulsory labour in five specified cases. Three of these relate to the use of forced or compulsory labour as political coercion or education or as punishment, namely "as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system"⁶, "as means of labour discipline"⁷, and "as a punishment for having participated in strikes".⁸

82. The Committee has already pointed out that, in order to determine whether particular arrangements fall within the scope of the Convention of 1957, it is necessary to answer two questions: do they involve "forced or compulsory labour" and,

¹ See, in this connection, the Universal Declaration of Human Rights, articles 7-11, and the International Covenant on Civil and Political Rights, articles 14 and 15.

² *Record of Proceedings*, International Labour Conference, 14th Session, Geneva, 1930, pp. 305-308.

³ R.C.E., 1955, p. 43.

⁴ Article 20.

⁵ *Forced Labour*, Questionnaire I, International Labour Conference, 14th Session, Geneva, 1930, pp. 36-37.

⁶ Article 1 (a).

⁷ Article 1 (c).

⁸ Article 1 (d).

if so, is it used in circumstances falling within one of the categories defined in the Convention? ¹

83. As regards the first of these questions, as previously indicated, the Committee has found it appropriate to refer to the criteria contained in the definition of "forced or compulsory labour" in Article 2, paragraph 1, of the earlier instrument, namely "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".² This approach has not given rise to any practical difficulties. A number of governments have, however, experienced difficulty in appreciating the extent to which the Convention of 1957 would cover labour exacted from persons sentenced by a court of law, notwithstanding certain earlier explanations which have been provided by the Committee. It may accordingly be useful briefly to restate the situation.

84. It was pointed out in the previous chapter that the exceptions laid down in Article 2, paragraph 2, of the 1930 Convention, for the purposes of that Convention, do not automatically apply to the later instrument, and that it is necessary rather to determine whether the particular forms of compulsory service would fall within one of the positively defined cases mentioned in the Convention of 1957.³ It has been seen, for instance, that discrimination in the exaction of labour on racial, social, national or religious grounds would be incompatible with Article 1 (e) of the Abolition of Forced Labour Convention, even if the abolition of the particular form of compulsory service would not otherwise be required by either of the two Conventions under consideration (for example, discrimination in the imposition of labour in emergencies).⁴

85. Labour imposed on persons as a consequence of a conviction in a court of law will in the great majority of cases have no relevance to the application of the Abolition of Forced Labour Convention. This is the case, for example, for persons convicted of crimes of violence, damage to property, fraud, theft and numerous other offences; although labour is exacted from them under the menace of a penalty and on an involuntary basis, it is not imposed for any of the reasons enumerated in the Convention. On the other hand, if labour is exacted from a person because he holds or has expressed particular political views, has committed a breach of labour discipline or has participated in a strike, there is nothing in the terms of the Convention to suggest that its applicability to the circumstances in question should vary according to whether the exaction of labour is or is not the consequence of a conviction in a court of law.⁵

¹ See paras. 42 and 43 above.

² Certain explanations concerning the scope of this definition have been given in paras. 26-28 above.

³ See para. 44 above.

⁴ See para. 72 above.

⁵ It will be recalled that the Convention was adopted following inquiry by the U.N.-I.L.O. Ad Hoc Committee on Forced Labour, which had found that one of the major systems of forced labour existing in the world was forced labour as a means of political coercion. Many of the specific cases from which the Ad Hoc Committee drew this conclusion related to labour resulting from penal legislation, involving conviction by a court of law, and in its general conclusions the Committee referred, by way of example, to cases "where a person may be sentenced to forced labour for the offence of having in some way expressed his ideological opposition to the established political order" (para. 549 of the report of the Ad Hoc Committee). It was also pointed out in the preparatory work leading to the adoption

86. Some governments have raised the question whether the Abolition of Forced Labour Convention may apply to ordinary prison labour, as distinct from cases of sentences of hard labour. This appears to have arisen partly from a terminological difficulty, "hard labour" (that is, a particular type of punishment imposed under criminal law) and "forced labour" (the expression used in the Convention) being in certain languages rendered by the same or similar expressions. In this connection, reference should be made to the terms of the definition of "forced or compulsory labour" previously quoted, from which it will be seen that no distinction is made between labour to be performed under a sentence of "hard labour" and compulsory labour which has to be performed as a result of any other type of sentence.¹ It is the objective characteristics of the obligations resulting from a particular type of sentence, rather than the terminology employed in individual legal systems, which have to be taken into consideration. Accordingly, when national legislation lays down punishment in circumstances which may fall within one of the paragraphs of Article 1 of the Abolition of Forced Labour Convention, the Committee's practice is to ascertain whether an obligation to perform labour is imposed on persons undergoing the type of punishment concerned.

87. In certain cases, governments have suggested that, because labour imposed on convicted persons was intended to reform or rehabilitate them, it should not be regarded as coercion or punishment within the meaning of the 1957 Convention. The Committee has, however, observed that the obligation to perform labour was invariably laid down as an essential incident of punishment. Moreover, Article 1 (a) of the Convention applies, *inter alia*, to any form of forced or compulsory labour as a means of political education, so that in the case of persons convicted on account of holding or expressing political views, etc., an intention to reform or rehabilitate them through labour would in itself be covered by the express terms of the Convention. It should, however, be re-emphasised that these considerations apply only where labour is or may be imposed in one of the specific circumstances enumerated in the 1957 Convention, and that in most cases the exaction of labour from convicted persons is of no relevance to this Convention.

88. It needs to be borne in mind that the Abolition of Forced Labour Convention is not an instrument to guarantee freedom of thought or expression or other civil liberties as such, or to regulate questions of labour discipline or strikes in general. It is concerned only with one particular aspect of special concern to the I.L.O., namely that no form of forced or compulsory labour should be used in the circumstances specified in the Convention. Where the penalties applicable to offences in relation to the expression of views, etc., labour discipline or strikes do not involve any obligation to perform labour, the substantive provisions governing these offences are outside the scope of the Committee's work in evaluating the implementation of the Abolition of Forced Labour Convention. A situation of this kind may arise, for instance, in relation to Article 1 (a) of the Convention, where persons convicted of political offences are exempted from prison labour obligation.² The Committee is concerned in such cases merely to see that the scope of the exemption is sufficiently wide to cover matters which may arise in relation to the Con-

of the Convention that, where persons might be sentenced to penal labour on account of their political or other beliefs, "prison labour could in fact become tantamount to a system of forced labour as a means of political coercion" (Report VI (I), International Labour Conference, 39th Session, Geneva, 1956, p. 17).

¹ See, for example, R.C.E., 1966, pp. 116 and 117.

² For example, Cuba—Fundamental Law of 7 February 1959, section 26 ; France—Code of Criminal Procedure, sections D.99 and D.490 to D.496 (exemption applies automatically

vention. In several countries, provisions has also been made for exemption from prison labour of persons convicted under certain provisions relating to labour discipline or strikes.¹

89. In addition to the preceding indications relating to the scope of the 1957 Convention in general, reference may be made to a number of considerations which have to be borne in mind in evaluating the implementation of the individual clauses of the Convention which are being dealt with in the present chapter.

Political coercion or education and punishment on account of political or ideological views.

90. The 1957 Convention prohibits the use of forced or compulsory labour in general terms as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system. Two kinds of questions have to be considered in this context. The first concerns the range of activities which, under this provision, must be regarded as protected from punishment involving forced or compulsory labour. For example, freedom of expression of political or ideological views may be exercised not only orally, but also through different communications media, particularly the press and other publications. Similarly, political coercion, while likely to affect the possibility of the free expression of views, may also affect the exercise by the citizen of various other generally recognized rights.² The second question concerns the limitations on the rights and freedoms concerned which must be accepted as normal safeguards against their abuse. Examples are laws on defamation, incitement to violence, civil strife or race hatred, restrictions on meetings and demonstrations in public places for the purpose of maintaining public order, etc. It may be recalled, in this connection, that according to the Universal Declaration of Human Rights, limitations may be imposed by law on the rights and freedoms enumerated in it "for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just require-

to persons sentenced to "detention", and in other cases may be granted on application to the Minister of Justice); Gabon—Act No. 55-59 of 15 December 1959 concerning the organisation of the prison services, section 67 (as amended by Ordinance No. 42/PR of 30 September 1965); Ivory Coast—Order No. 134 of 20 April 1951 concerning the prison system, section 87; Malagasy Republic—Decree No. 59-121 of 27 October 1959 to organise the prison services, sections 58 and 60; Mali—Act No. 59-17 of 23 January 1959 to organise the prison services, section 50; Morocco—Dahir of 26 June 1930 on the prison system, section 45; Portugal—Legislative Decree No. 26,643 of 28 May 1936 on the organisation of the prison services, sections 26, 141 and 143 (as amended by Legislative Decree No. 45,610 of 12 March 1964); Senegal—Criminal Procedure Code, section 692, and ministerial circular of 31 October 1925. In some countries the exemption from prison labour applies to persons convicted of certain offences of a political nature, for example, Brazil—Act No. 1802 of 5 January 1953 concerning offences against the State and against the political and social order, section 45; United Kingdom—Prison Rules for England and Wales (S.I.1703 of 1949), rule 136, and for Scotland (S.I.568 (S.18) of 1952), rule 144, providing exemption for persons convicted of seditious offences.

¹ Hong Kong—Prison Ordinance (Cap. 234), section 215, exempting from the requirement to work persons convicted under section 3 of the Illegal Strikes and Lockouts Ordinance (Cap. 61); Sierra Leone—Abolition of Forced Labour Convention, 1957 (Application to Merchant Seamen) Act, 1966, exempting persons convicted of certain disciplinary offences under the Merchant Shipping Act from the requirement to perform any labour.

² See R.C.E., 1965, p. 152 (Southern Rhodesia), where the Committee referred to the prohibition of "normal peaceable political activity" as constituting a form of political coercion.

ments of morality, public order and the general welfare in a democratic society".¹ It appears appropriate to take account of corresponding criteria in evaluating national law and practice in fields relevant to Article 1 (a) of the 1957 Convention.

91. In the course of examination of the compatibility of national legislation and practice with these provisions of the Abolition of Forced Labour Convention, a great variety of situations arise where it is necessary to determine whether limitations are acceptable on the basis of the criteria mentioned in the preceding paragraph or, on the contrary, may infringe the Convention. Frequently, it is not possible, solely on the basis of the legislative texts, to arrive at a definite conclusion as to whether particular provisions may affect the application of the Convention. The Committee has accordingly found it necessary in many cases to seek information on the practical application of such provisions. In a number of instances, governments have provided valuable clarification in their reports, particularly by reference to judicial interpretation.²

92. Apart from the proper limits within which particular rights are to be exercised under normal circumstances, freedom of expression and other rights relevant to the Convention may during certain exceptional periods be subjected to more general restrictions. The need for exceptional recourse to such measures is recognised in the Covenant on Civil and Political Rights, under which "in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed", derogations from the provisions of the Covenant may be made "to the extent strictly required by the exigencies of the situation".³ The Committee has adopted a similar approach in regard to emergency measures having a bearing on the application of Article 1 (a) of the Abolition of Forced Labour Convention. As in the case of the exaction of forced labour for purposes of production or service⁴, recourse to such exceptional powers should be had only in strict cases of emergency, and the nature and duration of the measures taken should be limited to what is strictly required by the exigencies of the situation.

Labour discipline.

93. Forced or compulsory labour as a means of labour discipline may be of two kinds. It may consist of measures to ensure the due performance by a worker of his service under compulsion of law (in the form of physical constraint or the menace of a penalty) or of punishment for breaches of labour discipline with penalties involving an obligation to perform work. In the latter case, the Committee has however considered it appropriate to distinguish between penalties imposed to enforce labour discipline as such (and therefore falling within the scope of the Convention) and penalties imposed for the protection of a general public interest, although arising out of an act constituting a breach of labour discipline. A distinction of this kind had already been recognised by the Conference at the time of the adoption of earlier standards relating to penal sanctions for breaches of contracts of

¹ Article 29.

² For example, Belgium, Canada, Denmark, Gilbert and Ellice Islands, Malta, Netherlands and Philippines. Information concerning judicial decisions has also been included in the report by the United States supplied under article 19 of the Constitution, and in the comments by the General Council of Trade Unions of Japan on the report by the Government of Japan.

³ Article 4.

⁴ See para. 39 above.

employment.¹ Accordingly, no incompatibility with the Convention is considered to arise where penalties (even if involving compulsory labour) are imposed for breaches of labour discipline in certain circumstances, such as breaches impairing the operation of essential services or breaches committed in certain posts essential to safety or in circumstances where life or health are endangered. However, in such cases there must exist an effective danger, not mere inconvenience. Furthermore, the workers concerned must remain free to terminate their employment by reasonable notice.

Punishment for participation in strikes.

94. The Abolition of Forced Labour Convention contains a generally-worded prohibition of the use of any form of forced or compulsory labour "as a punishment for having participated in strikes". The reports of the Conference Committee which considered the draft Convention, however, indicated agreement that "in certain circumstances penalties could be imposed for participation in illegal strikes and that these penalties might include normal prison labour"², and that in particular such penalties might be imposed where "national laws prohibited strikes in certain sectors or during conciliation proceedings", or where "trade unions voluntarily agreed to renounce the right to strike in certain circumstances".³ In its evaluation of the varied national legislation concerning strikes, the Committee has considered it appropriate to take due account of these indications concerning the intentions of the Conference. It has also considered, where appropriate, the conclusions reached by it in the examination of reports on the application of the Conventions dealing with freedom of association and the right to organise and the conclusions of other I.L.O. supervisory bodies competent in this field (namely the Governing Body Committee on Freedom of Association and the Fact-Finding and Conciliation Commission on Freedom of Association).

95. In the light of the foregoing indications, it appears not incompatible with the Convention, for example, to impose penalties (even if involving an obligation to perform labour) for participation in strikes in essential services, provided that such provisions are applicable only to essential services in the strict sense of the term (that is, services whose interruption would endanger the existence or well-being of the whole or part of the population) and that compensatory guarantees in the form of appropriate alternative procedures for the settlement of disputes are provided.⁴ Similar restrictions may be imposed, even in other undertakings or services, on persons occupying certain posts essential from the point of view of safety.⁵ A

¹ See *Record of Proceedings*, International Labour Conference, 38th Session, Geneva, 1955, p. 670, para. 30, confirming that standards on the abolition of penal sanctions for breaches of contracts of employment by indigenous workers were not intended to cover penal sanctions which "were essentially directed against acts or omissions of a kind warranting sanctions in national law in the general public interest and irrespective of whether any question of a contractual relationship was involved".

² *Record of Proceedings*, International Labour Conference, 40th Session, Geneva, 1957, p. 709, para. 14.

³ *Ibid.*, 39th Session, Geneva, 1956, p. 723, para. 12.

⁴ Reference may be made to similar conclusions reached by the Governing Body Committee on Freedom of Association (54th Report, para. 188 (e); 74th Report, paras. 220, 230 and 231) and in the Report of the Fact-Finding and Conciliation Commission on Freedom of Association concerning Persons Employed in the Public Sector in Japan, *Official Bulletin*, Vol. XLIX, No. 1, Jan. 1966, Special Supplement, para. 2139.

⁵ See, for example, Governing Body Committee on Freedom of Association, 12th Report, para. 81; 82nd Report, paras. 26 and 44-46.

further case in which strikes may be prohibited is in emergencies, provided that the duration of the prohibition is limited to the period of immediate necessity.¹ In other cases, where strikes themselves are not prohibited, certain procedural requirements—such as previous notice—may be imposed, or the right to resort to strike action may be suspended during conciliation and arbitration proceedings.² Where temporary restrictions of the latter kind exist, the procedures should however be adequate, impartial and speedy.³ Such temporary restrictions must also be distinguished from systems of compulsory arbitration under which, because of the binding nature of the award, lawful strike action in practice becomes impossible, and which accordingly should be confined to sectors and types of employment where—in accordance with the principles mentioned above—restrictions may properly be imposed on the right to strike itself.⁴ Finally, reference may be made to the case, specifically alluded to in the preparatory work which led to the adoption of the Abolition of Forced Labour Convention, where trade unions have voluntarily agreed to renounce the right to strike in return for certain advantages in relation, for example, to negotiation, representation and settlement of disputes.⁵

96. It should however be borne in mind that the Abolition of Forced Labour Convention is concerned only with the use of any form of forced or compulsory labour as a punishment for having participated in strikes. Where the penalties for strikes do not involve any form of forced or compulsory labour (for example, where they take the form of civil sanctions, such as damages or dismissal), the Convention can have no application. The principles mentioned in the preceding paragraph serve only to determine whether cases of punishment for strikes which do involve an obligation to perform labour may nevertheless be regarded as outside the scope of the 1957 Convention because of the presence of certain special circumstances envisaged by the Conference at the time of its adoption. It is also evident that nothing in the Convention would prevent the punishment of breaches of the peace (such as assault or destruction of property) committed in connection with a strike.

Discrimination.

97. The Abolition of Forced Labour Convention also prohibits the use of any form of forced or compulsory labour “as a means of racial, social, national or religious discrimination”.⁶ The bearing of this provision on the exaction of labour for purposes of production or service has been considered in the previous chapter. In the present chapter, two further forms of forced or compulsory labour contrary to his clause of the Convention are considered namely where labour is imposed as a punishment for disregard of national legislation designed to create or maintain racial, social, national or religious discrimination, and where penalties involving an obligation to perform labour are applicable only to certain groups defined in racial, social, national or religious terms.

¹ See, for example, Governing Body Committee on Freedom of Association, 17th Report, para. 72; 78th Report, paras. 82-85.

² Ibid., 41st Report, para. 157; 99th Report, para. 89.

³ Ibid., 58th Report, para. 111; 99th Report, para. 89.

⁴ Ibid., 76th Report, para. 285; 99th Report, para. 39.

⁵ Ibid., 2nd Report, para. 22.

⁶ Article 1 (e).

PRESENT-DAY PROBLEMS IN NATIONAL LAW AND PRACTICE

The Limitations Applicable to Prison Labour in General

98. In the majority of countries, the conditions laid down in the Forced Labour Convention for the imposition of prison labour appear to be respected. In recent years the Committee has noted a number of instances in which legislative changes relevant to these provisions have been made, for example, by eliminating certain possibilities of imposition of prison or penal labour on the basis of decisions by non-judicial authorities¹ or in the case of persons in detention pending trial², or by the repeal of provisions which had permitted the hiring out of prisoners to private undertakings.³ In one case, legislation permitting the exaction of labour as a means of collective punishment was repealed.⁴

99. In a number of countries, however, legislation is not fully in conformity with the provisions in question. Labour may, for example, be imposed on persons who have been detained, but have not been convicted.⁵ In other cases, labour may be imposed as a consequence of a decision by bodies or authorities of a non-judicial nature, either under general penal provision⁶ or under special legislation such as laws concerning vagrants and other categories of persons whose conduct is deemed to be of an anti-social character⁷, laws concerning public assistance⁸ or tax

¹ R.C.E., 1964, p. 73 (Czechoslovakia), p. 80 (Ukraine, U.S.S.R.), R.C.E., 1966, p. 64 (Sweden).

² R.C.E., 1965, p. 123 (Portugal).

³ R.C.E., 1966, p. 63 (Niger), p. 136 (Bermuda).

⁴ R.C.E., 1964, p. 171 (Northern Rhodesia).

⁵ Malawi—persons detained under the regulations (Government Notice No. 43 of 1965) issued under the Preservation of Public Security Ordinance (Cap. 51); Nigeria—persons detained under the State Security (Detention of Persons) Decree, 1966, and various further decrees issued for this purpose subsequently, which apply to detainees the conditions imposed on persons duly convicted of an offence in a court of law; Portugal—persons subject to security measures imposed in the absence of a conviction, under Decree No. 40,550 of 12 March 1956, section 8, or where sentences or security measures are extended independently of any conviction under the Penal Code, sections 67-73, Decree No. 34,553 of 30 April 1945, sections 41-46, or Decree No. 40,550, section 7. According to the Government of Poland, the possibility of imposing labour on vagrants pending trial, provided for in an ordinance of 14 October 1927 (section 28) has never been applied, as the institutions contemplated for this purpose have never been established.

⁶ Costa Rica—Criminal Procedure Code, section 684 (as amended by Act No. 2322 of 12 March 1959); Honduras—Police Act (Decree No. 7 of 8 February 1906), sections 4, 5, 406, 411, 423 and 424.

⁷ Austria—Vagrancy Act, 1885, section 4; Bulgaria—Decree No. 325 of 4 August 1962 to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic type of life, sections 1, 6 and 7; Costa Rica—Act 3550 of 2 October 1965 concerning vagrancy, section 9; Dominican Republic—Penal Code, section 271; Haiti—Penal Code, section 230; Switzerland—various cantonal laws, e.g. Basle-Town: Act of 21 February 1901 concerning placement in forced labour or corrective institutions, section 2, St. Gallen: Act of 1 August 1872 concerning the placement of idle and disorderly persons in forced labour institutions, section 3 (as amended by Act of 18 May 1965); Tunisia—Legislative Decree No. 62-17 of 15 August 1962 concerning rehabilitation through work, section 3; U.S.S.R.—Ukase of 4 May 1961 of the Presidium of the Supreme Soviet of the R.S.F.S.R. to intensify the campaign against persons evading socially useful work and leading an anti-social, parasitic type of life (as amended by Ukase of 20 September 1965), sections 1 and 2; Venezuela—Decree No. 24 of 22 December 1950 concerning vagrants and rogues, sections 17 to 23. In certain of these cases it would also appear that the decisions by virtue of which labour is imposed do not have the character of "convictions" within the meaning of the Convention.

⁸ Finland—Welfare Assistance Act, 1956, section 25; Iceland—Penal Code, section 180.

laws.¹ Several governments concerned have stated that amendments with a view to bringing this legislation into conformity with the Convention are under consideration.²

100. There are also a number of cases where the legislation permits hiring out of prisoners to private employers.³ Most of the governments concerned have stated that in practice prisoners are not hired out to private persons or undertakings and that the necessary amendments will be made.⁴

Forced or Compulsory Labour as a Punishment for Holding or Expressing Views or as a Means of Political Coercion or Education

101. Many governments have referred in their reports, in relation to Article 1 (a) of the Abolition of Forced Labour Convention, to constitutional and legislative guarantees of a variety of individual rights and freedoms, such as freedom of thought and expression, freedom of peaceful assembly, freedom of association, freedom from arbitrary arrest, the right to a fair trial in accordance with due process of law, etc. Legal guarantees of such rights and freedoms can constitute an important safeguard against the imposition of forced or compulsory labour as a punishment for holding or expressing political or ideological views or as a means of political coercion or education. In this context the interdependence of human rights is particularly evident. Even the most perfect legislative guarantees are of no avail unless the individual who suffers improper impairment of his rights can in practice obtain redress from an independent and impartial judiciary scrupulously intent upon upholding the rules of legality. In all cases, it remains necessary to ascertain the precise legal effect of the relevant constitutional or other guarantees, and to examine to what extent they are subject to qualifications, either in the instruments laying down the guarantees themselves or in separate legislation regulating in greater detail the exercise of particular rights.⁵

¹ Congo (Kinshasa)—Act of 10 July 1963 regarding income tax, Annex I, section 160, Ordinance No. 344 of 17 September 1965 concerning the prison system, sections 9 and 64 ; Malagasy Republic—Ordinance No. 62-065 of 26 September 1962, section 8 ; Malawi—Taxation Act, 1966, section 15.

² Austria, Finland, Haiti, Tunisia.

³ Canada—Dominion Prisons and Reformatories Act, section 89 ; Dominica—Prison Rules, 1954, rule 61 ; Federal Republic of Germany—Penal Code, sections 15 and 362 and the prison regulations of the various Länder ; French Polynesia—Order No. 1074/APA of 25 August 1951 concerning the prison system, section 87 ; Ivory Coast—Order No. 134 of 20 April 1951 concerning the prison system, sections 92 and 100 ; Jersey—Prison Rules 1961, rule 56 ; Laos—Order No. 219/PC of 25 June 1954 to regulate the central prison of Vientiane and provincial prisons, sections 123 and 125 ; Liberia—Criminal Procedure Law, sections 733 and 734 ; Malagasy Republic—Decree No. 59-121 of 27 October 1959 to organise the prison services, section 70 ; Mali—Act No. 59-17 of 23 January 1959 to organise the prison services, sections 62 and 64 ; Morocco—Dahir of 26 June 1930 on the prison system, sections 45-48 ; Norway—Vagrancy Act, 1900, section 5 ; Senegal—Order No. 3653 APA/1 of 22 October 1947 to regulate the prison system, section 93 ; Tunisia—Decree of 17 December 1942 regarding employment of prison labour outside penal establishments ; Upper Volta—Order of 4 December 1950 to issue prison regulations, sections 91 and 99.

⁴ Canada, Federal Republic of Germany (in practice prisoners are stated to work for private employers only on a voluntary basis), Ivory Coast, Morocco, Norway, Senegal, Tunisia, Upper Volta. The reports of Dominica, French Polynesia and Mali have stated that the provisions in question are not applied in practice.

⁵ For example, in some countries constitutional guarantees of freedom of expression, freedom of the press, freedom of meeting, etc., are not expressed in unqualified terms, but are referred to as means of strengthening the established order. In such cases, however, it remains necessary to ascertain to what extent contrary ideologies are subject to penal sanctions involving an obligation to perform labour.

102. Having regard to the significance of guarantees of the above-mentioned rights and freedoms in securing the protection aimed at in Article 1 (a) of the 1957 Convention, their suspension as a result of a declaration of an emergency, state of siege, martial law or otherwise, generally has a direct bearing upon the observance of the Convention.¹ In all such cases occurring in countries bound by the Convention, the Committee is concerned to ascertain that they have been occasioned by circumstances of extreme gravity constituting an emergency and that all measures taken which are relevant to the provisions of the Convention are limited in scope and time to what is strictly necessary to meet the specific emergency situation. Countries bound by the Convention should, in their reports, provide full information on measures taken in such exceptional circumstances and upon the effect of such measures on the application of the Convention. In the case of a State in which over a period of seven years numerous constitutional guarantees relevant to the Convention have been suspended each year for from six to eight months for such purposes as preventing the slowing-up of economic processes and permitting prompt and energetic political and economic measures, the Committee has considered that the effective observance of the Convention was not safeguarded.²

103. It has already been pointed out that the relevant international instruments recognise that, even in normal times, individual rights and freedoms may have to be subject to certain limitations, essentially for two purposes : to ensure respect of the rights and freedoms of others, and to meet the just requirements of morality, public order and the general welfare in a democratic society. In all countries, limitations of this kind exist, such as laws on defamation, sedition and subversion, public order and security, etc. The Committee is concerned to see, in all cases where the Abolition of Forced Labour Convention is in force, that the offences laid down in these laws are not defined in such wide or general terms that they may lead to the imposition of penalties involving compulsory labour as a means of political coercion or education or as punishment for the expression of political views or views ideologically opposed to the established political, social or economic system.

104. In many countries, laws on sedition or subversion appear to be intended essentially to punish incitement to violent action or civil strife. In addition, they frequently contain express safeguards to permit criticism of official policies and action, laws, etc., the advocacy of change, and discussion of matters tending to produce conflict or strife.³ Even in these cases, since the line of division between what is considered legitimate comment and what is seditious ultimately depends on judicial interpretation and appreciation, information on the practical application of the legislation may be desirable.

¹ For example, in Greece, upon the declaration of a state of siege by Royal Decree No. 280 of 21 April 1967, various constitutional provisions were suspended, including guarantees of freedom from arbitrary arrest and trial by the courts of law, the rights of meeting and association, and freedom of expression and the press. By proclamation of the same date, censorship was imposed ; under proclamations of 26 April 1967 and 2 September 1967, all public meetings of more than five persons and all private meetings (except for certain cultural, social or business purposes) are prohibited.

² R.C.E., 1967, pp. 110-111 (Haiti). Among the constitutional provisions suspended in this case were articles 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.

³ For example, Cyprus—Criminal Code, section 47 ; New Zealand—Crims Act, section 118. section 118.

105. In other cases, more severe limitations exist on the possibilities of comment or criticism, subject to penalties involving an obligation to perform labour. Thus, in one case, criticism of governmental policies and action is permitted only if it is made "fairly, temperately, with decency and respect and without imputing any corrupt or improper motive".¹ In another country, criticism of public employees or officials is lawful only if based on acts or facts which would constitute an offence punishable by law.² In certain cases, it is an offence to publish any information calculated to weaken the government or which injures the State or its establishments³, to disseminate views or information of a nature to prejudice the public interest⁴, to disseminate tendentious information calculated to disturb the constitutional or legal order or the economic system⁵, or for a national outside the country to disseminate any tendentious information liable to harm the prestige of the State or to exercise any activity which will prejudice national interests.⁶ Such provisions would seem to lend themselves to application as a means of punishment for the expression of views within the scope of the Abolition of Forced Labour Convention. This may also be true of certain other widely worded provisions intended to protect the authority of the State or its institutions, for example, where it is an offence to engage in agitation or propaganda with a view to impairing or weakening the authority of the State, including the dissemination of defamatory news disparaging the political and social system⁷, to publish or disseminate matter provoking or encouraging tendencies calculated to impair the integrity of the State or to suppress, revoke or undermine certain basic constitutional principles⁸; publicly to deride or depreciate the régime of the State⁹; or to make propaganda to destroy or diminish national sentiment.¹⁰

106. There are a number of other legislative provisions which, even if worded in reasonably precise terms, by their nature still leave a considerable element of appreciation to the courts called upon to enforce them, and in respect of which information concerning practical application may therefore be necessary to determine their exact bearing on the Convention. This is the case of provisions relating to insults to

¹ Southern Rhodesia—Law and Order (Maintenance) Act (Cap. 39), section 34. This section also omits a saving clause included in earlier legislation for statements drawing attention to matters tending to produce ill-will or enmity between different sections of the community.

² Honduras—Decree No. 6 of 1 August 1958 on freedom of expression (as amended by Decree No. 26 of 1 July 1966), sections 8 and 38 (4).

³ Iraq—Baghdad Penal Code Amendment Law, No. 8 of 1959, section 31; Press Law, No. 53 of 1964, section 23 (1).

⁴ United Arab Republic—Penal Code, section 102*bis* (as amended by Act No. 50 of 21 April 1949).

⁵ El Salvador—Legislative Decree No. 876 of 27 November 1952 concerning the defence of the democratic and constitutional order (as amended by Legislative Decree No. 907 of 17 December 1952), sections 1 (17) and 4.

⁶ United Arab Republic—Penal Code, section 80 (d) (as amended by Act No. 112 of 19 May 1957). A corresponding provision in the Penal Code of Italy (section 269) has to be considered in the light of the legally enforceable right to freedom of expression now provided for in article 21 of the national Constitution. It may be noted that article 19 of the Universal Declaration of Human Rights provides that the right to freedom of opinion and expression includes the right to seek, receive and impart information and ideas regardless of frontiers.

⁷ U.S.S.R.—Penal Code of the R.S.F.S.R., section 70; see also section 190-1 (added by Ukase of 16 September 1966).

⁸ Federal Republic of Germany—Penal Code, section 93.

⁹ Poland—Decree of 13 June 1946 respecting particularly dangerous offences during the reconstruction of the State, section 29.

¹⁰ Italy—Penal Code, section 272.

various holders of public office, provisions punishing the dissemination of false news, and frequently also legislation for the safeguarding of official secrets.

107. In a number of countries, there exist provisions which lay down punishments involving compulsory labour in respect of the expression or dissemination of ideological views. In some cases, this legislation appears to make illegal the publication of any views which call into question the established political and social system, for example, where it prohibits any propaganda or publications contrary to the principles of the National Movement, declared permanent and unalterable¹, or where it punishes any propaganda aimed at a change in the established social order or form of government.² In several countries, it is prohibited to disseminate or advocate doctrines tending to destroy or disrupt the social, political, legal or economic order.³ In a number of cases, there exist prohibitions relating to the expression, publication or dissemination of views favouring specific ideologies, such as communist or anarchist views⁴, or to attacks upon particular institutions, such as criticism of the hereditary system of government⁵, statements contrary to a specified religion⁶, or statements attempting to shake the legal concepts of property.⁷

108. The preceding paragraphs have dealt with cases in which sanctions involving an obligation to perform labour may be imposed as a direct consequence of the expression of particular views, and in which, on account of the nature of these sanctions, difficulties in the application of the Abolition of Forced Labour Convention may arise. The imposition of compulsory labour within the meaning of the Convention may also result indirectly from more general restrictions on freedom of expression, such as certain systems of licensing of publications or censorship.⁸ In a number of countries, various forms of expression or publication are subject to prior authorisation granted by the authorities at their discretion, violations being

¹ Spain—Penal Code (as amended by Act No. 3 of 8 April 1967) sections 164*bis* (a) and 165*bis* (b).

² Rumania—Penal Code, section 209 (2).

³ Honduras—Legislative Decree No. 206 of 3 February 1956 on the defence of the democratic system, section 4; El Salvador—Legislative Decree No. 876 of 27 November 1952 concerning the defence of the democratic and constitutional order (as amended by Legislative Decree No. 907 of 17 December 1952), sections 1 (7) and 3; Turkey—Penal Code, section 142.

⁴ Argentina—Decree No. 8161 of 13 August 1962 concerning communism, sections 2 and 4; Legislative Decree No. 4214 of 25 May 1963, sections 2, 3 and 8; Act No. 17401 of 22 August 1967, section 11 (in addition, Peronist ideological affirmations are punishable under Decree No. 4161 of 5 March 1956, sections 1 and 3; Dominican Republic—Act No. 1443 of 14 June 1947 to prohibit organisations contrary to the Constitution, section 2; Guatemala—Legislative Decree No. 9 of 10 April 1963 promulgating the Act for the defence of democratic institutions, sections 4 and 5; Haiti—Legislative Decree of 19 November 1936 on communist activities, sections 2, 3 and 6; Honduras—Decree No. 95 of 7 March 1946 concerning totalitarian activities, sections 1 and 2; El Salvador—Penal Code (as amended by Decree No. 145 of 20 September 1962), section 139-A; Spain—Act of 1 March 1940 on the prohibition of freemasonry and communism, sections 3 and 5.

⁵ Libya—Code of Criminal Law, section 194.

⁶ Peru—Press Law, section 45.

⁷ Austria—Penal Code, section 305. The Government has stated that this provision is no longer applied in practice and will be omitted from a new Code which is being prepared.

⁸ It may be recalled that the Universal Declaration of Human Rights refers to freedom of expression "through any media". A number of national constitutions, in guaranteeing freedom of expression, specifically exclude any system of press licensing or censorship—for example, Italy—Constitution of 27 December 1947, article 21; Mexico—Constitution of 1 May 1917, article 7.

subject to sanctions involving compulsory labour.¹ Such a system of prior authorisation may relate to all periodical publications², to the publication of newspapers³, to engaging in journalism⁴, or to the possession of any printing press.⁵ In several countries, the government may prohibit (subject to sanctions involving compulsory labour) all publications by specified persons, if it considers that such publications might contain matter contrary to the national or public interest⁶ or to the interests of public safety or security.⁷ Alternatively, censorship may be imposed on similar grounds.⁸ The salient feature of these various systems, as far as the Abolition of Forced Labour Convention is concerned, is that they may be the basis for depriving persons of the right to publish their views, either completely or in the forms subject to authorisation, by a discretionary administrative decision which is in no way dependent on the commission of any criminal offence by the person concerned and is not subject to judicial review. In so far as the relevant legislative provisions are enforced by penalties involving an obligation to perform labour, they may accordingly lead to the imposition of forced or compulsory labour as a means of political coercion or as a punishment for expressing political or ideological views. The same possibility may arise where the authorities enjoy wide powers to ban particular publications, for example, publications considered capable of prejudicing the edification of the nation⁹ or likely to offend national sentiment.¹⁰

109. Most countries have laws which permit them to prohibit the importation of certain kinds of publications. These powers are frequently intended to deal with types of publications with which the Abolition of Forced Labour Convention is not concerned (such as obscene publications). They may however also provide a basis for prohibiting political and ideological writings. It is accordingly necessary to consider the terms in which the powers in question are granted and the manner in which they are applied in practice, since in many cases penalties involving compul-

¹ Such systems are to be distinguished from purely formal requirements relating to registration or notification of certain particulars, which do not restrict freedom of expression and accordingly involve no problems for the application of the 1957 Convention.

² Jordan—Press and Publications Act of 12 February 1967, sections 9, 19 and 70.

³ Ghana—Newspaper Licensing Act, 1963, sections 1-3; Malaysia—States of Malaya: Printing Presses Ordinance, 1948 (as amended by Ordinance No. 32 of 1957), sections 7, 7A, 7B and 17, Sabah: Printing Presses Ordinance (Cap. 107), sections 7 and 15; Singapore—Printing Presses Ordinance (Cap. 226, as amended by Ordinance No. 11 of 1960), sections 7, 7A, 7B and 17; Syrian Arab Republic—Press Act (Legislative Decree No. 53 of 1949, brought into force again by Legislative Decree No. 16 of 5 June 1962), sections 15, 16 and 55; United Arab Republic—Decree No. 156 of 24 May 1960 concerning the organisation of the press, sections 1 and 11.

⁴ United Arab Republic—Decree No. 156 of 24 May 1960, sections 2 and 11.

⁵ Hong Kong—Control of Publications Consolidation Ordinance, 1951, sections 8 and 17. The requirement of a licence for possessing a printing press is also laid down in the above-mentioned press legislation of Jordan, Malaysia and Singapore.

⁶ Malaysia—Internal Security Act 1960, sections 22, 24 and 25; Singapore—Undesirable Publications Ordinance (Cap. 124), sections 3 and 4, Internal Security Act, 1960 (extended to Singapore by L.N. 231 of 14 September 1963), sections 22, 24 and 25.

⁷ Southern Rhodesia—Law and Order (Maintenance) Act (Cap. 39), sections 18 and 19.

⁸ Ghana—Criminal Code, section 183.

⁹ Chad—Act No. 35 of 8 January 1960 concerning the prohibition of subversive publications, section 1.

¹⁰ Libya—Publications Act, No. 11 of 1959, sections 26 and 39. Powers to prohibit particular publications also exist under the provisions mentioned in footnotes 6 and 7 above.

sory labour are laid down for such offences as possessing, distributing or reproducing prohibited publications or extracts from them.

110. Administrative restrictions on the right of individuals to seek, receive and impart information and ideas, while most frequently affecting written matter, may also take other forms, such as prohibitions to attend and address meetings or gatherings¹ or generally to take part in any political activities.² Such provisions likewise would appear to permit the imposition of penalties involving compulsory labour in circumstances falling within the scope of the 1957 Convention. It is also necessary to consider the effect of laws permitting preventive detention, banishment, compulsory residence, etc. Although in these cases generally no direct labour obligations appear to be imposed³ punishments involving compulsory labour may be laid down in respect of incidental restrictions on freedom of expression and political activity. In evaluating the implementation of the 1957 Convention, both the terms and the practical application of such laws therefore need to be examined.

111. An examination of the legislation consulted in the context of the present survey brings out the close relationship which may exist between provisions regulating publications and those dealing with meetings and associations. Thus, where particular views or ideologies are prohibited⁴, any meetings or associations which advocate such views or ideologies practically always fall under corresponding prohibitions, either as a result of express provisions contained in the same legislative texts or because the laws on meetings and associations make illegal any meeting or association pursuing activities which are contrary to law. Conversely, where particular organisations are prohibited, the legislation normally lays down penalties for the pursuit of their activities, *inter alia*, through meetings and publications. The Committee has accordingly considered it appropriate to examine the possible bearing which national provisions relating to associations and meetings may have upon the application of the Abolition of Forced Labour Convention.

112. In many countries, associations may be freely established and may develop their activities without interference from the authorities. Certain formal requirements relating to registration may exist, but without having the effect of making an association subject to prior approval. Although associations may become illegal if they engage in specific criminal activities, the relevant penal legislation is not worded in terms which would prevent either individuals or groups of individuals from expressing their views or engaging in peaceable political activity.

113. In a number of countries, however, restrictions of varying severity exist on the possibility for individuals to constitute organised groups. In some countries, all political parties and activities of a party-political nature have been prohibited, subject to penalties involving an obligation to perform labour.⁵ In certain other cases,

¹ Southern Rhodesia—Law and Order (Maintenance) Act (Cap. 39), sections 13, 17 and 51; African Affairs Act (Cap. 93), sections 46 and 47.

² Malaysia—Internal Security Act, 1960, sections 8 and 44 (permitting also more specific prohibitions to address public meetings); Singapore—same provisions (applied to Singapore by L.N. 231 of 14 September 1963).

³ See, however, p. 219, footnote 5.

⁴ See paras. 105 and 107 above. These cases are accordingly not reviewed individually in the following paragraphs dealing with associations and meetings.

⁵ Syrian Arab Republic—Legislative Decree No. 2 of 12 March 1958, in conjunction with sections 327 and 328 of the Penal Code (the Government has stated that, although still in force, the legislative decree of 1958 is not applied in practice); United Arab Republic—Legislative Decree No. 37 of 18 January 1953.

a similar prohibition applies to all parties or associations of a political character other than a specified national movement or party.¹ Legislation may also prohibit particular kinds of groups or associations, for example, those aimed at impairing the existing social order², or associations or groups of a communist character.³ In so far as these various provisions are enforced by penalties involving an obligation to perform labour, their practical application might permit the imposition of forced or compulsory labour within the meaning of the 1957 Convention. This possibility may also arise where the public authorities enjoy wide discretionary powers to prohibit associations⁴ on general grounds such as national interest, public policy, welfare or good order.⁵ It is to be noted that the legislation in question sometimes contains very extensively worded penal provisions for activities related to a prohibited organisation.⁶ Even where the dissolution of associations is pronounced by a court and in accordance with due process of law, it may be necessary to obtain information on the practical application of the relevant provisions and on the consequences which the prohibition of a particular party or association may have on the right of individuals to express ideological and political views and to engage in peaceable political activity, so as to ensure that no penalties involving any form of forced or compulsory labour may be imposed in circumstances covered by the Convention.

114. As in the case of freedom of expression and freedom of association, limitations on the right of meeting may be of two kinds: those resulting from specific penal provisions and those resulting from administrative control. Certain prohibitions constitute normal measures for the protection of public order which are unaffected by the Abolition of Forced Labour Convention. This is true, for example, of provisions laying down penalties in regard to violent or disorderly meetings, meetings inciting to violence, race hatred, disobedience of the laws, etc. Other prohibitions are imposed as a consequence of restrictions on freedom of expression

¹ Central African Republic—Act No. 63-411 of 17 May 1963 concerning the "M.E.S.A.N." National Movement, sections 1 and 4; Tanzania (Zanzibar)—Afro-Shirazi Party Decree, 1965, sections 4, 5 and 8.

² United Arab Republic—Act No. 32 of 12 February 1964 on private associations and foundations, sections 2 and 92.

³ Portugal—Legislative Decree No. 40550 of 12 March 1956, sections 7 and 8. In this case, security measures may be imposed, which may take the form of internment in a workhouse or an agricultural settlement (Penal Code, section 70). Since security measures may be imposed in the absence of a conviction, it would appear that persons made subject to such measures do not enjoy the exemption from productive work applicable to persons convicted of political offences, referred to in paragraph 88 above.

⁴ Such discretionary powers may arise under a general system of authorisation of associations or under legislation permitting particular associations to be declared unlawful.

⁵ Brunei—Societies Enactment (Cap. 66), sections 9, 10 and 16-18; Congo (Brazzaville)—Act No. 19-60 of 11 May 1960 making obligatory the registration of associations and authorising the dissolution of associations considered contrary to the national interest, sections 8 and 9; Hong Kong—Societies Ordinance (Cap. 151), sections 5 and 10-12; Kenya—Societies Act (Cap. 108), sections 6 and 15-17; Malaysia—Societies Act, 1966, sections 7, 13 and 42-48; Portugal—Legislative Decree No. 39660 of 20 May 1954 to supplement the provisions regulating the exercise of the right of association, sections 1, 2, 4 and 6 (it appears from the Government's reports that persons convicted under this legislation do not have the status of political offenders); Singapore—Societies Ordinance (Cap. 228, as amended by Ordinance No. 37 of 1960), sections 4, 11 and 12; Southern Rhodesia—Unlawful Organisations Act (Cap. 89), sections 3 and 10; United Arab Republic—Act No. 32 of 12 February 1964, sections 12 and 92.

⁶ For example, the Unlawful Organisations Act of Southern Rhodesia makes it an offence, *inter alia*, to carry on any activity in the direct or indirect interests of an unlawful organisation in which it was or could have engaged prior to becoming an unlawful organisation (section 10).

and freedom of association. The problems which may arise in the application of the 1957 Convention from the prohibition of particular views or associations have already been reviewed; any consequential prohibitions affecting meetings are liable to give rise to corresponding difficulties. There are also some cases where the prohibition of particular kinds of meetings may lead to the imposition of penalties involving an obligation to perform labour in circumstances falling within the scope of the Convention.¹ As regards measures of administrative control, in a number of countries, previous authorisation or notification is required for the holding of meetings in public places (streets, squares, public parks, etc.). Such provisions, which are aimed essentially at the maintenance of public order and do not prevent the holding of meetings elsewhere, create no problem for the application of the 1957 Convention, even if they might in certain circumstances be applied in a discriminatory manner. In certain cases, more extensive restrictions can temporarily be imposed on meetings, for example, in the event of civil disturbances, even if no general state of emergency is declared. Where such powers exist in countries bound by the 1957 Convention, information on their practical application should be included in the reports on the Convention. In some countries, meetings in private premises are even in normal times subject to various kinds of administrative control. This may take the form of the need for prior authorisation², of the presence of a police officer or other public official at meetings with extensive powers to stop the proceedings³, or of wide powers to prohibit meetings.⁴ Having regard to the extent of the discretionary powers enjoyed by the authorities and the range of meetings affected, such provisions—even if aimed primarily at the preservation of public order—may provide a basis for undue interference with normal rights of assembly and discussion. In so far as they are enforced by penalties involving an obligation to perform labour, the possibility arises of their being applied in a manner incompatible with the 1957 Convention.

115. Apart from provisions of general application concerning the expression of views, associations and meetings, which have been considered above, restrictions may affect particular classes of persons. In most countries, for example, civil servants engaged in the administration of the State are required not to undertake political activity, with a view to preserving their impartiality and the confidence of

¹ For example, Syrian Arab Republic—Penal Code, section 336, making illegal meetings of seven or more persons in a place to which the public has access in order to protest against any decision or measure taken by the public authorities.

² Kenya—Public Order Act (Cap. 56), sections 2 and 5 (a licence is required for any meeting which the public or more than 50 persons are permitted to attend); Southern Rhodesia—African Affairs Act (Cap. 92), section 46 (written permission is normally required for any meeting in a reserve or tribal area at which 12 or more Africans are present).

³ Jordan—Public Meetings Act, No. 60 of 1953, sections 2-8 (applicable to any meeting called to discuss questions of a political nature; the meeting may be stopped by the representative of the authorities, *inter alia*, if discussion is not confined to matters mentioned in the prior notification which has to be addressed to the authorities); Southern Rhodesia—Law and Order (Maintenance) Act (Cap. 39), section 17 (a police officer may enter and remain on any premises other than a private domestic residence at which three or more persons are gathered, and may forbid persons from speaking, *inter alia*, if he believes that a seditious or subversive statement is likely to be made). In Pakistan, the Full Bench of the High Court decided in 1965 that a law which empowered police officers to enter any premises where a meeting was being held in order to report on the proceedings violated the constitutional guarantees of freedom of assembly and association and was therefore void.

⁴ Somali Republic—Public Order Law, section 13 (the power to prohibit meetings for reasons of safety, order or security, extends to meetings which, though convened as private meetings, are deemed not to be private because of the locality in which they are held, the number of persons, or their purpose, and also to regional or national meetings or congresses of political or other associations).

the population in the public administration.¹ Violation of this rule generally gives rise only to disciplinary sanctions, which do not include any kind of forced or compulsory labour.² However, one government has indicated in its report that national public employees who engage in political activity are punishable with penal servitude (involving an obligation to perform labour).³ In so far as civil servants engaged in the administration of the State are concerned, for the reasons indicated above, such provisions may not be incompatible with Article 1 (a) of the Abolition of Forced Labour Convention, but they would appear to permit the imposition of a form of forced or compulsory labour as a means of labour discipline within the meaning of Article 1 (c) of that Convention. Moreover, to the extent that such a prohibition applied to persons who are not civil servants engaged in the administration of the State, the imposition of penalties involving any form of compulsory labour would also be incompatible with Article 1 (a) of the Convention.

116. In a number of countries, various forms of criticism of the government, laws or acts of the public authorities by ministers of religion are prohibited, subject to penalties involving an obligation to work.⁴ Without prejudice to the wider question of the separation of Church and State, these provisions appear to permit the imposition of compulsory labour as a punishment for the expression of views within the meaning of the 1957 Convention.

Forced or Compulsory Labour as a Means of Labour Discipline

117. The problems arising in connection with the prohibition in the Abolition of Forced Labour Convention of any form of forced or compulsory labour as a means of labour discipline may be considered under three main headings: provisions of general application, provisions applicable to public services, and provisions governing labour discipline among seamen. It is appropriate to bear in mind that, as previously indicated, the Convention does not prevent the imposition of penal sanctions for breaches of labour discipline (even if involving compulsory labour) in certain circumstances, such as breaches impairing the operation of essential services or breaches committed in certain posts essential to safety or in circumstances where life or health is endangered.⁵

118. It appears from the available information that national legislation today provides only in relatively few cases for recourse to forms of forced or compulsory labour as a general method of maintaining labour discipline. Normally, breaches of discipline give rise only to sanctions of a disciplinary or monetary character not

¹ Some constitutions, in guaranteeing freedom of expression, assembly and association, specifically reserve the possibility of imposing upon public officers restrictions which are reasonably justifiable in a democratic society, for example, Zambia—Constitution of 1964, articles 22 and 23.

² For example, Canada—Public Service Employment Act, 1967, section 32.

³ Japan—National Public Service Law (No. 120 of 1947), articles 102 and 110, and Rule 14-7 of the National Personnel Authority (1949). It appears from the National Public Service Law (article 2) and the Public Corporation and National Enterprise Labour Relations Law (article 40) that these provisions would apply to national public employees of such services as postal services, state-owned forests, state printing and minting services, and the alcohol monopoly. Comments on these matters have been communicated by the General Council of Trade Unions of Japan.

⁴ Belgium—Penal Code, section 268; Dominican Republic—Penal Code, section 201; Haiti—Penal Code, sections 162 and 165; Turkey—Penal Code, section 241; United Arab Republic—Penal Code, section 201.

⁵ See para. 93 above.

involving any obligation to perform labour. However, in a few countries, penalties involving compulsory labour may still be imposed in respect of a wide range of breaches of labour discipline, such as failure to carry out a contract of employment, negligence in the performance of work, absence without just cause, desertion, etc.¹ In some countries, the failure by the individual worker to comply with obligations arising out of an industrial agreement or award is punishable with similar sanctions.² Such sanctions may also sometimes be imposed for refusal or failure by a worker to comply with a court order for the due fulfilment of his contract.³ In certain cases, penalties involving an obligation to perform labour are laid down for failure to exercise care in the use of machinery, to avoid waste of raw materials, or to comply with general production plans.⁴ Similar penalties may also be laid down for more limited kinds of breaches of labour discipline.⁵ These various provisions appear to permit the imposition of a form of forced or compulsory labour within the meaning of the Convention.

119. It is particularly with regard to persons employed in public services that special penal provisions designed to protect the public interest are to be found. Thus, in the case of public officials, it may be considered necessary to protect the citizen against abuse of authority. Provisions punishing abuse of authority have indeed been referred to by various governments as one means of preventing the illegal exaction of forced labour. Other examples of provisions designed to prevent the improper use of official position are those punishing corruption and the unauthorised revelation of official secrets. In the case of essential services, such as services for the supply of water, gas and electricity, fire and health services, etc., it may similarly be considered appropriate to punish certain breaches of discipline which impair or are liable to impair their proper functioning.⁶ For the reasons previously stated, penal provisions of this kind may be considered as not incompatible with the Abolition of Forced Labour Convention.

120. In a number of cases, penal provisions applicable to persons employed in public services are worded in more general terms, and accordingly appear to fall within the scope of the 1957 Convention. This is the case, for example, of provisions laying down sanctions involving compulsory labour for neglect of duty by

¹ Honduras—Police Act (Decree No. 7 of 8 February 1906), see p. 199, footnote 1, above; Southern Rhodesia—African Labour Regulations Act, section 23, Masters and Servants Act, section 30.

² Portugal—Legislative Decree No. 23870 of 18 May 1934, sections 11 and 12; Trinidad and Tobago—Industrial Stabilisation Act, 1965, sections 16 (7) and 26 (under section 4 of this Act, similar penalties may also be incurred by a worker who terminates his employment for certain reasons connected with the making of an award or agreement, such as dissatisfaction with its terms).

³ Australia—Masters and Servants Act, 1878, of South Australia, section 4; Kenya—Employment Act (Cap. 226), sections 41 (1) and 45 (1) (b); Nigeria—Labour Code Act (Cap. 91), section 216 (1) (b); Tanzania (Tanganyika)—Employment Ordinance, 1955, section 144 (b); Uganda—Employment Act (Cap. 192), section 61 (1) (b).

⁴ Poland—Decree of 13 June 1946 respecting particularly dangerous offences during the reconstruction of the State, sections 39 and 41; Syrian Arab Republic—Economic Penal Code (Legislative Decree No. 37 of 16 May 1966), sections 10, 11, 13 and 19.

⁵ For example, Dominican Republic—Act No. 3143 of 11 December 1951, sections 2 and 3 (failure to carry out agreed work by the agreed date or within the time necessary for its execution, where an advance payment has been made); Iraq—Penal Code, sections 305A and 305 C (failure to perform a contract for the transport of persons or property or to act as a servant during a journey, and failure to perform a contract not exceeding two years' duration, where the worker has been brought to the workplace at the employer's expense).

⁶ These special provisions should however be limited to essential services in the strict sense; see para. 126 below.

public employees.¹ Sometimes, such penal sanctions apply only to specific kinds of breaches of discipline, for example, the undertaking of political activities by public employees² or the membership or support by public employees of any workers organisations based on the class struggle.³ In some countries, postal workers are punishable with sanctions involving an obligation to perform labour if they leave their employment without permission or without a month's previous notice.⁴ Sometimes, provisions designed to punish breaches of contract liable to interrupt the operation of essential services are worded in such a way as to prohibit even individual termination of employment⁵; a restriction of this kind cannot be considered as compatible with the Convention.

121. In a considerable number of countries, legislation governing conditions of work of merchant seamen and fishermen contains provisions permitting the imposition of penal sanctions involving compulsory labour in respect of various breaches of labour discipline. Some of these provisions relate to acts tending to endanger the ship or the life or health of persons on board; with these the Convention is not concerned. However, other sanctions relate to breaches of labour discipline as such, for example, desertion, absence without leave or disobedience, and are supplemented by provisions under which seamen may be forcibly returned to their ship.⁶ In its previous general review of the application of the Conventions dealing with forced labour, in 1962, the Committee already drew attention to the existence of such special provisions relating to seafarers. It then suggested that governments of countries bound by the 1957 Convention should undertake a review of their legislation concerning conditions of employment of seamen, if possible in consultation with the shipowners and seamen of their countries, with a view to bringing the legislation into conformity with the Convention. A review of the kind suggested has been undertaken in many of the countries concerned, frequently as part of a more general review of the merchant shipping laws. In some cases, certain measures have

¹ Italy—Penal Code, sections 328, 357 and 358 (applicable to public officials and persons engaged in a public service, including, for example, employees of public savings banks, concessionary transport undertakings, tourist offices, etc.); Poland—Penal Code, sections 286 and 292, as extended by decree of 13 June 1946 respecting particularly dangerous offences during the reconstruction of the State, section 46 (applicable to officials and employees of the State, autonomous public administrations, state undertakings, officials of co-operatives, etc.); Syrian Arab Republic—Economic Penal Code (Legislative Decree No. 37 of 16 May 1966), section 7 (applicable to employees of the State).

² See para. 115 above.

³ Greece—Act No. 4879 of 6 March 1931 respecting organisations of public employees, sections 2 and 6 (as amended by Act No. 5403 of 18 April 1932). The prohibition covers officials, non-manual and manual workers in public employment.

⁴ Iraq—Post Office Law, No. 6 of 1930, section 48; Singapore—Post Office Ordinance (Cap. 105), section 60.

⁵ Uganda—Trades Disputes (Arbitration and Settlement) Act, 1964, section 16.

⁶ United Kingdom—Merchant Shipping Act, 1894, sections 221-224 and 225 (1) (b) and (c). These or corresponding provisions are also in force in a number of other countries, for example, Australia, Canada, Cyprus, Guyana, Ireland, Malaysia, Nigeria, Singapore, Trinidad and Tobago and various non-metropolitan territories of the United Kingdom. In a number of other countries, abandonment or desertion of the ship is punishable with sanctions involving compulsory labour, for example, Argentina—Commercial Code, section 990; Gabon—Merchant Marine Code, section 169; Ghana—Merchant Shipping Act, 1963, sections 122 and 147 (1) (b) and (c); Greece—Penal and Disciplinary Code for the Merchant Marine, sections 28 and 29; Panama—Commercial Code, section 1120; Senegal—Merchant Marine Code, section 223. Provisions for the forcible return of deserting seamen to their ship also exist in Denmark—Seamen's Act of 7 June 1952, section 52; Finland—Seamen's Act of 30 June 1955, section 52; India—Merchant Shipping Act, 1958, section 193; Norway—Seamen's Act of 17 July 1953, section 52; Pakistan—Merchant Shipping Act, 1923, sections 101 and 102; Sweden—Seamen's Act of 30 June 1952, section 52.

already been taken¹, and further legislative action to deal with the matter appears likely in the next few years.

*Forced or Compulsory Labour as a Punishment
for Having Participated in Strikes*

122. Before proceeding to examine the problems which may arise in the implementation of Article 1 (d) of the Abolition of Forced Labour Convention—prohibiting the use of forced or compulsory labour as a punishment for having participated in strikes—it may be useful to recall two factors which delimit the area in which such problems may arise. The Conference recognised that recourse to strike action might be made subject to certain limitations, whose nature has been previously indicated.² In so far as national restrictions on strikes remain within corresponding limits, the implementation of the Convention is not affected. This is likewise the case where limitations on strikes—whatever their nature—are enforced by sanctions not involving any form of forced or compulsory labour.³

123. General prohibitions of strikes, enforced by sanctions involving an obligation to perform labour, appear to be in force in only a limited number of countries. Such a prohibition may refer expressly to strikes⁴ or may result from more general penal provisions covering, for example, any action which stops the pursuit of an industry or commerce.⁵ A number of provisions to which reference has been made earlier as permitting the imposition of forced or compulsory labour as a punishment for individual breaches of labour discipline appear capable of application also in the event of participation in strikes, for example, those punishing non-performance of a contract of employment or failure to implement general production plans.⁶

124. The possibility of resort to strike action may be considerably affected by provisions regarding settlement of disputes by arbitration. As has been previously pointed out, there are certain cases in which the adoption of such a procedure to the exclusion of any recourse to strike action (even if enforced by sanctions involving compulsory labour) can be regarded as compatible with the Abolition of Forced Labour Convention, namely where it has been voluntarily accepted by the parties concerned or where, because of the special nature of the employment (such as employment in essential services) the right to strike may properly be replaced by alternative procedures. However, in a number of countries, provisions for compulsory arbitration—accompanied by the prohibition of strikes both during the arbitration proceedings and during the currency of the award—are not confined to such special cases, but are general in character and make it possible to render

¹ Provisions concerning the forcible conveyance of seamen on board ship were omitted from the Merchant Shipping Act adopted in Ghana in 1963 and were repealed in Sierra Leone by the Abolition of Forced Labour Convention, 1957 (Application to Merchant Seamen) Act, 1966. The latter Act also exempted persons convicted of certain offences under the Merchant Shipping Act from the requirement to perform prison labour.

² See paras. 94 and 95 above.

³ See para. 96 above.

⁴ Portugal—Legislative Decree No. 23,870 of 18 May 1934 to prescribe penalties for the offence of engaging in a lockout or strike.

⁵ Libya—Code of Criminal Law, section 363. However, section 81 of the Labour Act, promulgated by Royal Decree of 22 November 1962, permits workers to go on strike in case of failure by an employer to implement a settlement in their favour embodied in a conciliation board report, arbitration award or court judgment.

⁶ See para. 118 above.

practically all strikes illegal, subject to penal sanctions involving an obligation to perform labour.¹ Such prohibitions accordingly fall within the scope of the 1957 Convention.

125. In certain cases, strikes have been made unlawful under emergency legislation or following a declaration of a state of siege, subject to penalties involving an obligation to perform labour.² A prohibition of this kind can be regarded as compatible with the Convention only if and for so long as it can be shown to be required to meet the exigencies of an emergency in the strict sense of the term—that is, where the existence or well-being of the whole or part of the population is endangered. Even if conditions exist which call for certain exceptional measures, it still needs to be considered whether they necessitate, in particular, the suspension of the right for workers to defend their interests by means of strike action. It should also be noted that some of the legislative provisions reviewed in the previous chapter³, which permit the call-up of labour in circumstances not necessarily constituting an emergency, may be used to requisition workers in the event of a strike and—in so far as enforced by sanctions involving compulsory labour—might therefore be applied in a manner inconsistent with Article 1 (*d*) of the Abolition of Forced Labour Convention.

126. The criteria by reference to which the temporary suspension of the right to strike in the event of an emergency may be justified—namely the need to safeguard the existence and well-being of the population—also constitute the basis for considering the compatibility with the 1957 Convention of provisions prohibiting strikes in the public service or other essential services. In a number of countries, the prohibitions laid down in this regard appear to be too general in scope to be compatible with the Convention, for example, where they apply to all persons in public employment, whatever the nature of their work⁴, or where—in addition to essential services in the strict sense—they cover also industries and services whose interruption, in normal circumstances, does not necessarily endanger the existence or

¹ Ceylon—Industrial Disputes Act (Cap. 131), as amended, sections 4, 40 and 43; Dominican Republic—Labour Code, sections 377, 640, 678 (16) and 679 (3); Ghana—Industrial Relations Act, 1965, sections 21 and 22; Malaysia—Industrial Relations Act, 1967, sections 23 and 41-43; Syrian Arab Republic—Labour Code, sections 189-203 and 209, Penal Code, section 334 (in addition, strikes by agricultural workers are expressly prohibited under the Agricultural Labour Code, sections 160 and 262); Tanzania (Tanganyika)—Permanent Labour Tribunal Act, 1967, sections 4, 8, 11 and 27; Trinidad and Tobago—Industrial Stabilisation Act, 1965, sections 16, 25, 26 and 34.

² China—Labour Disputes Act, 1943, article 36, Regulations of 1 November 1947 for arbitration in labour disputes during the period of national mobilisation, article 8, Temporary Regulations of 1942 for the punishment of persons obstructing national mobilisation, article 5 (4); Greece—Proclamation of 21 April 1967.

³ See paras. 51-53 above. In Argentina Act No. 17192 of 2 March 1967 specifically permits the requisitioning of workers in their normal activity (section 9), a power which might find application particularly in the case of strikes. In the case of Greece the Governing Body Committee on Freedom of Association noted that the powers of mobilisation of civilians under Act No. 1984 of 21-23 September 1939 (as amended by Emergency Act No. 450 of 7 July 1945) had in certain instances been used to requisition strikers in circumstances not constituting an emergency (93rd Report, paras. 268-275).

⁴ Greece—Act No. 4879 of 6 March 1931 respecting organisations of public employees, sections 3 and 6; Japan—National Public Service Law, No. 120 of 1947, articles 98 and 110 (17), Local Public Service Law, No. 261 of 1960, articles 37 and 61 (see Report of the Fact-Finding and Conciliation Commission on Freedom of Association, *op. cit.*, paras. 2134-2139); Pakistan—East Pakistan Service (Temporary Provisions) Ordinance, 1963 (various other strike prohibitions in force in Pakistan are punishable with forms of imprisonment which appear not to involve compulsory labour); United Arab Republic—Penal Code, sections 124, 124 (*a*), 124 (*c*) and 374.

well-being of the population.¹ In certain cases, where strikes are prohibited in essential services, alternative procedures for the settlement of disputes appear not always to be provided.²

127. Where legislation provides for penal sanctions for breaches of labour discipline by seafarers³, these sanctions are generally applicable likewise to strikes. It is necessary in this case also that any prohibitions enforced by sanctions involving any form of forced or compulsory labour should be confined to circumstances in which strike action would tend to endanger the ship, life or health. As previously indicated, the relevant legislation is generally being reviewed in the various countries concerned in the light of the provisions of the 1957 Convention.

128. In a number of countries, the legislation prohibits, subject to sanctions involving an obligation to perform labour, strikes called for political purposes, strikes having any object other than or in addition to the furtherance of a trade dispute in the trade or industry in which the strikers are engaged, or strikes of sympathy or solidarity.⁴ Such prohibitions may cover widely varying situations, and their precise effect on the observance of the 1957 Convention would accordingly appear to depend on the practical application of the legislation in question.

Forced or Compulsory Labour as a Means of Discrimination

129. Instances in which the law permits forced or compulsory labour to be imposed by way of coercion or punishment as a means of racial, social, national or religious discrimination appear to be few⁵. There is a growing body of constitutional and legislative guarantees of equality of citizens, free from discriminations⁶, and existing forms of discrimination are the result of practice and tradition rather than of any statutory requirement enforced by penal sanctions. In certain cases,

¹ For example, Dominican Republic—Labour Code, sections 370, 371, 678(16) and 679(3) (including transport services and any services which cannot be suspended without prejudice to the national economy); Kenya—Trade Disputes Act, 1965, section 28 and First Schedule (including public railway services, port and dock services, etc.); Netherlands—Penal Code, sections 358*bis* to 358*quater* (public railways); Trinidad and Tobago—Trade Disputes and Protection of Property Ordinance, section 8 (including railway, tramway, ship or other transport services); Turkey—Act No. 275 of 15 July 1963 respecting collective labour agreements, strikes and lockouts, sections 20 and 54 (including all forms of land, sea or air transport, educational establishments, lawyers' offices, etc.).

² For example, Malaysia—Industrial Relations Act, 1967, sections 23, 41(c), 42 and 43 (persons employed in any government service remain prohibited from resorting to strike action even after the Government has refused to refer a dispute to arbitration).

³ See para. 121 above.

⁴ For example, Bahamas—Trade Union and Industrial Conciliation Act, 1958, section 65; Brazil—Act No. 4330 of 1 June 1964 to regulate the right to strike, sections 22 and 29; Turkey—Act No. 275 of 15 July 1963, sections 17 and 54 (in so far as sections 7 and 19 of this Act reserve the right to negotiate collective agreements and to call a strike to organisations representing the workers concerned, any strike by unorganised workers would appear to be illegal).

⁵ As regards the Republic of South Africa, see the indications given in footnote 3 on p. 193 above.

⁶ For example, the report of the United States on the Abolition of Forced Labour Convention refers to a decision of the Supreme Court declaring unconstitutional and void certain state legislation mentioned in the Committee's earlier survey of 1962 which prohibited marriage and cohabitation between persons of different races, subject to penalties involving compulsory labour. Since the previous survey, the difference between Natives and non-Natives as regards liability to prison labour for non-payment of taxes which formerly existed in the British Solomon Islands has been abolished—see R.C.E., 1964, p. 184.

distinct laws are applicable to certain population groups or members of particular religious communities, but these appear generally to be either of a protective nature or intended to take account of the customs of the communities concerned.¹

130. However, in some cases, punishment involving an obligation to perform labour may still be incurred for non-observance of laws affecting certain persons defined in terms of their race or social group in circumstances which must be considered to fall within the scope of the 1957 Convention.²

* * *

131. The Committee has sought in the present chapter to review the principal problems arising in the application of those provisions of the Abolition of Forced Labour Convention which deal with the use of any form of forced or compulsory labour (including labour imposed as a consequence of a conviction in a court of law) as a means of political coercion or education or as punishment in various other circumstances. As can be seen from the examples which have been mentioned, provisions of relevance to the application of the Convention in this regard may be contained in an extensive and varied body of legislation. The Committee seeks to examine all legislative texts which may have a bearing on the Convention. Its ability to do so depends to a considerable extent on the co-operation of governments in providing full information on relevant national legislation and frequently also in making this legislation available. A comprehensive assessment of the degree of implementation of the Convention in a particular country may accordingly become possible only some years after entry into force of the Convention there. There is also a continuing need to take account of current modifications in national legislation. In certain cases, the Committee has not yet been able to examine all the relevant laws even in countries bound by the Convention. In the case of countries not bound by the Convention, where the report due under article 19 of the I.L.O. Constitution has not been supplied, the Committee has not been able to take account of the situation in the country concerned, and a number of the reports which have been supplied have been too summary in nature to permit a sufficiently detailed appreciation of the position. For these various reasons, while the present survey has sought to provide as comprehensive an account of the existing situation as possible, it does not purport to constitute a complete and definitive enumeration of all cases where, on the national level, practices inconsistent with the terms of the Convention may exist. As pointed out in the introductory chapter, the references to national law and practice should be regarded as being illustrative rather than exhaustive in character.

¹ It may be recalled that the Indigenous and Tribal Populations Convention, 1957 (No. 107), provides that to the extent consistent with the interests of the national community, the methods of social control practised by the populations concerned should be used as far as possible for dealing with crimes and offences committed by members of these populations (Article 8).

² For example, Kenya—Laibons Removal Ordinance (Cap. 59); Malaysia (Sarawak)—Local Authorities Ordinance (Cap. 117), sections 34(b) and 59; Sierra Leone—Summary Conviction Offences Act (Cap. 37), section 23, Protectorate Vagrancy Act (Cap. 64), section 3; Southern Rhodesia—Africans (Registration and Identification) Act (Cap. 109), section 21, African Affairs Act (Cap. 92), sections 37 and 48.

CHAPTER IV

CONCLUSIONS

132. In calling for reports under article 19 of the I.L.O. Constitution on the Conventions concerning forced labour, the Governing Body sought to provide a renewed opportunity to those States which have not yet accepted the obligations of these Conventions to review their legislation and practice, to consider the possibilities of ratification and to decide upon such measures as might be necessary on the national level to permit the full implementation of the standards in question. The reports have also provided a basis for the I.L.O. to review, on the occasion of the International Year for Human Rights, the extent to which appeals made both by the United Nations and the I.L.O. for the ratification and effective implementation of international standards on the abolition of forced labour have met with response, the difficulties encountered, and the prospects of further progress.

133. As was pointed out in the introduction to this survey, the Conventions on forced labour are among the most widely ratified of all I.L.O. instruments, their obligations having been accepted in respect of 143 countries in the case of the Forced Labour Convention, 1930, and in respect of 112 countries in the case of the Abolition of Forced Labour Convention, 1957. It appears from the information given by governments in their reports that a number of additional ratifications are envisaged¹, while several other reports have stated that no difficulties stand in the way of ratification or application of the Conventions concerned.²

134. It is thus clear that the principles underlying the Conventions on forced labour find practically universal acceptance and endorsement. These instruments aim at guaranteeing to all human beings freedom from compulsion to labour, irrespective of the nature of the work or the sector of activity in which it may be performed. The 1957 Convention furthermore seeks to provide protection against the imposition of any form of forced or compulsory labour (including labour resulting from a conviction in a court of law) as a means of coercion or punishment for the expression of views or peaceable political activity, infringements of labour discipline and participation in strikes or as a means of discrimination. Given the wide-ranging scope of the protection sought by the two Conventions under consideration, it is understandable that their implementation should not in all cases be free from difficulty. However, the problems referred to in the course of this survey need to be viewed against the wide network of obligations already existing under these Conventions and the large number of countries included in the review.

135. The survey has shown that there still exist in the world today a variety of forms of *forced or compulsory labour for the purpose of production or service*. In

¹ As regards the Forced Labour Convention, 1930 : Colombia, Ethiopia, Kuwait ; as regards the Abolition of Forced Labour Convention, 1957 : Cameroon (Eastern Cameroon), Chile, Ethiopia, France, Sudan.

² As regards the Forced Labour Convention, 1930 : Thailand, Uruguay ; as regards the Abolition of Forced Labour Convention, 1957 : Lesotho, Mauritania, New Zealand, Nicaragua, Uruguay.

some cases, the laws providing for the compulsory call-up of labour appear to be vestiges from an earlier stage in the political and economic evolution of the countries concerned and are stated to have fallen into disuse and to be due for formal repeal. However, the survey has also shown that in some countries laws providing extensive possibilities of compulsory direction or call-up of labour have been adopted in recent years. Such laws are incompatible with the standards laid down in the forced labour Conventions and, where these instruments have been ratified, with the international obligations of the States concerned. In some instances, governments have stated that the powers to impose compulsory labour granted by such laws have not in fact been utilised. Even if this be the case, so long as the legislation continues in force, the possibility of its application remains. Its existence may constitute a continuing temptation to solve manpower problems by recourse to compulsion, as well as a basis for improper pressures or even certain forms of discrimination. In so important a field as freedom of labour, it is essential that both law and practice should be in full conformity with the relevant international standards.

136. Cases of call-up of labour in circumstances not compatible with the relevant I.L.O. Conventions may arise from an unduly wide recourse to emergency powers. The limits within which existing I.L.O. standards permit compulsory call-up of labour in emergencies have been indicated in this survey: such call-up should be confined to circumstances in which the existence or well-being of the whole or part of the population is endangered, and the duration, extent and nature of the compulsory service should be limited to what is strictly required by the exigencies of the situation. The survey has brought out that in some countries emergency powers for the call-up of labour may be or in practice have been invoked in more general circumstances. In others, where such powers were originally brought into operation during an emergency, they have been maintained in force for unduly prolonged periods. In these cases, both legislation and national practice may have to be revised to ensure compliance with the international standards concerning the abolition of forced labour.

137. A number of problems in the implementation of the Conventions on forced labour have arisen out of national service obligations. This matter was discussed by the Conference at the time of the adoption of the Forced Labour Convention of 1930, in relation to compulsory military service (which—as such—was specifically excluded from the scope of that instrument). Today, the question also arises in relation to various other forms of national service. The subject of special youth employment and training schemes is due to be considered by the Conference. In these circumstances, the Committee has confined itself in the present survey to reviewing certain aspects of such schemes which have a bearing on the implementation of the Conventions under consideration. The survey has brought out that there may exist considerable variance between the manner in which such schemes are defined in legislation and the way in which they actually develop in practice. In the light of information now available on their practical operation, a number of schemes appear in a very different light from what could be deduced from a mere reading of the basic legislation (which at the time of the Committee's previous survey of 1962 was generally the only source of reference for evaluating the nature of the schemes). It may be particularly significant that a number of schemes which according to their original legislative formulation appeared to be aimed at large-scale mobilisation of labour for development works have in practice become predominantly schemes for providing training in skills which would fit participants subsequently to find opportunities for gainful employment. Attention has been

drawn in the present survey to the distinction between compulsory participation in education or training schemes, on the one hand, and schemes involving the imposition of forced or compulsory labour within the meaning of the Conventions on forced labour, on the other. It may not be easy in all cases to draw a clear line between work-orientated and training-orientated programmes. A fundamental difference of approach may nevertheless be involved, which is likely to be reflected not only in the practical organisation of the programmes, but also in their ultimate impact on the prospects for the effective enjoyment of freedom of labour.

138. In contrast to programmes aimed at persons with inadequate vocational preparation, in some countries obligations are imposed on persons who have undergone certain forms of education or training. The survey has brought out the varying scope and purpose of such obligations. In some countries, they affect only a narrow range of professions and are imposed for the purpose of securing the provision to the population of certain essential services (particularly medical services). In other cases, such obligations are more general in scope. It is conceivable that, at a certain stage in a country's development, when special facilities for advanced study and training are made available to a small minority at considerable cost to the community, a certain period of service to that community should be required in return. However, bearing in mind the recognition of the right to education by the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, the provision of educational facilities should be viewed as an aim of the wider promotion of human rights. The questions arising in this field will no doubt receive attention within the framework of the proposed Conference discussion of special youth employment and training programmes.

139. It should of course be remembered that the choice for governments does not lie between a purely passive attitude towards the labour market and compulsory mobilisation of labour. Apart from a series of incentives which may be utilised to meet particular manpower requirements, there is the need for an over-all employment policy which will seek to secure opportunities for productive, freely chosen employment to all through a variety of measures ranging from investment programmes and fiscal policies to vocational guidance and vocational training schemes. In the long term, a solution to existing imbalances in manpower utilisation is most likely to be found through the co-ordinated measures envisaged in the I.L.O.'s Employment Policy Convention and Recommendation. It is appropriate to recall that the Employment Policy Recommendation outlines not only the action to be taken within the area of responsibility of the national authorities of the countries concerned, but also indicates the international action which should be taken to promote employment objectives. Such action involves the responsibility of the world community both in the relations between nations and in collective action undertaken within the framework of international organisations. The I.L.O. in particular has a major role to play in this regard. Its responsibility has already been recognised in the emphasis given in the Organisation's operational programmes to activities in the field of human resources development, and intensified action may be expected to follow from the world programme for the development of jobs and skills proposed to be drawn up on the occasion of the I.L.O.'s 50th anniversary in 1969.

140. A distinct set of problems arises in connection with the abolition of *forced or compulsory labour as a means of political coercion or education or as punishment in various other circumstances*. The Forced Labour Convention, 1930, dealt only to a limited extent with this aspect, mainly by specifying the conditions subject to which work or service might be exacted from persons as a consequence of a

conviction in a court of law. The survey has indicated certain difficulties which still exist in this connection, particularly where penal labour is exacted in the absence of a conviction in a court of law or where prisoners may be hired to or placed at the disposal of private employers. The main provisions relating to forced or compulsory labour as political coercion or education or as punishment in various other circumstances are, however, to be found in the Abolition of Forced Labour Convention, 1957. The problems encountered in the implementation of these provisions arise almost exclusively from the exaction of penal or corrective labour from persons who have been convicted on account of certain actions or activities—such as the expression of views, breaches of labour discipline, or participation in strikes—in respect of which the 1957 Convention prohibits the imposition of any form of forced or compulsory labour.

141. As has been noted in the course of the survey, these particular provisions of the 1957 Convention embody certain concepts defined in very general terms. On some aspects additional indications concerning the intentions of the Conference are to be found in the preparatory work which preceded the adoption of the Convention. Nevertheless, a number of difficult questions remain to be considered when it becomes necessary to determine the extent to which the manifold situations arising under national legislation in fields of relevance to the Convention might involve the imposition of some form of forced or compulsory labour falling within one or other of its clauses. The Committee has sought, in the requests which it has over the years addressed to governments of countries bound by the Convention, to clarify these issues and in the first instance to ascertain from the governments themselves the measures which are taken or which they propose to take to ensure that particular legislative provisions may not lead to the use of any form of forced or compulsory labour within the scope of the Convention. In the further development of the Committee's work in relation to these standards, continuing dialogue of this kind will be necessary, and it is to be hoped that the present survey will itself help to clarify the nature of questions which can arise and of possible solutions to them.

142. The first of the clauses of the 1957 Convention considered in this context relates to the abolition of any form of forced or compulsory labour as a means of political coercion or education or as punishment for the holding or expression of views. It would appear from the legislation reviewed in the preceding chapter that in a certain number of cases there exist wide-ranging penal provisions which might permit the imposition of sanctions involving compulsory labour in circumstances falling within the scope of this clause. Some of these provisions appear to prohibit the manifestation of any political or ideological opposition, whereas others are aimed at particular ideological doctrines or tendencies. In a number of cases, problems in the application of the Convention appear to arise from the wide discretionary powers of preventive control, not subject to any judicial review, which the legislation has granted to the executive or various administrative authorities, and by virtue of which individuals may find themselves exposed to the application of penal sanctions involving compulsory labour as a means of political coercion or as a punishment for expressing views. In other cases, extensive or unduly prolonged recourse to emergency powers or suspension of constitutional guarantees may result in a similar possibility of the imposition of compulsory labour on account of activities falling within the scope of the 1957 Convention.

143. The restrictions in question are relevant to the application of the Abolition of Forced Labour Convention only in so far as their enforcement involves liability to any form of forced or compulsory labour. In a number of countries, special conditions apply to persons convicted of offences of a political nature, under which

they are exempted from the labour obligations normally imposed on persons serving prison sentences. While such a special prison régime may not resolve the wider questions of civil and political rights involved, it can remove the difficulties which would otherwise affect the observance of the Convention. Conversely, where liability to penal or corrective labour exists, it becomes necessary to examine to what extent limitations on freedom of expression and related rights are legitimate safeguards in a democratic society or on the contrary must be considered an undue impairment of the rights and freedoms in question. This is a field where it is appropriate to refer to other relevant international standards, and particularly the Universal Declaration of Human Rights and the international Covenants on human rights. The question of appropriate measures of international co-ordination is likely to arise in due course, when—as is to be expected and hoped for—the Covenants enter into force. The implementation in particular of the International Covenant on Civil and Political Rights will be of significance to the observance of the Abolition of Forced Labour Convention in the wider sense that, as noted in the present survey, the effective guarantee of freedom from forced labour as a means of coercion ultimately depends on respect for the rule of law.

144. The survey has brought out that sanctions involving any form of forced or compulsory labour exist only in a few countries as a general means of enforcing labour discipline. Problems exist, however, in a number of countries in regard to provisions governing labour discipline in public employment and among seamen. In regard to strikes, the survey has attempted, in the light of the expressed intentions of the Conference at the time of the adoption of the Abolition of Forced Labour Convention, to indicate the extent of the protection given by the Convention in relation to strike action. The survey has brought out the existence of a number of situations where participation in strikes is punishable with forced or compulsory labour within the meaning of the Convention. In some cases, strikes as such are subject to specific prohibitions. More frequently the prohibition is the consequence of the application of procedures for compulsory arbitration, which may have the effect of rendering almost all strikes impossible, enabling workers to resort to strike action in defence of their interests only when their employer or the competent authority chooses not to invoke the arbitration machinery. Problems in relation to the application of the 1957 Convention also arise in a number of instances from an unduly wide definition of essential services in respect of which all strikes are prohibited.

145. Just as in the case of abolition of forced or compulsory labour for economic purposes, difficulties in the implementation of the relevant international standards may be a reflection of general imbalances, so also the use of any form of forced or compulsory labour for political or social purposes may be a reflection of problems which arise in societies undergoing rapid change and development. Here again, the removal of difficulties is dependent not only on the action of national authorities, but also on that of the world community as a whole, thus re-emphasising the need for international solidarity in the promotion of human rights.

146. In conclusion, the present survey shows that the full implementation of the standards laid down in the Forced Labour Convention and the Abolition of Forced Labour Convention may still require various complex issues to be resolved, within the general process of economic and social development, in regard to industrial relations or in the field of civil rights. It is fitting that these problems should receive special attention on the occasion of the International Year for Human Rights, as a basis for consideration of further measures which may be necessary both on the national level and within the wider community of nations and as a spur to inten-

sified efforts to ensure the effective enjoyment of individual freedom and dignity. Discussion on these matters will in many instances be part of a wider issue, namely how to ensure balanced social and economic progress. With this consideration in mind, it has been sought in the present survey to indicate not only the nature of the protection which the Conventions on forced labour aim to provide, but also the limitations which may properly be imposed, in the wider interests of society, on the rights concerned. It is clear that, within these limits, a just and stable order must guarantee to the individual freedom from compulsion in his work and freedom from coercion through forced or compulsory labour in industrial relations and in the exercise of his rights as a citizen. The concept of freedom here involved is not a negative one, but presupposes the development of opportunities for all to participate fully and responsibly in the economic, social and political life of their community.

**Appendix I. Texts of the Substantive Articles of the Conventions concerning
Forced Labour**

FORCED LABOUR CONVENTION, 1930 (No. 29)

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2

1. For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term "forced or compulsory labour" shall not include—

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character ;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country ;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations ;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population ;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Article 3

For the purposes of this Convention the term "competent authority" shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

Article 6

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

Article 7

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Article 8

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of Government stores.

Article 9

Except as otherwise provided for in Article 10 of this Convention any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself—

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;
- (b) that the work or service is of present or imminent necessity ;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service ; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself—

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;
- (b) that the work or the service is of present or imminent necessity ;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work ;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence ;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply :

- (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out ;
- (b) exemption of school teachers and pupils and of officials of the administration in general ;
- (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life ;
- (d) respect for conjugal and family ties.

2. For the purposes of sub-paragraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work

which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who,

by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

Article 17

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself—

(1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory ;

(2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers ;

(3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport ;

(4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration ;

(5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia*, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of Government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where

medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21

Forced or compulsory labour shall not be used for work underground in mines.

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

2. These regulations shall contain, *inter alia*, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

ABOLITION OF FORCED LABOUR, CONVENTION, 1957 (No. 105)

Article 1

Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour—

- (a) as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system ;
- (b) as a means of mobilising and using labour for purposes of economic development ;
- (c) as a means of labour discipline ;
- (d) as a punishment for having participated in strikes ;
- (e) as a means of racial, social, national or religious discrimination.

Article 2

Each Member of the International Labour Organisation which ratifies this Convention undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour as specified in Article 1 of this Convention.

Appendix II. Particulars of Ratifications, Declarations of Acceptance or Application and Reports Available in Respect of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)

A. States

Country	Ratifications		Reports available on Convention No. 29		Reports available on Convention No. 105	
	Convention No. 29	Convention No. 105	Article 22 ^a	Article 19 ^a	Article 22 ^a	Article 19 ^a
Afghanistan	—	x	—	x	—	—
Albania	x	—	x *	—	—	—
Algeria	x	—	x	—	—	—
Argentina	x	x	x	—	x	—
Australia	x	x	x	—	x	—
Austria	x	x	x	—	x	—
Barbados	x	x	x	—	x	—
Belgium	x	x	x	—	x	—
Bolivia	—	—	—	x	—	x
Brazil	x	x	x	—	x	—
Bulgaria	x	—	x	—	—	x
Burma	x	—	x	—	—	—
Burundi	x	x	x *	—	—	—
Byelorussia	x	—	x	—	—	x
Cameroon	x	—	x	—	—	—
Eastern Cameroon	—	—	—	—	—	x
Western Cameroon	—	x	—	—	x	—
Canada	—	x	—	x	x	—
Central African Republic	x	x	x	—	x	—
Ceylon	x	—	x *	—	—	x †
Chad	x	x	x *	—	x *	—
Chile	x	—	x	—	—	x †
China	—	x	—	x	x	—
Colombia	—	x	—	x	x	—
Congo (Brazzaville)	x	—	x *	—	—	x †
Congo (Kinshasa)	x	—	x	—	—	x †
Costa Rica	x	x	x	—	x	—
Cuba	x	x	x	—	x	—
Cyprus	x	x	x	—	x	—
Czechoslovakia	x	—	x	—	—	—
Dahomey	x	x	x	—	x	—
Denmark	x	x	x	—	x *	—
Dominican Republic	x	x	x *	—	x *	—
Ecuador	x	x	x *	—	—	—
Ethiopia	—	—	—	x	—	x
Finland	x	x	x	—	x	—
France	x	—	x	—	—	x
Gabon	x	x	x *	—	x	—
Federal Republic of Germany	x	x	x	—	x	—
Ghana	x	x	x	—	x	—
Greece	x	x	x	—	x	—
Guatemala	—	x	—	x	x	—

For footnotes see end of table B, p. 252.

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Country	Ratifications		Reports available on Convention No. 29		Reports available on Convention No. 105	
	Convention No. 29	Convention No. 105	Article 22 ¹	Article 19 ²	Article 22 ¹	Article 19 ²
Republic of Guinea . . .	x	x	x	—	x	—
Guyana	x	x	x	—	x	—
Haiti	x	x	x	—	x	—
Honduras	x	x	x *	—	x *	—
Hungary	x	—	x	—	—	x
Iceland	x	x	x *	—	x *	—
India	x	—	x	—	—	x
Indonesia	x	—	x *	—	—	x
Iran	x	x	x	—	x	—
Iraq	x	x	x	—	x	—
Ireland	x	x	x	—	x	—
Israel	x	x	x	—	x	—
Italy	x	x	x	—	—	x
Ivory Coast	x	x	x	—	x	—
Jamaica	x	x	x	—	x *	—
Japan	x	—	x	—	—	x
Jordan	x	x	—	—	x	—
Kenya	x	x	x	—	x	—
Kuwait	—	x	—	x	x	—
Laos	x	—	x *	—	—	—
Lebanon	—	—	—	—	—	—
Lesotho	x	—	x	—	—	x
Liberia	x	x	x *	—	x *	—
Libya	x	x	x *	—	x *	—
Luxembourg	x	x	x	—	x	—
Malagasy Republic . . .	x	—	x *	—	—	—
Malawi	—	—	—	—	—	x
Malaysia	x	x	x	—	x	—
Republic of Mali . . .	x	x	x	—	x *	—
Malta	x	x	x	—	x	—
Islamic Republic of Mauritania	x	—	x *	—	—	x
Mexico	x	x	x	—	x	—
Morocco	x	x	x	—	x	—
Nepal	—	—	—	x	—	x
Netherlands	x	x	x	—	x	—
New Zealand	x	—	x	—	—	x
Nicaragua	x	x	x	—	—	x
Niger	x	x	x	—	x	—
Nigeria	x	x	x	—	x	—
Norway	x	x	x	—	x	—
Pakistan	x	x	x	—	x	—
Panama	x	x	x *	—	x *	—
Paraguay	x	—	—	—	—	—
Peru	x	x	x *	—	x *	—
Philippines	—	x	—	x	x	—
Poland	x	x	x	—	x	—
Portugal	x	x	x *	—	x	—
Rumania	x	—	x	—	—	x
Rwanda	—	x	—	x †	x	—
El Salvador	—	x	—	—	x *	—
Senegal	x	x	x *	—	x	—
Sierra Leone	x	x	x *	—	x *	—
Singapore	x	x	x	—	x	—
Somali Republic . . .	x	x	x *	—	x *	—
Spain	x	x	x	—	—	x
Sudan	x	—	x	—	—	x
Sweden	x	x	x	—	x	—

REPORT OF THE COMMITTEE OF EXPERTS

Country	Ratifications		Reports available on Convention No. 29		Reports available on Convention No. 105	
	Convention No. 29	Convention No. 105	Article 22 ¹	Article 19 ²	Article 22 ¹	Article 19 ²
Switzerland	x	x	x	—	x	—
Syrian Arab Republic .	x	x	x	—	x	—
Tanzania	x	x	x*	—	x*	—
Thailand	—	—	—	x	—	x
Togo	x	—	x*	—	—	—
Trinidad and Tobago .	x	x	x	—	x	—
Tunisia	x	x	x*	—	x*	—
Turkey	—	x	—	x	x*	—
Uganda	x	x	x*	—	x*	—
Ukraine	x	—	x	—	—	x
U.S.S.R.	x	—	x	—	—	x
United Arab Republic .	x	x	x*	—	x*	—
United Kingdom . . .	x	x	x	—	x	—
United States	—	—	—	x	—	x
Upper Volta	x	—	x*	—	—	x
Uruguay	—	—	—	x	—	x
Venezuela	x	x	x	—	x	—
Viet-Nam	x	—	x*	—	—	x
Yemen	—	—	—	—	—	—
Yugoslavia	x	—	x*	—	—	x
Zambia	x	x	x	—	x	—
Totals . . .	99	80	97	15	74	32

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B. Non-Metropolitan Territories

Countries and territories	Declarations of acceptance or application ¹		Reports available on Convention No. 29		Reports available on Convention No. 105	
	Convention No. 29	Convention No. 105	Article 22 ²	Article 19 ³	Article 22 ²	Article 19 ³
<i>Australia</i>						
New Guinea	x	x	x	—	x	—
Norfolk Island	x	x	x	—	x	—
Papua	x	x	x	—	x	—
<i>Denmark</i>						
Faroe Islands	x	x	x *	—	x *	—
Greenland	x	x	x	—	x	—
<i>France</i>						
<i>Overseas Departments</i>						
French Guyana	x	—	x	—	—	—
Guadeloupe	x	—	x	—	—	—
Martinique	x	—	x	—	—	—
Réunion	x	—	x	—	—	—
<i>Overseas Territories</i>						
Comoro Islands	x	—	x	—	—	—
French Polynesia	x	—	x	—	—	—
New Caledonia	x	—	x	—	—	—
St. Pierre and Miquelon	x	—	x	—	—	—
French Territory of the Afars and the Issas .	x	—	x	—	—	—
<i>Netherlands</i>						
Netherlands Antilles . .	x	x	x	—	x *	—
Surinam	x	x	x	—	x	—
<i>New Zealand</i>						
Cook Islands	x	—	x	—	—	—
Niue	x	—	x	—	—	—
Tokelau	x	—	x	—	—	x
<i>United Kingdom</i>						
Antigua	x	x	x	—	x	—
Bahamas	x	x	x	—	x	—
Bermuda	x	x	x	—	x	—
British Honduras	x	x	x	—	x	—
British Virgin Islands . .	x	x	x *	—	x *	—
Brunei	x	x	x	—	x	—
Dominica	x	x	x	—	x	—
Falkland Islands (Malvinas)	x	x	x	—	x	—
Fiji	x	x	x	—	x	—
Gibraltar	x	x	x	—	x	—
Gilbert and Ellice	x	x	x	—	x	—
Grenada	x	x	x	—	x	—
Guernsey	x	x	x	—	x	—
Hong Kong	x	x	x	—	x	—
Jersey	x	x	x	—	x	—
Isle of Man	x	x	x	—	x	—
Montserrat	x	x	x	—	x	—
St. Christopher-Nevis-Anguilla	x	x	x *	—	x *	—

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Countries and territories	Declarations of acceptance or application ¹		Reports available on Convention No. 29		Reports available on Convention No. 105	
	Convention No. 29	Convention No. 105	Article 22 ²	Article 19 ³	Article 22 ²	Article 19 ³
St. Helena	x	x	x	—	x	—
St. Lucia	x	x	x*	—	x*	—
St. Vincent	x	x	x	—	x*	—
Seychelles	x	x	x	—	x	—
Solomon Islands	x	x ^m	x	—	x	—
Southern Rhodesia	x	x	x*	—	x*	—
Swaziland	x	x ^m	x	—	x	—
<i>United States</i>						
American Samoa	—	—	—	x	—	x
Guam	—	—	—	x	—	x
Puerto Rico	—	—	—	x	—	x
Trust Territory of Pacific Islands	—	—	—	x	—	x
Virgin Islands	—	—	—	x	—	x
Totals	44	32	44	5	32	6

¹ Cases in which the Convention has been accepted or declared applicable subject to modifications, are indicated by ^m. All other cases refer to acceptance or application without modification.

² Reports supplied under article 22 of the I.L.O. Constitution by countries which have ratified the Convention. Cases in which no report has been supplied for the last reporting period but where reports for earlier periods have been available are indicated by an asterisk (*).

³ Reports supplied under article 19 of the I.L.O. Constitution (reports on unratified Conventions). Reports received too late for inclusion in the Summary of Reports on Unratified Conventions (Report III, Part 2) are indicated by †.