

REPORT III
(PART 1)

International Labour Conference

FIFTY-THIRD SESSION
GENEVA, 1969

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
1969

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 ILO 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 1966 to 30 June 1968, 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 second 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 1969. 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. 1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 39, 40, 43, 45, 47, 49, 50, 58, 59, 60, 62, 64, 67, 68, 84, 86, 87, 91, 97, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 112, 119, 120, 122, 123, 128.

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
Argentina	30. 11. 1933
Austria ¹	12. 6. 1924
Belgium	6. 9. 1926
Bulgaria	14. 2. 1922
Burma	14. 7. 1921
Canada	21. 3. 1935
Chile	15. 9. 1925
Colombia	20. 6. 1933
Cuba	20. 9. 1934
Czechoslovakia	24. 8. 1921
Dominican Republic	4. 2. 1933
France ¹	2. 6. 1927
Greece	19. 11. 1920
Haiti	31. 3. 1952
India	14. 7. 1921
Iraq	24. 8. 1965
Israel	26. 6. 1951

Countries	Ratification registered on
Italy ¹	6. 10. 1924
Kuwait	21. 9. 1961
Luxembourg	16. 4. 1928
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Pakistan	14. 7. 1921
Paraguay	21. 3. 1966
Peru	8. 11. 1945
Portugal	3. 7. 1928
Rumania	13. 6. 1921
Spain	22. 2. 1929
Syrian Arab Republic	10. 5. 1960
United Arab Republic	10. 5. 1960
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944

¹ Conditional ratification.

BULGARIA

Decree No. 1060 of 30 December 1967 of the Praesidium of the National Assembly to introduce a five-day working week (*D'rzhaven Vestnik*, 5 Jan. 1968, No. 1, p. 1).

Resolution No. 62 of 28 December 1967 of the Central Committee of the Bulgarian Communist Party, the Council of Ministers and the Central Council of Industrial Associations respecting the gradual introduction of the five-day week (*ibid.*, 9 Jan. 1968, No. 2).

In accordance with a stage-by-stage plan a shorter working week (35 hours instead of 42½) is being tried out as an experiment in selected departments of the country.

CANADA

Federal Legislation

Canada Labour Code Regulations (General) (Statutory Orders and Regulations (S.O.R.), 1965, No. 256) (*Canada Gazette*, Part II, 14 July 1965, No. 13, p. 903) (*L.S.* 1965—Can. 1 B), as amended (S.O.R., 1967, No. 292).

Transport of Goods by Motor Vehicle Hours of Work Extension Order (S.O.R., 1968, No. 115), as amended (S.O.R., 1968, No. 336).

Northwest Territories.

Labour Standards Ordinance, 1967 (Ordinances of the Northwest Territories, 1967, Second Session, Ch. 4).

Yukon Territory.

Labour Standards Ordinance, 1968 (Ordinances of the Yukon Territory, 1968, Second Session, Ch. 1).

*Provincial Legislation.**Newfoundland.*

Shipping Hours of Work Extension Order (S.O.R., 1967, No. 593).

British Columbia.

Male and Female Minimum Wage Order, No. 31 of 11 April 1967 (British Columbia Regulation No. 100 of 1967) (*British Columbia Gazette*, Part II, 11 May 1967, No. 10, p. 194).

Mines Regulation Act (Statutes of British Columbia, 1967, Ch. 25).

Manitoba.

An Act to amend the Employment Standards Act (Statutes of Manitoba, 1968, Ch. 22).

New Brunswick.

Minimum Wage Order, No. 3 of 1968 (General).

Ontario.

Employment Standards Act, 1968 (to be proclaimed in effect).

Prince Edward Island.

Industrial Standards Act (Statutes of Prince Edward Island, 1967, Ch. 27).

General Minimum Wage Order applying to women workers.

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

Federal Jurisdiction.

In the Northwest Territories the new Labour Standards Ordinance, which is of very general application, establishes standard working hours of eight in a day and 48 in a week. Maximum hours are ten in a day and 60 in a week. Standard hours of 208 and maximum hours of 260 in a month are set for workers employed, *inter alia*, in the exploration and development of metal mining and petroleum and the transport of goods to and from isolated areas. Time-and-one-half the regular rate must be paid for all hours worked in excess of the standard hours. Where the work is seasonal or intermittent in nature the Commissioner of the territories may order maximum hours to be increased. Regulations are to be made regarding the averaging of hours. On application, the Labour Standards Officer may issue a permit authorising the working of hours in excess of the maximum for any class of employees in an establishment. The permit may be issued for a specified period and only when justified by exceptional circumstances and may specify the total number of additional hours that may be worked in any day and any week. Maximum hours may be exceeded in case of an emergency; such work must be reported.

Under the Yukon Labour Standards Ordinance standard working hours are eight in a day and 48 in a week, and maximum hours are ten and 60 respectively.

The standards in these ordinances are generally patterned on those of the Canada Labour (Standards) Code but longer hours are permitted in view of local conditions. The Northwest Territories ordinance was drafted in accordance with the recommendations of a court of inquiry which held public hearings.

Provincial Jurisdiction.

In Manitoba the Labour Board is now required, as the result of an amendment to the Employment Standards Act, to review annually its orders permitting variations from the normal standard hours of work.

In New Brunswick a general Minimum Wage Order, effective 1 January 1968, establishes a working week of 48 hours. This involves a reduction of six hours in the standard working week in the food processing industry.

In Ontario the re-enacted Employment Standards Act includes a major change according to which payment of an overtime rate of at least time-and-one-half the regular rate is required for hours worked in excess of 48 in a week.

In Prince Edward Island the Industrial Standards Act adopted in 1967 provides machinery for the regulation of hours. The new General Minimum Wage Order applying to women workers requires the payment of time-and-one-half the minimum rate for hours worked in excess of 48 in a week or of normal hours if these are less than 48. For seasonal employees in the food processing industry the overtime rate is payable after 54 hours.

In Quebec the standard working hours set by decrees under the Collective Agreement Decrees Act continue to be reduced through the process of collective bargaining. A number of decrees governing conditions of work in the construction, manufacturing and transport industries were revised, reducing working hours in many cases to well below 48 in a week.

In reply to observations made by the Committee of Experts concerning other provinces the Government has stated that in one province consideration is being given to the enactment of a general hours of work law. So far as exceptions are concerned the provincial authorities appear to consider such exceptions necessary in view of climatic and geographical factors and the nature of certain industries.

CHILE

In reply to a direct request made by the Committee of Experts the Government has stated that the relevant amendments to the Labour Code are still under study.

COLOMBIA

Decree No. 995 of 26 June 1967 for the administration of Act No. 73 of 13 December 1966.

CZECHOSLOVAKIA

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

Article 6 of the Convention. Exceptions to the limits on additional hours of work laid down in section 97 (3) of the Labour Code were authorised by the Government, under section 97 (4) of the Code, in its Resolution No. 7 of 12 January 1968. This resolution permits the annual limit of 180 additional hours to be exceeded, up to 31 December 1969, in specified categories of work (of which the Government furnished a list). Ministers and heads of central authorities are required to ensure that the number of additional hours worked is systematically limited and for this purpose to fix, in consultation with the appropriate union committees, the maximum hours permitted. They are further required to ensure the preparation of draft timetables with a view to progressively eliminating recourse to additional hours.

Article 8, paragraph 1 (c). Records of all hours worked, including additional hours, must be kept and must be made available for purposes of inspection and in case of dispute.

GREECE

Royal Decree No. 174 of 24 February 1968 respecting the regulation of the hours of work of the employees of the Joint Fund for the Operation of a Public Urban Bus Service (K.T.E.L.) (*Ephemeris tēs Kyvernesseos*, 11 Mar. 1968, No. 48, pp. 414-415).

Under the above-mentioned royal decree the number of hours to be worked per day is seven for clerical staff and eight for technical staff.

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

The decrees of 23 November 1933 and 29 December 1933 provide for certain exceptions in respect of hours of work. The Government supplied the texts of the relevant legislative provisions. A Bill has been drafted with a view to fixing working hours at eight per day for industrial undertakings in general.

The new regulations to govern the urban transport services of Salonika have not yet been adopted, but they are expected to be in conformity with the provisions of the Convention.

Section 3 (1) (a) of Decree No. 381 of 1965 fixes normal working hours at 48 per week for urban bus drivers working in two shifts, while section 3 (1) (b) of the decree establishes the maximum working hours for these workers at 54 per week, including time spent at the depot. Specimen work schedules were appended to the Government's report. The working of overtime, provided for in section 4 of the decree, is designed to keep the lines running smoothly and continuously. Overtime is remunerated in accordance with the provisions in force.

The provisions of the royal decree of 14 August 1950 are applicable to taxi drivers only if they operate under a dependent employment relationship. The competent services do not possess any statistical data as to the coverage of this decree and the extent to which it is applied.

INDIA

Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (*The Gazette of India*, Extraordinary, Part II, Section I, 1 Dec. 1966).

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

Mines.

The Mines Act has been extended to the state of Jammu and Kashmir through the Central Laws (Extension of Jammu and Kashmir) Act, 1968.

The hours of work of persons employed on continuously operated machinery have always been limited to 48 in a week.

During the period under review recourse has not been had to the powers prescribed under section 83 (1) of the Mines Act.

Factories.

The Government's report included information on cases of extension, under section 85 of the Factories Act, of the provisions of that Act to smaller undertakings in Delhi, Andhra Pradesh, Kerala, Gujarat, Punjab and Maharashtra and on cases of exemptions granted under section 5 of the Act to factories concerned with defence requirements or essential supplies.

Railways.

The Railway Board served notice on the light railways that the exemptions authorised would be withdrawn with effect from 1 January 1968. A petition challenging the Government's decision, filed by the employers concerned, is pending before the Calcutta High Court.

The question of limiting overtime to 70 hours per quarter was examined and certain technical difficulties of observance were found in the case of a small number of workers such as power running staff, guards and station staff. The matter has been referred for advice to the National Commission on Labour.

Contract Labour.

The question of amending the Factories Act will be taken up after the National Commission on Labour submits its report. The Contract Labour (Regulation and Abolition) Bill, 1967, was submitted to Parliament in July 1967 and is under consideration.

KUWAIT

In reply to a direct request made by the Committee of Experts, the Government has stated that the Committee's observations regarding the application of Articles 1 to 3 and 6 of the Convention and regarding the need to consult the employers' and workers' organisations concerned will be taken into account with a view to bringing the legislation into conformity with the Convention.

NICARAGUA

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

The proposed amendments to the Labour Code have not yet been approved by the National Congress. The observations of the Committee of Experts will be taken into account as regards the amendment of sections 56 and 49 (1) of the Code, bearing in mind Articles 3 and 6 of the Convention.

PAKISTAN

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

Mines.

The provisions of the Mines Act would be found to be in conformity with those of the Convention if account is taken of Article 10. In most mines normal shifts amount to eight hours. Normal hours may be exceeded only in case of emergencies endangering the mines or the workers employed therein and not because of pressure of work. As regards the limitation of working hours in open-cast mines employing up to 50 persons, while labour legislation is now within the jurisdiction of the provincial governments, a National Labour Coordination Committee has been established with a view to bringing such legislation progressively into conformity with the provisions of the international labour Conventions.

Factories.

The Factories Act, 1934, has been replaced in East Pakistan by the East Pakistan Factories Act, 1965, and the revision of the 1934 Act is in hand in West Pakistan. Section 62 of the East Pakistan Factories Act, 1965, is in conformity with Article 4 of the Convention, account being taken of the provisions of Article 10. The power of exemption provided for in section 5 of the East Pakistan Factories Act, 1965, and in section 8 of the Factories Act, 1934, has not so far been exercised; account is taken of Article 14 of the Convention in applying these provisions.

The Government supplied a list of the legislation covering contract labour employed in the construction and building industry and also in railway transport.

Railway Transport.

Exemptions regarding the running staff are permissible under Articles 6 and 7 of the Convention, bearing in mind the provisions of Article 10.

Although the 60-hour week for continuous workers and the 84-hour week for intermittent workers may be prolonged by overtime, duty rosters observe in practice the limits laid down in the Convention.

PARAGUAY

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

Articles 1 and 2 of the Convention. Draft regulations to govern conditions of work in land and inland waterway transport undertakings are now under consideration.

Under section 216 of the Labour Code the weekly rest period for workers begins at mid-day on Saturday; the 48 working hours in the week may be arranged in such a way that the working day is half an hour longer from Monday to Friday, but it may never be as much as an hour longer.

The texts of the Acts for the establishment of the various independent bodies were appended to the Government's report.

Article 4. In establishments where work is continuous the length of the working day may not exceed eight hours.

Article 5. No advantage has been taken of the provisions of this Article. No provisions have been promulgated with reference to section 180 (*d*) of the Labour Code.

Article 6. No provisions have been enacted in implementation of section 183 of the Labour Code. The competent authority has issued resolutions authorising continuous work in accordance with section 212 of the Code and authorising the continuous extension of daily hours of work to 12 in the circumstances provided for in section 205 of the Code.

PERU

In reply to observations made by the Committee of Experts the Government has stated that the observations relating to Articles 4 and 7, paragraph 1 (*a*), of the Convention have been transmitted to the commission entrusted with the task of drafting the Labour Code, for information and other purposes.

SPAIN

In reply to observations made by the Committee of Experts the Government has stated that the resolution of 15 May 1967 of the General Directorate for the Organisation of Work must be observed as constituting administrative provisions under the terms of the Act respecting the legal system for the administration of the State (as revised in 1957).

*Fernando Poo and Río Muni.*¹

The recent accession of Guinea to independence absolves the Government from any need to give consideration to the observations made by the Committee of Experts.

¹ This statement is equally valid for Conventions Nos. 3, 5, 7, 8, 9, 11, 14, 15, 20, 26, 30, 32, 33, 62 and 112.

SYRIAN ARAB REPUBLIC

In reply to a direct request made by the Committee of Experts the Government supplied the text of Ministry of Social Affairs and Labour Order No. 793 of 10 October 1968, which has amended Order No. 243 of 8 May 1966.

URUGUAY

Decree No. 339 of 1 June 1967 to amend the provisions of the regulations respecting hours of work in industry and commerce and referring to the sanctions to be imposed for failure to post up hours of work, rest periods, etc., for salaried employees and manual workers (*Diario Oficial*, 7 June 1967, No. 17603, p. 518A).

In reply to a request made by the Committee of Experts the Government has stated that no overtime has had to be worked in cases where there has been an increased workload, as in view of the unemployment existing in the country unemployed workers can be used.

VENEZUELA

In reply to an observation made by the Committee of Experts the Government cited some examples from case law as to the definition of an "employee in a position of trust".

2. Unemployment Convention, 1919

This Convention came into force on 14 July 1921

Countries	Ratification registered on
Argentina	30. 11. 1933
Austria	12. 6. 1924
Belgium	25. 8. 1930
Bulgaria ¹	14. 2. 1922
Burma	14. 7. 1921
Central African Republic	9. 6. 1964
Chile	31. 5. 1933
Colombia	20. 6. 1933
Cyprus	8. 10. 1965
Denmark	13. 10. 1921
Ecuador	5. 2. 1962
Ethiopia	11. 6. 1966
Finland	19. 10. 1921
France	25. 8. 1925
Federal Republic of Germany	6. 6. 1925
Greece	19. 11. 1920
Guyana	8. 6. 1966
Hungary	1. 3. 1928
Iceland	17. 2. 1958
India ¹	14. 7. 1921
Ireland	4. 9. 1925
Italy	10. 4. 1923
Japan	23. 11. 1922

Countries	Ratification registered on
Kenya	13. 1. 1964
Luxembourg	16. 4. 1928
Malta	4. 1. 1965
Morocco	14. 10. 1960
Netherlands	6. 2. 1932
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	23. 11. 1921
Poland	21. 6. 1924
Rumania	13. 6. 1921
Republic of South Africa	20. 2. 1924
Spain	4. 7. 1923
Sudan	18. 6. 1957
Sweden	27. 9. 1921
Switzerland	9. 10. 1922
Syrian Arab Republic	26. 7. 1960
Turkey	14. 7. 1950
United Arab Republic	3. 7. 1954
United Kingdom	14. 7. 1921
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

¹ Has denounced this Convention.

3. Maternity Protection Convention, 1919

This Convention came into force on 13 June 1921

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

¹ Has denounced this Convention.

BULGARIA

Decree No. 135 of 22 February 1968 of the Praesidium of the National Assembly to amend and supplement the Labour Code (sections 60 and 61) (*D'rzhaven Vestnik*, 23 Feb. 1968, No. 15, p. 2).

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

The competent authorities will take care, when framing the new Labour Code, to ensure that the provisions of section 44, clause III, of the regulations for the administration of chapter III of the Code comply with those of Article 3 (c) of the Convention.

The Government has also stated that, under sections 60 and 61, as amended, of the Labour Code, the duration of pregnancy and confinement leave has been increased to 120 calendar days for the first child and all subsequent children after the third, 150 for the second and 180 for the third, 45 of these leave days to be taken prior to confinement. Additional leave of up to 12 months without benefit may be granted in this connection at the beneficiary's request. Such leave is counted as a period of qualifying service.

CHILE

Act No. 16455 of 5 April 1966 to issue rules for the termination of contracts of employment (*Diario Oficial*, 6 Apr. 1966, No. 26409, p. 1) (L.S. 1966—Chile 1).

In reply to the observations made by the Committee of Experts concerning the application of Article 4 of the Convention the Government has stated that sections 9 and 164 of the Labour Code have been repealed by section 19 of Act No. 16455 of 1966, which lays down that workers enjoying fixity of tenure in employment—as is the case with women during pregnancy and for up to one month after the expiry of their leave—may not be dismissed without prior authorisation from a judge on very serious grounds. As regards women who have not completed the statutory qualifying period, no progress could be reported with the procedure for the abolition of this condition attached to eligibility for cash maternity benefit, which is laid down in the Social Insurance Act, No. 10383 of June 1952.

COLOMBIA

In reply to observations made by the Committee of Experts with regard to Article 3 (a) to (c) of the Convention, the Government has stated that the national legislation has not yet been amended.

In reply to requests made by the Committee of Experts the Government has stated that, as regards section 5 of Act No. 90 of 1946 (which excludes members of the employer's family from the compulsory insurance scheme), the proposed amendment is still being studied by a Senate committee. The Government also supplied information concerning further extensions of the sickness and maternity insurance scheme.

CUBA

See under Convention No. 103.

FRANCE

Act No. 1044 of 30 December 1966 respecting the guarantee of employment in the event of maternity (*Journal officiel (J.O.)*, 31 Dec. 1966, No. 301, p. 11753) (*L.S.* 1966—Fr. 3).

Ordinance No. 707 of 21 August 1967 (*J.O.*, 22 Aug. 1967, No. 194, p. 8409) as ratified by Act No. 698 of 31 July 1968, and Decree No. 400 of 30 April 1968 respecting the conditions attaching to the eligibility of socially insured persons in non-agricultural occupations for benefit under the sickness, maternity, invalidity and survivors' insurance schemes (*J.O.*, 5 May 1968, No. 105, p. 1560), issued for the administration of the ordinance.

Decree No. 160 of 17 February 1968 to amend various provisions respecting the method of computing daily allowances (*J.O.*, 20 Feb. 1968, No. 42, p. 1873).

Article 3 of the Convention. Under the decree of 30 April 1968 the number of hours of work required in order to become eligible for maternity insurance benefit has been increased from 60 to 200 during the three months preceding the presumed date of commencement of the pregnancy, or 120 during the month preceding that date.

Article 4. Under the Act of 30 December 1966 no employer may terminate the contract of employment of a female employee whose pregnancy has been confirmed by a medical certificate and during the 12 weeks following her confinement. He may terminate her contract, however, if he can furnish evidence of gross misdemeanour on her part or of the fact that he is unable, for reasons which have no connection with the pregnancy or confinement, to maintain her contract. A female employee is entitled to suspend her contract of employment for a period commencing six weeks before the presumed date of confinement and ending eight weeks after that date. If a pathological state, confirmed by a medical certificate as resulting from the pregnancy or confinement, renders this necessary, the period of suspension may be extended to cover the duration of that pathological state, but may not exceed eight weeks preceding the presumed date of confinement or 12 weeks following that date. Termination of the contract of employment by the employer may not take effect or be notified during this period of suspension.

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that, in the event of confinement taking place after the presumed date, the fact that daily allowances have been paid for more than six weeks prior to the actual date of confinement is not deemed to constitute grounds for reducing the length of the period of post-natal leave, and that the insured woman may therefore receive this benefit over a period totalling more than 14 weeks. A circular letter to this effect, dated 31 May 1965, has been sent out by the Minister of Labour to the directors of the social security scheme.

FEDERAL REPUBLIC OF GERMANY

Budget Act of 23 December 1967 (*Bundesgesetzblatt*, Part I (1967, p. 697).

Act of 18 April 1968 for the protection of working mothers (*ibid.*, Part I, 1968, p. 315).

In reply to an observation made by the Committee of Experts the Government has stated that women not covered by the compulsory sickness insurance scheme are entitled to maternity benefit payable out of federal funds (section 13 (2) of the Act of 18 April 1968). It has also stated that instructions have been given to the Länder to the effect that the dismissal of women must not be permitted during the period referred to in Article 4 of the Convention.

GREECE

In reply to a request made by the Committee of Experts concerning Article 3 (c) of the Convention the Government has stated that more insurance funds have adapted their internal regulations to the provisions of the Convention. Efforts are being pursued to bring the internal regulations of the Social Insurance Institute and other funds into line with the provisions of the Convention.

GUINEA

In reply to a request made by the Committee of Experts the Government has stated that the draft order governing the employment of women and children is to be amended, together with the Labour Code, so as to give effect to the wishes expressed by the Committee with regard to Article 3 (a), (c) and (d) and Article 4 of the Convention.

As soon as national circumstances permit, the National Social Security Fund will assume entire liability for the payment of the daily allowance granted to women during maternity leave.

LUXEMBOURG

Act of 24 July 1967 (*Mémorial*, Series A, 28 July 1967, No. 52, p. 823) to amend the Family Benefits Act of 29 April 1964 (*ibid.*, Series A, 30 Apr. 1964, No. 35, p. 777) (*L.S.* 1964—Lux. 1).

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

The 1967 Act raises confinement allowances to a uniform rate of 4,200 francs, thus abolishing the variation in the rate according to the number of children in the family. This measure was inspired by the consideration that the expenses of confinement, which are increasing, are substantially the same for each birth. The principal purpose of the confinement allowance now is to help cover the costs of medical care in connection with the birth.

MAURITANIA

Order No. 10300 of 2 June 1965 to amend certain orders prescribing the health and safety conditions applicable to workers (*Journal officiel*, 7 July 1965), including Order No. 5254 of 19 July 1954.

In reply to requests made by the Committee of Experts concerning the application of Article 3 (c) of the Convention, the Government has supplied the following information.

Current legislation makes no provision for the payment of a maternity allowance to women workers who have not completed the qualifying period. Free medical care

is provided by the Health and Social Action Fund and, in the event of an extension of pre-natal leave as the result of a mistake by the medical adviser in estimating the date of confinement, the maternity allowance continues to be payable, as required by the Convention.

NICARAGUA

In reply to observations made by the Committee of Experts with respect to Articles 3 and 4 of the Convention the Government has supplied the following information.

Article 95 of the Constitution has not been formally amended in view of the fact that section 129 of the Labour Code, which prescribes a period of maternity leave of six weeks before and six weeks after confinement, is applied by the judicial and administrative bodies. The constitutional provision furnishes only a minimum guarantee of protection and cannot be deemed to be at variance with the international instrument. A copy of a court ruling bearing out this explanation was appended to the Government's report.

The amendment to section 129 has not been approved because in practice nursing breaks are allowed, and cash benefit is paid in the event of an extension of maternity leave on account of a mistake by the medical adviser in estimating the date of confinement.

Even though in practice the Convention is applied as regards the prohibiting of dismissal during the period of maternity leave and any extension of that leave, it is planned to enact a statutory provision on the subject.

The Government also indicated the further extensions to the social security scheme that took place during the period under review.

RUMANIA

Decree No. 954 of 1966.

The qualifying period is not a condition for the granting of maternity benefit; it merely determines the rate. Benefit equivalent to 50 per cent of the standard wage rate is payable after less than six months' service, to 70 per cent after six to 12 months' service and to 90 per cent after a longer period. At the third confinement benefit is payable at 100 per cent of the standard wage rate, without any condition as to length of service (section 89 of the Labour Code).

In addition all women are entitled, under the above-mentioned decree, to a fixed grant of 1,000 lei at their third confinement.

VENEZUELA

Social Insurance Act of 11 July 1966 (entered into force on 1 January 1967) (*Gaceta Oficial*, 6 Apr. 1967, No. 1096, Extraordinary, p. 1) (*L.S.* 1966—Ven. 2).

General Regulations for the administration of the Social Insurance Act.

In reply to requests made by the Committee of Experts concerning Articles 1 and 3 of the Convention the Government has supplied the following information.

Women with the status of public officials enjoy equal and in some cases greater protection than that afforded to women in private employment and, as regards maternity benefit in particular, they are entitled to full medical care. In addition, during the pre- and post-natal leave periods, i.e. throughout the period of statutory maternity leave, women employed in government departments continue to be entitled to their salary without any deduction or limitation whatsoever.

However, in the document prepared in connection with the submission to the National Congress of Convention No. 103—referred to by the Government—it is

stated that the new Social Insurance Act has been extended to persons performing services for the nation and for public bodies in general, but that the branches providing cash benefit and medical care benefit in respect of temporary incapacity will not be applicable to these persons until such time as the Executive deems fit. In consequence the compensation provided for under the Act is not payable in the event of maternity to women performing services for public bodies (whether salaried employees or civil servants).

With regard to the proposed revision of the Labour Act now in force, the Government has taken due note of the observation made by the Committee of Experts with respect to women not covered by the social insurance scheme, and has accordingly deleted from the draft revised text the provision requiring the employer to bear part of the cost of maternity benefit. As matters stand at present the existence of collective agreements and the gradual extension of the Social Insurance Act to all types of employment relationship, coupled with the expansion of welfare services, give grounds for the assertion that women workers not entitled to maternity benefits are few in number.

With reference to the payment of cash benefit in the event of extension of the normal period of leave when confinement takes place later than the predicted date, the above-mentioned document states that the woman concerned continues to receive the benefit to which she is entitled and that the Social Insurance Act tacitly gives effect to this provision of the Convention.

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	Ivory Coast	21. 11. 1960
Albania ¹	17. 3. 1932	Laos	23. 1. 1964
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Austria	12. 6. 1924	Malagasy Republic	1. 11. 1960
Belgium ¹	12. 7. 1924	Mali	22. 9. 1960
Brazil ¹	26. 4. 1934	Mauritania ¹	20. 6. 1961
Bulgaria ¹	14. 2. 1922	Morocco	13. 6. 1956
Burma ¹	14. 7. 1921	Netherlands ¹	4. 9. 1922
Burundi	11. 3. 1963	Nicaragua	12. 4. 1934
Cambodia	24. 2. 1969	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 ¹	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		

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

NICARAGUA

In reply to an observation made in 1968 by the Committee of Experts the Government has stated that the draft amendments to the Labour Code, intended to bring the latter into conformity with the provisions of the Convention, have not yet been approved by the National Congress.

5. Minimum Age (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Countries	Ratification registered on
Albania	17. 3. 1932
Argentina	30. 11. 1933
Austria	26. 2. 1936
Barbados	8. 5. 1967
Belgium	12. 7. 1924
Bolivia	19. 7. 1954
Brazil	26. 4. 1934
Bulgaria ¹	14. 2. 1922
Cameroon (Eastern Cameroon)	7. 6. 1960
Central African Republic	27. 10. 1960
Ceylon	27. 9. 1951
Chad	10. 11. 1960
Chile	15. 9. 1925
Colombia	20. 6. 1933
Congo (Brazzaville)	10. 11. 1960
Cuba	6. 8. 1928
Czechoslovakia	24. 8. 1921
Dahomey	12. 12. 1960
Denmark	4. 1. 1923
Dominican Republic	4. 2. 1933
France	29. 4. 1939
Gabon	14. 10. 1960
Greece	19. 11. 1920
Guinea	21. 1. 1959
Guyana	8. 6. 1966
Haiti	12. 4. 1957
India	9. 9. 1955
Ireland	4. 9. 1925
Israel	23. 12. 1953
Ivory Coast	21. 11. 1960
Japan	7. 8. 1926

Countries	Ratification registered on
Kenya	13. 1. 1964
Lesotho	31. 10. 1966
Luxembourg	16. 4. 1928
Malagasy Republic	1. 11. 1960
Mali	22. 9. 1960
Malta	4. 1. 1965
Mauritania	20. 6. 1961
Netherlands	21. 7. 1928
Nicaragua	12. 4. 1934
Niger	27. 2. 1961
Norway	7. 7. 1937
Poland	21. 6. 1924
Rumania	13. 6. 1921
Senegal	4. 11. 1960
Sierra Leone	15. 6. 1961
Singapore	25. 10. 1965
Spain	29. 9. 1932
Switzerland	9. 10. 1922
Tanzania (Zanzibar)	22. 6. 1964
Togo	7. 6. 1960
Uganda	4. 6. 1963
United Kingdom	14. 7. 1921
Upper Volta	21. 11. 1960
Uruguay ¹	6. 6. 1933
Venezuela	20. 11. 1944
Viet-Nam	6. 6. 1953
Yugoslavia	1. 4. 1927
Zambia	2. 12. 1964

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

CHAD

Labour and Social Welfare Code, Act No. 7 of 4 March 1966 (*Journal officiel*, 24 Mar. 1966, Extraordinary), No. 7, p. 353; corrigenda: *ibid.*, 15 June 1966, No. 13, p. 526) (*L.S.* 1966—Chad 1).

There is no special register for young workers under 16 years of age employed by the head of an undertaking.

A decree for the administration of the Labour Code is now being drafted, and takes account of the provisions of the Convention.

DENMARK

In reply to an observation made by the Committee of Experts the Government has stated that regulations on the keeping of registers of young persons under 16 years of age are in course of preparation and will come into force on 1 April 1969, so that the national legislation is now regarded as being in conformity with the Convention.

GUINEA

In reply to a direct request made by the Committee of Experts the Government appended to its report a copy of the model register it is proposing to introduce, asking the Committee for its opinion upon the contents thereof.

INDIA

Shops and Establishments (Pondicherry) Act, 1964.

Catering and Establishments (Pondicherry) Act, 1964.

See also under Convention No. 1.

NICARAGUA

In reply to a direct request made by the Committee of Experts the Government has stated that the proposed amendments to the Labour Code, which will bring the provisions of the latter into line with the requirements of Article 4 of the Convention, have not yet been approved by the National Congress.

NIGER

Decree No. 126 of 7 September 1967 to make regulations under the Labour Code (*Journal officiel* 1 Oct. 1967).

SINGAPORE

Employment Act, No. 17 of 1968 (*Government Gazette*, Acts Supplement, 12 Aug. 1968).

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

Article 2 of the Convention. During the period under review the issue of certificates of registration to children between 12 and 14 years of age, allowing them to work in industrial undertakings, was limited by administrative action to 29.

The number of children under 12 and 14 years of age who apply for such certificates each year is small and does not warrant the amendment of existing legislation at this juncture.

Article 4. The certificate of registration has been revised and now indicates the date of birth of the child.

SWITZERLAND

In reply to a direct request made by the Committee of Experts concerning the light work done by children over 13 years of age, the Government has supplied the following information.

In all civilised countries children under 14 years of age who are still required by law to attend school engage upon occasion in extra-curricular activities which, as a general rule, are no more arduous than light housework or farm work and take up very little time each day. They amount more to lending a hand temporarily than to employment in the legal sense of the term, and the practice is too deeply rooted to be done away with. In order to prevent abuse the legislature has taken the necessary precautions to ensure that such activities do the children no harm and have no industrial connotations.

In this respect the Government takes the view that the Committee of Experts, in indicating in its direct request that although this employment takes place outside an undertaking the child is still employed by an industrial undertaking within the meaning of the Convention, the Committee has lost sight of the intention of the

Convention. Article 2 refers, in fact, not to children employed by an industrial undertaking but to children employed in any industrial undertaking or in any branch thereof. The streets through which a child passes while running errands are obviously neither industrial undertakings nor branches of such undertakings. It follows that these errands do not come within the scope of the Convention.

This interpretation, in conformity with the letter of the Convention, is equally justified from the standpoint of common sense. The errands a child runs for an industrial undertaking do not expose it to any special hazards rendering necessary special protection of the type afforded to industrial workers and do not differ in any way, as regards the risks involved, from errands run for a non-industrial undertaking. It is pointed out that the International Labour Conference has found it acceptable for children to be employed on light work in non-industrial undertakings as from 13 years of age. It did so when adopting the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60), at a time when the standards adopted were much stricter than in 1919.

UGANDA

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

Article 1 of the Convention. Examination of the text of the Employment Amendment Bill, which includes a part on the employment of young persons, is nearing completion and it is hoped that it may become law by the middle of 1969. The text will be sent with the next report.

The draft text does not retain the provisions of section 2 of the present Employment of Children Act, which allows exceptions not permitted by the Convention.

YUGOSLAVIA

Act respecting employment by private employers in the Socialist Republic of Slovenia (*Hredni List S.R. Slovenije*, 1966, No. 41).

Act respecting employment relationships with private employers in the Socialist Republic of Bosnia-Herzegovina (*Službeni List S.R. Bosne-Hercegovine*, 1967, No. 24).

Act respecting employment relationships with private employers in the Socialist Republic of Serbia (*Službeni Glasnik S.R. Srbije*, 1967, No. 31).

ZAMBIA

Employment of Women, Young Persons and Children (Amendment) Act, No. 36 of 15 July 1967 (*Government Gazette*, 21 July 1967, Supplement, p. 325).

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

Article 2 of the Convention. The above-mentioned Act has amended the definition of "child", which is now given as "a person under the age of 14 years", and has deleted a proviso empowering the minister to grant exemptions to any industry or part of an industry from the prohibition of employing children under the age of 14 years.

Article 4. Section 8 (2) of the Employment of Women, Young Persons and Children Ordinance, as amended by the above-mentioned Act, requires the inclusion, in the register of young persons under 16 years of age, of their date of birth.

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	Laos	23. 1. 1964
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Argentina	30. 11. 1933	Malagasy Republic	1. 11. 1960
Austria	12. 6. 1924	Mali	22. 9. 1960
Belgium	12. 7. 1924	Mauritania	20. 6. 1961
Brazil	26. 4. 1934	Mexico ¹	20. 5. 1937
Bulgaria	14. 2. 1922	Netherlands ¹	17. 3. 1924
Burma	14. 7. 1921	Nicaragua	12. 4. 1934
Cambodia	24. 2. 1969	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 ¹	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		

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

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

BURMA

In reply to an observation made in 1968 by the Committee of Experts the Government has supplied the following information.

It is very likely that the new set of labour laws, when finally drawn up, will cover workers engaged in building operations as well as in engineering construction. In the meantime any disputes regarding such workers are being settled in conformity with fair labour practices.

NICARAGUA

See under Convention No. 4.

SENEGAL

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

The Government proposes to amend section 3 of Order No. 3724 of 22 June 1954 respecting the employment of children to read as follows: "In all public or private industrial undertakings, such as those defined by the Night Work of Young Persons (Industry) Convention, 1919 (No. 6), and the branches thereof, with the exception of

the establishments in which only members of the same family are employed, the employment of children at night between 10 p.m. and 5 a.m. is prohibited". It further proposes to repeal section 7 of the order.

The Committee of Experts is asked to indicate whether the provisions of section 5 of the order of 22 June 1954 are in conformity with the provisions of Article 4 of the Convention. The opinion of the Committee is likewise sought as regards the above-mentioned draft amendment.

Up to now the inspectors of labour and social security have not been asked to establish statistics on the age of workers, since the labour inspectorate is not adequately staffed to compile extremely detailed statistics on the labour force. Nevertheless, in view of the Government's obligation to submit to the International Labour Office biennial reports on the application of the Convention, a letter has been sent to the labour inspectors requesting them to prepare reports on night work in industry performed by children and on the age of these children, on the basis of the registers kept by employers in respect of children under 16 years of age and between 16 and 18 years of age employed by them.

7. Minimum Age (Sea) Convention, 1920

This Convention came into force on 27 September 1921

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	30. 11. 1933	Luxembourg	16. 4. 1928
Australia	28. 6. 1935	Malaysia (Sarawak)	3. 3. 1964
Barbados	8. 5. 1967	Malta	4. 1. 1965
Belgium	4. 2. 1925	Mexico ¹	17. 8. 1948
Brazil	8. 6. 1936	Netherlands ¹	26. 3. 1925
Bulgaria	16. 3. 1923	Nicaragua	12. 4. 1934
Canada	31. 3. 1926	Norway	7. 10. 1927
Ceylon	2. 9. 1950	Poland	21. 6. 1924
Chile	18. 10. 1935	Portugal	24. 10. 1960
China	2. 12. 1936	Rumania	8. 5. 1922
Colombia	20. 6. 1933	Sierra Leone	15. 6. 1961
Cuba	6. 8. 1928	Singapore	25. 10. 1965
Denmark	12. 5. 1924	Spain	20. 6. 1924
Dominican Republic	4. 2. 1933	Sweden	27. 9. 1921
Finland	10. 10. 1925	Tanzania (Zanzibar)	22. 6. 1964
Federal Republic of Germany	11. 6. 1929	United Kingdom	14. 7. 1921
Greece	16. 12. 1925	Uruguay ¹	6. 6. 1933
Guyana	8. 6. 1966	Venezuela	20. 11. 1944
Hungary	1. 3. 1928	Yugoslavia	1. 4. 1927
Ireland	4. 9. 1925		
Italy	14. 7. 1932		
Jamaica	8. 7. 1963		
Japan	7. 6. 1924		

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

COLOMBIA

Decree No. 995 of 26 June 1968.

Under section 5 (1) of the above-mentioned decree it is absolutely forbidden to employ young persons under 14 years of age in the transport of passengers or goods by sea, and under section 5 (5) of the decree every employer is required to keep a register of all persons under the age of 18 years employed by him.

SWEDEN

Royal Proclamation of 30 June 1922 respecting the compiling of registers of juveniles employed on vessels (*Svensk Författningssamling (S.F.)*, 1922, No. 432).

Seamen's Act of 30 June 1952 (*S.F.*, 1952, No. 530, p. 1127) (*L.S.* 1952—Swe. 3).

Statutory form of paybook in accordance with section 11 of the Seamen's Act of 1952.

Mustering Ordinance of 14 April 1961 (*S.F.*, 1961, No. 87), as amended with effect from 1 August 1968 (*S.F.*, 1968, No. 444).

National Board of Shipping and Navigation Regulations and Directions (in force with effect from 24 April 1963) respecting the application of the Mustering Ordinance of 1961 (Series A, 1963, No. 6).

Safety on Board Ships Act of 19 November 1965 (*S.F.*, 1965, No. 719).

Order of 19 November 1965 to make provisions under the Safety on Board Ships Act (*S.F.*, 1965, No. 908).

Statutory form of ship's articles for Swedish vessels.

Article 5 of the Convention. Under the Mustering Ordinance ship's articles are a statutory requirement for the signing on and discharging of seamen on board Swedish vessels of 20 gross registered tons or over if the vessels are employed in foreign trade

or if they are classified as passenger vessels in domestic trade, with the exception of vessels engaged solely on pleasure excursions or on occasional voyages. The statutory form of ship's articles and the statutory form of the manning list contain columns for completion concerning the employee's date of birth.

The Government's report provided detailed information concerning the officials or inspectors whose statutory duties under the National Board of Shipping and Navigation Regulations and Directions and under the Safety on Board Ships Act include the checking of the age of employees on board vessels, including vessels under 20 gross registered tons. It is a punishable offence under the Seamen's Act of 1952 to employ a person under age aboard ship.

VENEZUELA

Article 4 of the Convention. In reply to observations made by the Committee of Experts the Government has stated that registers of the type provided for in section 114 of the Labour Act are kept by employers and inspected by the National Labour Inspection Service.

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

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

COLOMBIA

In reply to an observation made in 1967 by the Committee of Experts the Government has stated that the Bill referred to in its report for 1964-66 was approved by the Chamber of Representatives in an amended form in the second half of 1967 and that the amendments are now under consideration by the Seventh Committee of the Senate. In May 1968 the Ministry of Labour requested the President of that Committee to hasten the adoption of the draft in question in view of the fact that its object was to implement the provisions of international labour Conventions Nos. 8, 22 and 23.

RUMANIA

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that all ships are owned by the State and that in the event of shipwreck the seamen are assigned to another ship or to some other workplace and there is no question of terminating their contracts of employment. Pending such reassignment a seaman continues to enjoy all the benefits accruing to him under his contract.

SINGAPORE

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that section 92 of the Merchant Shipping Ordinance provides for the same rights, liens and remedies for recovery of wages to a master as are available to seamen and that these rights are also extended to persons acting on behalf of deceased masters.

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		

CHILE

Act No. 5 of 2 October 1967.

The above-mentioned Act establishes a free public employment service. As the service is new, it has not been engaging in the placing of seamen but this will soon be the case.

COLOMBIA

In reply to an observation made in 1968 by the Committee of Experts the Government has stated that the structural re-organisation of the Ministry of Labour has not yet been completed.

NICARAGUA

In reply to an observation made in 1967 by the Committee of Experts the Government has stated that the National Congress has not yet adopted the draft amendment to section 12 of the Labour Code concerning the prohibition of fee-charging employment agencies and the establishment of advisory committees.

PERU

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 2 of the Convention. Employment agencies conducted with a view to profit are unlawful and would be subject to the provisions of the Penal Code.

Article 4. There is no system of free public employment offices for finding employment for seamen. Unemployed seamen merely enter their names in a register kept by the Callao harbour master, which may be consulted by shipowners.

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Ratification registered on
Albania	3. 6. 1957
Algeria	19. 10. 1962
Argentina	26. 5. 1936
Australia	24. 12. 1957
Austria	12. 6. 1924
Belgium	13. 6. 1928
Bulgaria	6. 3. 1925
Byelorussia	6. 11. 1956
Central African Republic	9. 6. 1964
Chile	18. 10. 1935
Cuba	22. 8. 1935
Czechoslovakia	31. 8. 1923
Dominican Republic	4. 2. 1933
France	7. 6. 1951
Gabon	13. 6. 1961
Federal Republic of Germany	20. 3. 1957
Guinea	12. 12. 1966
Guyana	8. 6. 1966
Hungary	2. 2. 1927
Ireland	26. 5. 1925

Countries	Ratification registered on
Israel	23. 12. 1953
Italy	8. 9. 1924
Japan	19. 12. 1923
Luxembourg	16. 4. 1928
Malta	4. 1. 1965
Netherlands	28. 11. 1956
New Zealand	8. 7. 1947
Nicaragua	12. 4. 1934
Norway	28. 1. 1957
Peru	1. 2. 1960
Poland	21. 6. 1924
Rumania	10. 11. 1930
Senegal	22. 10. 1962
Spain	29. 8. 1932
Sweden	27. 11. 1923
Ukraine	14. 9. 1956
United Kingdom	11. 7. 1963
U.S.S.R.	10. 8. 1956
Uruguay	6. 6. 1933

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Lesotho	31. 10. 1966
Algeria	19. 10. 1962	Luxembourg	16. 4. 1928
Argentina	26. 5. 1936	Malagasy Republic	1. 11. 1960
Australia	24. 12. 1957	Malawi	22. 3. 1965
Austria	12. 6. 1924	Malaysia :	
Barbados	8. 5. 1967	States of Malaya	11. 1. 1960
Belgium	19. 7. 1926	Sarawak	3. 3. 1964
Brazil	25. 4. 1957	Mali	22. 9. 1960
Bulgaria	6. 3. 1925	Malta	4. 1. 1965
Burma	11. 5. 1923	Mauritania	20. 6. 1961
Burundi	11. 3. 1963	Mexico	20. 5. 1937
Byelorussia	6. 11. 1956	Morocco	20. 5. 1957
Cameroon :		Netherlands	20. 8. 1926
Eastern Cameroon	7. 6. 1960	New Zealand	29. 3. 1938
Western Cameroon	29. 1. 1963	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Ceylon	25. 8. 1952	Nigeria	16. 6. 1961
Chad	10. 11. 1960	Norway	11. 6. 1929
Chile	15. 9. 1925	Pakistan	11. 5. 1923
China	27. 4. 1934	Paraguay	16. 5. 1968
Colombia	20. 6. 1933	Peru	8. 11. 1945
Congo (Brazzaville)	10. 11. 1960	Poland	21. 6. 1924
Congo (Kinshasa)	20. 9. 1960	Rumania	10. 11. 1930
Costa Rica	16. 9. 1963	Rwanda	18. 9. 1962
Cuba	22. 8. 1935	Senegal	4. 11. 1960
Cyprus	8. 10. 1965	Singapore	25. 10. 1965
Czechoslovakia	31. 8. 1923	Spain	29. 8. 1932
Dahomey	12. 12. 1960	Sweden	27. 11. 1923
Denmark	20. 6. 1930	Switzerland	23. 5. 1940
Ecuador	10. 3. 1969	Syrian Arab Republic	26. 7. 1960
Ethiopia	4. 6. 1963	Tanzania :	
Finland	19. 6. 1923	Tanganyika	19. 11. 1962
France	23. 3. 1929	Zanzibar	22. 6. 1964
Gabon	14. 10. 1960	Togo	7. 6. 1960
Ghana	14. 3. 1968	Tunisia	15. 5. 1957
Federal Republic of Germany	6. 6. 1925	Turkey	29. 3. 1961
Greece	13. 6. 1952	Uganda	4. 6. 1963
Guinea	21. 1. 1959	Ukraine	14. 9. 1956
Guyana	8. 6. 1966	U.S.S.R.	10. 8. 1956
Iceland	21. 8. 1956	United Arab Republic	3. 7. 1954
India	11. 5. 1923	United Kingdom	6. 8. 1923
Ireland	17. 6. 1924	Upper Volta	21. 11. 1960
Italy	8. 9. 1924	Uruguay	6. 6. 1933
Ivory Coast	21. 11. 1960	Venezuela	20. 11. 1944
Jamaica	8. 7. 1963	Yugoslavia	30. 9. 1929
Kenya	13. 1. 1964	Zambia	2. 12. 1964

BARBADOS

Independence Order, 1966, embodying the Constitution.

Co-operative Societies Act, 1949.

Co-operative Societies (Amendment) Acts, 1955 and 1962.

In reply to a direct request made by the Committee of Experts concerning the right of association and combination of persons engaged in agriculture who are not under contract to an employer, the Government supplied the texts of the above-mentioned legislation.

BRAZIL

Ministerial Resolution No. 71 of 2 February 1965 (*Diário Oficial*, 5 Feb. 1965).

Ministerial Resolution No. 862 of 6 September 1967 (*ibid.*, 13 Sep. 1967).

In reply to an observation made by the Committee of Experts the Government has stated that section 5 of the above-mentioned ministerial resolution of 1965 has been amended by the above-mentioned ministerial resolution of 1967.

BULGARIA

In reply to a direct request made by the Committee of Experts the Government has stated that the new national Constitution, now being drafted, will state in clearer terms the principle of the right of occupational association so as to establish beyond all doubt the right of all persons employed in the rural sector of the economy to form and join occupational associations. This right will be defined in detail in the corresponding legislation in respect of persons employed in agriculture, in so far as these persons decide to exercise this right.

CAMEROON

Labour Code, Law No. LF-6 of 12 June 1967 (*L.S.* 1967—Cam. 1).

CHILE

Decree No. 453 of 14 July 1967 (*Diario Oficial (D.O.)*, 21 Sep. 1967) to issue regulations for the administration of Act No. 16625 respecting trade union arrangements in agriculture (*D.O.*, 29 Apr. 1967, No. 26730, p. 1685) (*L.S.* 1967—Chile 1).

Decree No. 6 of 23 October 1967 respecting the Trade Union Education and Extension Fund (*D.O.*, 12 Jan. 1968) and Decree No. 105 of 25 May 1968 to issue regulations thereunder (*D.O.*, 24 Apr. 1968).

CONGO (KINSHASA)

Labour Code, Legislative Ordinance No. 310 of 9 August 1967 (*Moniteur Congolais*, 15 Aug. 1967, No. 16) (*L.S.* 1967—Congo (Kin.) 1).

CZECHOSLOVAKIA

In reply to a direct request made by the Committee of Experts the Government has stated that the Bill respecting agricultural co-operatives is now under discussion. This Bill contains, *inter alia*, provisions in respect of the right of association of agricultural workers. Furthermore, in accordance with the Constitution (article 5) and Act No. 68 of 1951, on 23 September 1968 national unions of agricultural workers were established and cover members of agricultural co-operatives as well as self-employed agricultural workers.

DAHOMY

Labour Code, Ordinance No. 33 P.R./M.F.P.T.T. of 28 September 1967 (*Journal officiel*, 15 Dec. 1967, No. 27, p. 831) (*L.S.* 1967—Dah. 1).

ETHIOPIA

In reply to direct requests made by the Committee of Experts the Government has stated that it has taken account of the Committee's comments concerning the application of Conventions Nos. 11 and 87 and is examining the situation again with a view to bringing the national legislation into conformity with those Conventions.

RUMANIA

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

Agricultural production co-operatives are profit-making economic undertakings formed by the association of their members and are deemed to be bodies corporate in accordance with section 26 (c) of Decree No. 31 of 1954. They are not therefore industrial associations within the meaning of Act No. 52 of 1945. The co-operatives band together in unions on a territorial basis, and these unions are in turn affiliated to the National Union of Agricultural Production Co-operatives. The territorial (departmental) unions represent the economic, legal, social and cultural interests of agricultural co-operatives in dealings with governmental and co-operative bodies and organisations, while the National Union of Agricultural Production Co-operatives represents the economic, legal, social and cultural interests of agricultural co-operatives at the national level (section 14, clause 7). However, while not being industrial associations within the meaning of section 2 of Act No. 52 of 1945, agricultural co-operatives form an adequate organisational framework for the defence by their members of their occupational interests. Members of co-operatives may also found industrial associations within the meaning of the provisions of section 2 of Act No. 52 of 1945, which confers upon all persons working in the same occupation, or in similar or allied occupations, the right to form industrial associations in full freedom without prior authorisation. The non-existence of trade unions for members of agricultural co-operatives is explained by the fact that, being members of organisations in which and for which they work, and having ample opportunities, through these organisations, to enhance, develop and defend their interests, members of co-operatives have not considered it necessary to found other industrial associations.

SINGAPORE

Trade Unions Ordinance.

Societies Act, 1966, repealing the Societies Ordinance.

Trade Unions (Amendment) Act, 1967.

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
El Salvador	11. 10. 1955	Rwanda	18. 9. 1962
Finland	20. 1. 1950	Senegal	22. 10. 1962
France	4. 4. 1928	Singapore	25. 10. 1965
Gabon	13. 6. 1961	Spain	1. 10. 1931
Federal Republic of Germany	6. 6. 1925	Sweden	27. 11. 1923
Guyana	8. 6. 1966	Tanzania:	
Haiti	19. 4. 1955	Tanganyika	19. 11. 1962
Hungary	8. 6. 1956	Zanzibar	22. 6. 1964
Ireland	17. 6. 1924	Tunisia	15. 5. 1957
Italy	1. 9. 1930	Uganda	4. 6. 1963
Kenya	13. 1. 1964	United Kingdom	6. 8. 1923
Luxembourg	16. 4. 1928	Uruguay	6. 6. 1933
Malagasy Republic	10. 8. 1962	Yugoslavia	27. 1. 1958
Malawi	22. 3. 1965	Zambia	2. 12. 1964

DENMARK

Industrial Injuries (Amendment) Act of 6 March 1968.

PANAMA

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

Article 1 of the Convention. Section 212 (4) of the Labour Code exempts from the statutory provisions on industrial accidents agricultural workers employed in undertakings where not more than ten workers are permanently employed, except where they are using power-driven machinery or tools.

The concluding subsection of section 212 authorises the Ministry of Labour, after consulting the Department of Public Health, to restrict or cancel entirely these exceptions to meet any necessity which may arise, and to extend protection against occupational injuries to all agricultural employees.

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	Ivory Coast	21. 11. 1960
Algeria	19. 10. 1962	Laos	23. 1. 1964
Argentina	26. 5. 1936	Luxembourg	16. 4. 1928
Austria	12. 6. 1924	Malagasy Republic	1. 11. 1960
Belgium	19. 7. 1926	Mali	22. 9. 1960
Bulgaria	6. 3. 1925	Mauritania	20. 6. 1961
Cambodia	24. 2. 1969	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

SENEGAL

Draft amendments to Orders Nos. 8827 and 8822 of 14 November 1955 have been formulated. In accordance with these amendments section 10 of Order No. 8827 would make it obligatory for employers, when conditions of work make this necessary, to supply overalls to workers, who would be required to wear them throughout the working period. Section 12 of the same order would provide that cases of suspected lead poisoning should be notified to and supervised by the medical service in the same way as cases of lead poisoning which have become apparent. Under section 1 of Order No. 8822 of 14 November 1955 the use of white lead, sulphate of lead and of all products containing these pigments, in operations for which their use is not prohibited, would be in conformity with Article 5 of the Convention.

VENEZUELA

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

Article 5, principle III (b), of the Convention. There exist express legal provisions which authorise the competent authority to require the medical examination of the workers covered by the Convention in the form laid down by that instrument. Section 136 (g) of the regulations of 30 November 1938 makes it obligatory for employers to have those of their employees who regularly use lead-based paint

examined at least once in every six months by a medical practitioner at their expense. Employers are also obliged to order an immediate medical examination of workers in cases of suspected poisoning and to send an appropriate report to the labour inspector in all such cases. Under section 136 (*h*) of the regulations labour inspectors are required to collaborate as far as possible to ensure the application of the above-mentioned provisions. Under section 167 of the regulations the National Labour Office may request a technical report from the labour inspectors.

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	Lebanon	26. 7. 1962
Algeria	19. 10. 1962	Lesotho	31. 10. 1966
Argentina	26. 5. 1936	Luxembourg	16. 4. 1928
Belgium	19. 7. 1926	Malagasy Republic	1. 11. 1960
Bolivia	19. 7. 1954	Malaysia (Sarawak)	3. 3. 1964
Brazil	25. 4. 1957	Mali	22. 9. 1960
Bulgaria	6. 3. 1925	Mauritania	20. 6. 1961
Burma	11. 5. 1923	Mexico	7. 1. 1938
Burundi	11. 3. 1963	Morocco	20. 9. 1956
Byelorussia	26. 2. 1968	Netherlands	14. 7. 1965
Cameroon (Eastern Cameroon)	7. 6. 1960	New Zealand	29. 3. 1938
Canada	21. 3. 1935	Nicaragua	12. 4. 1934
Central African Republic	27. 10. 1960	Niger	27. 2. 1961
Chad	10. 11. 1960	Norway	7. 7. 1937
Chile	15. 9. 1925	Pakistan	11. 5. 1923
China	17. 5. 1934	Paraguay	21. 3. 1966
Colombia	20. 6. 1933	Peru	8. 11. 1945
Congo (Brazzaville)	10. 11. 1960	Poland	21. 6. 1924
Congo (Kinshasa)	20. 9. 1960	Portugal	3. 7. 1928
Cuba	20. 7. 1953	Rumania	18. 8. 1923
Czechoslovakia	31. 8. 1923	Rwanda	18. 9. 1962
Dahomey	12. 12. 1960	Senegal	4. 11. 1960
Denmark	30. 8. 1935	Spain	20. 6. 1924
Finland	19. 6. 1923	Sweden	22. 12. 1931
France	3. 9. 1926	Switzerland	16. 1. 1935
Gabon	14. 10. 1960	Syrian Arab Republic	10. 5. 1960
Greece	11. 5. 1929	Thailand	5. 4. 1968
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	Ukraine	19. 6. 1968
India	11. 5. 1923	U.S.S.R.	22. 9. 1967
Iraq	12. 5. 1960	United Arab Republic	10. 5. 1960
Ireland	22. 7. 1930	Upper Volta	21. 11. 1960
Israel	26. 6. 1951	Uruguay	6. 6. 1933
Italy	8. 9. 1924	Venezuela	20. 11. 1944
Ivory Coast	21. 11. 1960	Viet-Nam	14. 6. 1955
Kenya	13. 1. 1964	Yugoslavia	1. 4. 1927

BOLIVIA

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

The ministers (and consequently the Minister of Labour and Social Security) having been replaced successively, the different committees appointed to prepare a new Labour Code have not met on a permanent basis. Consequently the examination of the new draft Labour Code has not been completed. The amount of time needed to terminate the study and the future revision of this draft could not be determined because of some internal difficulties. Every effort will, however, be made to overcome these difficulties.

CAMEROON

Order No. 007 of 17 June 1968 to prescribe the procedures for communicating, registering and posting internal regulations made under section 34 of the Labour Code.

See also under Convention No. 11.

Articles 4 to 6 of the Convention. The order provided for under section 95 (2) of the Labour Code has not yet been issued. A copy of the text will be forwarded to the International Labour Office when it has been formulated.

Article 7. Section 34 of the Labour Code provides for the drawing up of internal regulations of undertakings. These are required to include, *inter alia*, rules relating to the technical organisation of the work, including rules for the granting of weekly rest. The text of an order issued for the application of this section was appended to the Government's report and lays down the methods of giving the particulars mentioned in this Article.

CANADA

*Federal Legislation.**Northwest Territories.*

See under Convention No. 1.

Yukon Territory.

See under Convention No. 1.

*Provincial Legislation.**British Columbia.*

Male and Female Minimum Wage Order, No. 31 of 11 April 1967 (British Columbia Regulation No. 100 of 1967) (*British Columbia Gazette*, Part II, 11 May 1967, No. 10, p. 194).

Manitoba.

See under Convention No. 1.

Both the Northwest Territories and the Yukon Territory Labour Standards Ordinances include in Part I, governing hours of work, provision for a weekly rest day. Accordingly it is specified that, except as may be otherwise prescribed by regulations, hours of work in a week shall be so scheduled and actually worked that each employee has at least one full day of rest in a week, and, wherever practicable, Sunday shall be the normal weekly day of rest. Both ordinances state that nothing in them authorises work on Sunday which is prohibited by law.

The Northwest Territories ordinance weekly rest section applies to all employees except domestic servants, trappers and persons engaged in commercial fisheries, hunting and fishing guides, members and students of professions and industrial establishments exempted from the provisions of Part I by the Commissioner of the Northwest Territories upon application and the recommendation of an Advisory Board, subject to such terms and conditions as the Commissioner deems proper.

The weekly rest section of the Yukon ordinance applies to all employees except members of the employer's family, individuals in search of minerals, travelling salesmen, domestic servants, farm labourers, managerial employees, members and students of professions that may be exempted by regulations and such other persons or classes of persons as designated by regulations.

A large proportion of the British Columbia minimum wage orders provide for a weekly rest period of 32 consecutive hours, except where the administrative board approves a different arrangement, on the joint application of the employer and employees concerned. The new general order, issued to fill gaps in minimum wage coverage, incorporates this provision.

The weekly rest provisions of the Manitoba Employment Standards Act have been extended to apply to persons, previously excluded, who are not usually employed for more than five hours in a day.

In reply to a direct request made in 1967 by the Committee of Experts concerning the exceptions made by the regulations relating to section 7 of the Federal Labour (Standards) Code of 1965, the Government has stated that since the regulations came into effect in 1965 rest periods have been prescribed in all permits except three and these were permits for short periods.

CHINA

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

According to the report for 1967 published by the Taiwan Factories and Mines Inspection Commission on weekly rest provisions, 491 out of 567 factories inspected employed 30 or more workers and 76 of them employed less than 30 workers. Out of the 491 factories employing 30 or more persons, 204 provided for four rest days per month; one granted three days monthly; 230 granted two days in a month; eight granted only one rest day per month; and 48 made no provision at all for weekly rest. Out of the 76 factories employing less than 30 persons each, 27 granted four rest days monthly; 39 granted two days of rest per month; three provided for one day's rest in the month; and seven made no provision for weekly rest.

CONGO (KINSHASA)

Decree of 1 April 1933 to issue regulations for agreements in river navigation (*Bulletin officiel du Congo belge*, 15 May 1933, No. 5, p. 294) (L.S. 1933—Bel. 8).

Order No. 12 of 17 May 1968 governing work and the weekly rest day.

See also under Convention No. 11.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

As the decree of 14 March 1957 respecting hours of work is not in line with the economic and social situation of the country, the Labour Code has devoted Chapter II of Part VII to weekly rest and holidays. This chapter prescribes a weekly rest for all the personnel employed in every establishment, irrespective of their activities and their legal status. The provisions take into account, *inter alia*, rest periods allowed collectively and individually.

In pursuance of section 102 of the Labour Code, which lays down detailed provisions respecting holidays, the Minister of Labour has issued the above-mentioned order.

The draft Code respecting river transport, which includes special provision for personnel in this sector of activity, has not yet been adopted. A detailed report on the subject will be submitted as soon as the Code is approved. In the meantime the decree of 1933 remains in force.

FINLAND

In reply to a direct request made in 1967 by the Committee of Experts concerning the Hours of Work Act, 1946, as amended, the Government has supplied the following information.

The Act gives preference to compensatory rest; the employee's consent is required for cash compensation. The Union of Technicians (supervisors and technicians) has recommended compensatory rest to its members. It is thought that compensatory

rest is more general than cash compensation at the supervisory level. Experience of the Employers' Federation of the Finnish Metal Industry has shown that the employees in this sector prefer cash compensation.

GREECE

Ministerial Circular No. 164092/YII of 14 December 1967 respecting the granting of four rest days per month to the staff in engine sheds and garages.

In reply to an observation made in 1967 by the Committee of Experts the Government has supplied the following information.

Following the promulgation of the above-mentioned ministerial circular the state railways have granted four rest days per month to the staff in the engine sheds and garages. Thus the application of the provisions of Article 2 of the Convention is fully ensured.

INDIA

See under Convention No. 1.

KENYA

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

A new Employment Act is being drafted. It will contain a provision intended to ensure that all industrial workers enjoy at least one complete rest day in every period of seven days.

MALAYSIA

Sarawak

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Non-manual workers form a small proportion of the work force of an industrial establishment and, even though the Labour Ordinance of Sarawak does not apply to these workers, they do in practice get a weekly holiday on the same day as the manual workers. Under Chapter VI of the ordinance no contract of apprenticeship is valid unless it is attested and approved by the Commissioner of Labour. The Commissioner of Labour has so far not attested or approved any such contracts of apprenticeship. In practice, therefore, no worker has been deemed to be an apprentice and thereby excluded from the application of sections 104 and 108. In any event the Commissioner would not approve any contract of apprenticeship unless it provides for a weekly rest as laid down in the Convention. Shift workers and persons whose work involves "long and regular hours of inactive or stand-by employment" could be said to be covered by the exceptions allowed under Article 4 of the Convention, since the Labour Ordinance was in existence prior to the assumption of obligations under the Convention.

Compensatory rest in cases where work is performed on the weekly rest day is usually given according to practice and tradition. It is noted that the Convention states that provision for compensatory rest should be made only "as far as possible".

In practice the Commissioner of Labour has not approved any contract entered into by a worker in which he specifically contracts out of his entitlement to weekly rest in accordance with the Labour Ordinance.

NETHERLANDS

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

Article 3 of the Convention. It is true that the spouse of the head of an undertaking is excluded from the protection of the Labour Act, and that this exception is not restricted to family firms. This exception should be added to those indicated in the list included in the Government's previous report in relation to Article. 6

Articles 4 and 5. Work on a Sunday for not more than four hours, for which no compensation need be given, does not depend on a permit but follows from section 22 (4) of the Labour Act and section 58 of the Hours of Work (Factories and Workshops) Decree of 1936. When this exception was laid down, at the time when the legislation was promulgated, it was adjudged that to permit, for economic reasons, the performance of a few hours (maximum four) of work within a rest period of 36 hours was acceptable from the social point of view, even if this was not to be compulsorily compensated. The above-mentioned legislation is outmoded and in practice very little use is made of the legally permitted possibility of requiring the performance of some work of a short duration during the weekly rest day.

The term "civil law regulations" means regulations of a private nature, notably collective agreements, many of which lay down the principle of a weekly rest day and/or a five-day working week.

NIGER

See under Convention No. 5.

Sections 251 to 268 of Decree No. 126/MFP/T of 7 September 1967, to make regulations under section 118 of the Labour Code concerning weekly rest, lay down measures of application notably in respect of the occupations for which, and the conditions under which, the rest period can be granted on an exceptional basis for clearly established reasons. In such cases the rest period can be granted either by rotation or collectively on other days than Sundays, or suspended with compensation for religious or local festivals, or spread over a period longer than one week.

NORWAY

Act of 10 May 1968 (*Norsk Lovtidend*, 10 June 1968, No. 19) to amend the Workers' Protection Act of 7 December 1956.

The Amendment Act of 10 May 1968 has amended section 28 (3) of the Workers' Protection Act of 1956. The new provision, which came into force on 1 October 1968, prescribes that, in respect of work performed in conformity with an approved shift plan in pursuance of section 21 (4), or in other special cases, the Directorate of Labour Inspection may establish an alternative arrangement for the weekly rest period, provided that the employees are granted a continuous rest period of not less than 24 hours a week on an average over the shift period or another specified period. The Directorate of Labour Inspection may also authorise other exceptions where disproportionate difficulties would be involved in finding a substitute for the employee or if the service to be performed does not require any considerable amount of work.

This amendment has transferred the powers previously accorded to the Ministry to the central labour inspection administration.

PARAGUAY

Decision No. 36 of 8 April 1964.

Article 1, paragraph 3, of the Convention. The line of division has been defined only in regard to agricultural activities in accordance with section 4 of the above-mentioned decision.

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

The national executive authority establishes by decree the hours of work of the public services, which extend from Monday to Saturday, with Sunday as the weekly rest day.

The categories included in the exceptions in respect of the weekly rest period provided for by section 214 of the Labour Code are (a) watchmen; (b) hotels, bars, boarding-houses, restaurants and similar services; (c) public transport; (d) cinemas, theatres, sporting establishments, radio and television; (e) operations which, due to the nature of the work, cannot be interrupted; (f) medical services; and (g) autonomous organisations operating public services (transport, telephone, water supply, light and power). The workers employed in these services on Sunday are entitled to a compensatory weekly rest on another day in the week following the Sunday in question.

A copy of the list provided for by section 215 of the Labour Code was appended to the Government's previous report.

POLAND

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that work performed on Sundays in coal mines during the period following the Second World War was undertaken voluntarily and no regulations were formulated to authorise such work.

TUNISIA

Order of 12 July 1968 of the Secretaries of State for Planning and the National Economy and for Youth, Sports and Social Affairs to grant exceptions to the general rules governing weekly rest for specialists employed in factories operating continuously (*Journal officiel*, 12-16 July 1968, No. 29, p. 814).

Order of 12 July 1968 of the Secretary of State for Youth, Sports and Social Affairs respecting the register of undertakings authorised to grant weekly rest by rotation (*ibid.*, p. 815).

Order of 12 July 1968 of the Secretary of State for Youth, Sports and Social Affairs governing the supervision of weekly rest (*ibid.*, p. 817).

In reply to a direct request made in 1968 by the Committee of Experts the Government furnished the texts of the above-mentioned orders, indicating that the orders of 25 April and 16 July 1921 (notices and rosters) are still applied.

YUGOSLAVIA

See under Convention No. 5.

The legislation adopted by the different federated republics governs the employment relationship between workers and private employers. It takes into consideration the special conditions of work of workers in private employment and is in conformity with the economic principles and the rights of workers as stated in the Basic Act respecting employment relationships.

The employment relationship in the case of private employment is established in a written contract made between the employer and the employee. The contract stipulates the reciprocal rights and obligations of the parties concerned as well as the conditions of work. It cannot provide for conditions less favourable than those determined by law or by the provisions issued in pursuance of the law or of a collective agreement. The law stipulates that every worker shall be entitled to a weekly rest period of at least 24 consecutive hours, implying that a contract for private employment can provide for a longer rest period. If it is indispensable that the worker should be employed on the weekly rest day, his employer is obliged to grant him a day of rest in the course of the following week. For work of a seasonal character (in agriculture, the hotel industry, etc.) the weekly rest period can be fixed in some other manner, provided that the worker is assured of the rest period prescribed by law.

Private employers are obliged strictly to observe the law, provisions made in virtue of the law and the provisions of the collective agreements. Any violation of such provisions is liable to a penalty.

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

KENYA

Merchant Shipping Act, No. 35 of 1967 (*Kenya Gazette*, Supplement No. 104, 29 Dec. 1967).

In reply to requests made by the Committee of Experts the Government has indicated that sections 89 (2) (j) and 91 (2) (d) of the above-mentioned Act fully apply Article 5 of the Convention.

SWEDEN

See under Convention No. 7.

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

This Convention came into force on 20 November 1922

Countries	Ratification registered on
Albania	3. 6. 1957
Argentina	26. 5. 1936
Australia	28. 6. 1935
Belgium	19. 7. 1926
Brazil	8. 6. 1936
Bulgaria	6. 3. 1925
Burma	20. 11. 1922
Byelorussia	6. 11. 1956
Cameroon (Western Cameroon)	3. 9. 1962
Canada	31. 3. 1926
Ceylon	25. 4. 1951
Chile	18. 10. 1935
China	2. 12. 1936
Colombia	20. 6. 1933
Cuba	7. 7. 1928
Cyprus	23. 9. 1960
Denmark	23. 4. 1938
Finland	10. 10. 1925
France	22. 3. 1928
Federal Republic of Germany	11. 6. 1929
Ghana	20. 5. 1957
Greece	28. 6. 1930
Guinea	12. 12. 1966
Hungary	1. 3. 1928
India	20. 11. 1922
Iraq	19. 4. 1966
Ireland	5. 7. 1930
Italy	8. 9. 1924

Countries	Ratification registered on
Jamaica	26. 12. 1962
Japan	7. 6. 1924
Luxembourg	16. 4. 1928
Malaysia (Sabah, Sarawak)	3. 3. 1964
Malta	4. 1. 1965
Mexico	9. 3. 1938
Netherlands	9. 3. 1928
New Zealand	5. 12. 1961
Nicaragua	12. 4. 1934
Nigeria	17. 10. 1960
Pakistan	20. 11. 1922
Poland	21. 6. 1924
Rumania	18. 8. 1923
Sierra Leone	13. 6. 1961
Singapore	25. 10. 1965
Somalia (ex-Trust Territory)	18. 11. 1960
Spain	20. 6. 1924
Sweden	14. 7. 1925
Switzerland	21. 4. 1960
Tanzania:	
Tanganyika	30. 1. 1962
Zanzibar	22. 6. 1964
Trinidad and Tobago	24. 5. 1963
Ukraine	14. 9. 1956
U.S.S.R.	10. 8. 1956
United Kingdom	8. 3. 1926
Uruguay	6. 6. 1933
Yugoslavia	1. 4. 1927

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	Mauritania	8. 11. 1963
Argentina	14. 3. 1950	Mexico	12. 5. 1934
Austria	21. 8. 1936	Morocco	20. 9. 1956
Barbados	8. 5. 1967	Netherlands	13. 9. 1927
Belgium	3. 10. 1927	New Zealand	29. 3. 1938
Bulgaria	5. 9. 1929	Nicaragua	12. 4. 1934
Burma	16. 2. 1956	Panama	3. 6. 1958
Burundi	11. 3. 1963	Philippines	17. 11. 1960
Central African Republic	9. 6. 1964	Poland	3. 11. 1937
Chile	8. 10. 1931	Portugal	27. 3. 1929
Colombia	20. 6. 1933	Rwanda	18. 9. 1962
Congo (Kinshasa)	20. 9. 1960	Sierra Leone	13. 6. 1961
Cuba	6. 8. 1928	Somalia (ex-Trust Territory)	18. 11. 1960
Czechoslovakia	12. 6. 1950	Spain	22. 2. 1929
Finland	20. 1. 1950	Sweden	8. 9. 1926
France	17. 5. 1948	Syrian Arab Republic	10. 5. 1960
Federal Republic of Germany	14. 6. 1955	Tanzania:	
Greece	13. 6. 1952	Tanganyika	30. 1. 1962
Guinea	12. 12. 1966	Zanzibar	22. 6. 1964
Haiti	19. 4. 1955	Tunisia	15. 5. 1957
Hungary	19. 4. 1928	Uganda	4. 6. 1963
Iraq	5. 7. 1960	United Arab Republic	10. 5. 1960
Kenya	13. 1. 1964	United Kingdom	28. 6. 1949
Luxembourg	16. 4. 1928	Uruguay	6. 6. 1933
Malaysia (States of Malaya)	11. 11. 1957	Yugoslavia	1. 4. 1927
Mali	12. 7. 1968	Zambia	2. 12. 1964

ALGERIA

Order of 28 September 1966 respecting the supply, repair and replacement of artificial limbs and surgical appliances.

Decree No. 43 of 9 March 1967 respecting medical, surgical and pharmaceutical aid, the reviewing of invalidity allowances, etc.

Article 8 of the Convention. An invalidity allowance may be reviewed either at the request of the beneficiary or on the initiative of the institution responsible for its payment, the latter being required to arrange for medical check-ups once every three months during the first two years, and subsequently once a year (section 58 of the above-mentioned decree).

Article 9. An injured worker is entitled to all the care necessitated by his state of health, including medical, surgical and pharmaceutical aid, hospitalisation, laboratory analyses and tests, optical lenses, thermal treatment and appliances. The share of the cost guaranteed by the Social Fund (80 per cent of the standard rate of liability) is reimbursed either to the injured person or directly to the establishment where he is receiving care (sections 8 and 9 of the above-mentioned decree). The injured person is exempted from his share of the cost in serious cases of the types listed in section 12 of the decree. Benefit is payable for as long as the injured person's state of health calls for treatment (section 6 of the decree).

Article 10. The cost of supplying, repairing and replacing artificial limbs and surgical appliances is borne in full (in the case of large appliances) and up to an amount equal to 80 per cent of the standard rate of liability (in the case of small appliances) by the institutions administering the scheme, through the intermediary of the appliance centres responsible for technical operations and supervision (order of 28 September 1966).

MAURITANIA

Act No. 039 of 3 February 1967 to institute a social security scheme (*Journal officiel (J.O.)*, 22 Mar. 1967, No. 202-203, p. 93) (*L.S.* 1967—Mau. 1).

Order No. 464 of 4 September 1967 to make regulations for the provision of social security benefits (*J.O.*, 18 Oct. 1967, No. 217, p. 362).

Articles 2 to 4 of the Convention. By virtue of section 2 of Act No. 039 of 1967, that Act is applicable to all workers covered by the Labour Code or the Merchant Shipping Code.

Article 5. A person suffering from permanent partial incapacity as the result of an employment accident is entitled to (a) an incapacity pension if his degree of incapacity amounts to 15 per cent or more; and (b) an incapacity grant payable as a lump sum if his degree of incapacity is less than 15 per cent. Where such an accident results in the worker's death, his dependants are entitled to survivors' pensions and to a burial grant (sections 46 to 48 of Act No. 039).

Article 6. The compensation from the National Social Security Fund is payable as from the second day after the accident.

Article 7. Under the terms of section 62 of Act No. 039 a beneficiary of an incapacity or disability pension constantly requiring the care and assistance of another person in order to perform the acts of normal life is entitled to a supplement equal to half his pension. This supplement may not in any circumstances be less than the minimum wage referred to in section 46 (3) of the Act.

Article 10. Act No. 039 entitles beneficiaries to the provision, maintenance and renewal of such artificial limbs or surgical appliances as are necessitated by their injury; they must register with the appliance centre indicated to them by the National Social Security Fund.

Article 11. Under the terms of section 79 of the Act the National Social Security Fund has taken over responsibility from the Employment Injury Pensions Improvement and Guarantee Fund for the furnishing of benefits, the improvement of pensions and the affording of guarantees.

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.

MAURITANIA

Act No. 039 of 3 February 1967 to institute a social security scheme (*Journal officiel (J.O.)*, 22 Mar. 1967, No. 202-203, p. 93) (*L.S.* 1967—Mau. 1).

Decree No. 142 of 5 July 1967 to issue a list of diseases deemed to be occupational diseases (*J.O.*, 21 Feb. 1968, No. 224-225, p. 80).

In reply to a direct request made by the Committee of Experts concerning the restrictive nature of the pathological manifestations indicated in the list issued by the above-mentioned decree the Government has stated that it has taken note of this request and that its next report will be sure to contain information about the improvements which are now under consideration.

NICARAGUA

In reply to an observation made by the Committee of Experts the Government has stated that the draft revision of the Labour Code, containing a list of occupational diseases in conformity with Article 2 of the Convention, has not yet been approved.

SENEGAL

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

It is intended to amend the national regulations as follows: (*a*) in the schedule concerning occupational lead poisoning, to replace the heading "Diseases Caused by Lead Poisoning" by "Indicative List of Diseases Caused by Lead Poisoning"; (*b*) in the schedule concerning occupational mercurialism, to replace the heading "Diseases Caused by Mercury Poisoning" by "Indicative List of Diseases Caused by Mercury Poisoning"; (*c*) in the schedule concerning occupational anthrax infection, to add after "handling, loading, unloading or transport" the words "of any other contaminated merchandise".

The Committee of Experts is asked for its views on these proposed changes.

UPPER VOLTA

In reply to an observation made by the Committee of Experts the Government has stated that a technical advisory committee is to meet very shortly to take a decision on new texts respecting occupational diseases, which will probably meet the wishes of the Committee of Experts.

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	Thailand	5. 4. 1968
Indonesia	12. 6. 1950	Trinidad and Tobago	24. 5. 1963
Iraq	30. 4. 1940	Tunisia	12. 6. 1956
Ireland	5. 7. 1930	Uganda	4. 6. 1963
Israel	5. 5. 1958	United Arab Republic	29. 11. 1948
Italy	15. 3. 1928	United Kingdom	6. 10. 1926
Ivory Coast	5. 5. 1961	Uruguay	6. 6. 1933
Jamaica	26. 12. 1962	Venezuela	20. 11. 1944
Japan	8. 10. 1928	Yugoslavia	1. 4. 1927
Kenya	13. 1. 1964	Zambia	2. 12. 1964

ALGERIA

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

In reply to a request made by the Committee of Experts the Government has stated that the restrictions imposed upon certain non-nationals (workers ceasing to

reside on Algerian territory, and dependants of workers not residing there at the time of the accident) may be varied by international agreement (sections 63 (2) and 73 (3) of the ordinance), and accordingly are not applicable to nationals of countries which have ratified the Convention. Under agreements concluded with France (General Social Security Agreement of 19 January 1965) and Belgium the pensions payable in pursuance of the legislation of each of the contracting States are maintained for persons transferring their residence from one of these States to the other, and benefits in kind are provided by the institution in the country where the beneficiary has taken up residence, in accordance with the legislation applicable.

MAURITANIA

See under Convention No. 17.

Article 1, paragraph 2, of the Convention. In reply to requests made by the Committee of Experts the Government has stated that the condition as to residence has been reimposed even more strongly by Act No. 039 of 1967. Section 66 of that Act provides, in fact, for benefit to be suspended if the beneficiary is not resident in Mauritania, except where reciprocity is provided for under an international agreement. The Government has stated that it will do its best to bring the national legislation into line with the Convention.

20. Night Work (Bakeries) Convention, 1925

This Convention came into force on 26 May 1928

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

¹ Has denounced this Convention.

FINLAND

Act No. 247 of 3 May 1968 to amend the Bakeries Act (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1968, No. 247, p. 473).

The employers' and workers' organisations for the baking industry stated during the collective agreement negotiations in 1966 that it was not possible to introduce a 40-hour working week in a way which would satisfy all the parties concerned unless certain amendments aimed at a more flexible arrangement of hours of work were at the same time made in the Bakeries Act.

Agreement about these amendments having been reached by the organisations concerned, and since, in the Government's opinion, national conditions permit freer arrangements as regards hours of work, the Bakeries Act has been duly amended.

The labour market organisations representing the baking industry are of the opinion that three-shift work is possible under clauses (c) and (d) of Article 3 of the Convention. The new hours of work arrangements are aimed expressly at ensuring a two-day weekly rest period for workers. Three-shift work may be performed only under agreements concluded between the national labour market organisations concerned and with the consent of the Labour Council. As a general condition, the Act requires that working arrangements shall be such that night work does not cause any special inconvenience to the worker or endanger his health. Three-shift work may be required only of male workers. On this basis it is considered possible to ensure that those inconveniences of night work which originally led to the promulgation of the Act prohibiting night work in bakeries and the adoption of the Convention will be avoided.

PERU

In reply to a request made by the Committee of Experts the Government has stated that any progress made in this respect will be made known to the Committee of Experts.

No recourse has been had to the exceptions provided for in Article 1, paragraph 3, and Article 4 of the Convention.

SPAIN

In reply to a request made by the Committee of Experts the Government has stated that Spanish legislation on night work in bakeries is fully applicable to Ifni and Sahara. Texts containing declarations to this effect were appended to the Government's report.

SWEDEN

In reply to a direct request made by the Committee of Experts the Government has stated that, according to preliminary information received from the national Committee on Working Hours, that Committee appears to intend to propose the abolition of the legislation respecting hours of work in bakeries and, consequently, the denunciation of this Convention.

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

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

¹ Conditional ratification.

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		

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

PERU

In reply to observations and requests made by the Committee of Experts the Government has stated that the qualifying period of 120 days before becoming eligible for medical benefits would only be insisted upon, under the terms of section 65 of the Regulations for the administration of Act No. 13724, for the institution of a social insurance scheme for salaried employees, in the event that the Fund's medical services had been in operation in a province or locality for more than 120 days. The proposals for the reform of the wage earners' social insurance scheme, which deal with the contingency of sickness, make no provision for a restriction of this kind and are therefore in conformity with the requirements of Article 4 of the Convention, and they also comply with the requirements of Article 2 in extending the coverage of this compulsory insurance scheme to domestic servants. The sickness insurance scheme now covers the most important areas of all the departments in the country.

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		

PERU

In reply to observations and requests made by the Committee of Experts the Government has stated that, despite difficulties encountered, the following progress has been made: application of the sickness insurance scheme to agricultural workers, including members of the employer's family, has been extended to the communities of Muquiyanyo, Acolla and San Pedro de Cajas. The workers covered by the Agrarian Reform Act are also going to be progressively incorporated in the scheme.

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

AUSTRALIA

Commonwealth.

- Public Service Arbitration Act, 1966.
- Conciliation and Arbitration Act, 1968.
- Australian Capital Territory.*
- Industrial Board Ordinance, 1966.

States.

- New South Wales.*
- Industrial Arbitration Act, 1967.
- South Australia.*
- Industrial Code, 1967.
- Western Australia.*
- Industrial Arbitration Act, 1966.

BRAZIL

Legislative Decree No. 229 of 28 February 1967 to amend certain provisions of the Consolidation of Labour Laws, and to provide for certain other matters (*Diário Oficial*, 28 Feb. 1967, No. 40, p. 2423) (L.S. 1967—Bra. 2).

The minimum monthly wage is guaranteed, even where part of it is fixed and part variable.

The wage payable to an apprentice who is still a minor may never be less than half the regional minimum wage during the first half of the maximum term fixed for the apprenticeship in the trade concerned, and two-thirds during the remainder of the apprenticeship.

CHILE

Under section 149 of Act No. 16617, which has amended section 139 of Act No. 16464, the minimum wage rates for wage earners not covered by a collective agreement come into force on 1 January each year.

CHINA

Essential Points for the Inspection of Wages of Industrial Workers in Taiwan Province, dated 28 December 1956, as revised on 9 April 1968.

Temporary Basic Wage Regulations promulgated by the Executive Yuan on 16 March 1968.

Under sections 1 to 3 of the regulations of 16 March 1968 the basic wages of adult workers who have a fixed employment in factories, mines, communications, transport, public undertakings, agriculture, forestry, fishing and stockbreeding are fixed by the Government. The wages of workers under 16 years of age may not be less than 70 per cent of the basic wages of adult workers.

In reply to a direct request made by the Committee of Experts concerning the application of Article 3, paragraph 2 (1) and (2), and Article 4 of the Convention the Government has stated that basic wages are fixed by it on the basis of suggestions made by the Basic Wages Evaluation Commission, in collaboration with the employers' and workers' organisations concerned. The authority may check at any time to ensure that the wages fixed are being paid.

CONGO (KINSHASA)

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Employers and workers are represented on equal terms on the National Labour Council.

Decisions in respect of minimum wages are published in the official gazette (*Moniteur congolais*), and made known through the press and the radio.

CZECHOSLOVAKIA

Notification No. 101 of 20 December 1966 of the State Committee on Finance, Prices and Wages respecting the remuneration of work performed under the new system of national economic planning (*Sbirka Zákonů*, 20 Dec. 1966, No. 44).

Act No. 53 of 25 April 1968 respecting the changes which have taken place in the organisation and terms of reference of certain central authorities (*ibid.*, 29 Apr. 1968, No. 17).

The above-mentioned Act has repealed Act No. 113 of 10 November 1965, which established the State Committee on Finance, Prices and Wages, and provides for the establishment of a Ministry of Labour and Social Affairs. As regards remuneration for work performed, this Ministry has taken over the handling of the matters

formerly within the competence of the State Committee on Finance, Prices and Wages.

Notification No. 101 of 1966 has repealed Notification No. 91 of 1965. It contains provisions (in section 33) similar to those of the repealed Notification (in section 40) giving effect to the Convention.

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

Articles 2 and 3, paragraph 2 (1) and (2), of the Convention. The Ministries for the various industries, which participate in the management of undertakings, assist with the framing of legislative enactments in respect of wages. Furthermore, the central bodies representing the interests of the managements of undertakings participate in the application of the machinery for fixing wage rates in individual industries and sectors.

Article 4, paragraph 1. The enforcement of the wage regulations is handled mainly by the following authorities: the central bodies, and in particular the managing committees for each sector, the central authorities, the State Bank of Czechoslovakia, the People's Supervisory Board, the Public Prosecutor's office and the trade union movement.

GUATEMALA

Regulations of 9 April 1968 governing the National Wages Board and the joint boards (*El Guatemalteco*, 24 Apr. 1968, No. 39, p. 410).

In reply to a direct request made by the Committee of Experts in connection with Article 4, paragraph 2, of the Convention, and to a statement made by the Guatemalan Workers' delegate to the 51st (1967) Session of the Conference regarding the payment of wages at less than the minimum rates, the Government has stated that, while no such cases have been recorded up to now, in any event the legislation in force prescribes appropriate penalties and requires the payment to the worker of the full amount by which he has been underpaid.

INDIA

In reply to a request made by the Committee of Experts concerning the situation regarding the application of the Convention in Madhya Pradesh the Government has stated that the High Court of Madhya Pradesh upheld the validity of the Madhya Pradesh Minimum Wages Fixation Act, 1962, reversing its previous contrary decision.

The Government of Rajasthan has appealed against the High Court decision invalidating its Notification No. F.3(12)/Lab/63, revising minimum wage rates for employment in mica mines.

LUXEMBOURG

Grand-ducal Order of 15 November 1967 (*Mémorial*, Series A, No. 73, 17 Nov. 1967, p. 1064), to amend the Grand-ducal Order of 22 April 1963 respecting the refixing and regulation of the minimum social wage, as modified by the Grand-ducal Order of 25 June 1965.

Consolidated text of 15 November 1967 embodying the regulations governing the minimum social wage (*ibid.*, No. 80, 7 Dec. 1967, p. 1287).

By virtue of sections 1 and 2 of the above-mentioned order, the hourly minimum wage rate for workers of 21 years of age or over has been increased from 27 to 30 francs, and the minimum monthly salary, which was formerly 5,500 francs has been raised to 6,100 francs.

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

Articles 1 and 5 of the Convention. Home workers are not exempted from the regulations governing the minimum social wage. There are only rare instances of work being done at home in Luxembourg.

Article 2 and Article 3, paragraph 2 (1) and (2). Any request for release from the obligation to pay the minimum social wage is investigated by a commission composed of representatives of the Ministries of Labour and the National Economy. This commission may carry out its inquiries in the undertaking itself, gathering information from the employer and from the workers or staff representatives.

MEXICO

In reply to a request made by the Committee of Experts the Government has stated that the relevant department within the Department of Labour and Social Welfare has been asked to ensure that, whenever an inspection is carried out, the opportunity shall be used to ascertain that wages are not being paid at less than the minimum rates.

NICARAGUA

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

No specific wage has been fixed for any particular industry or branch of industry.

In determining minimum wages the National Minimum Wage Board carries out investigations and consults workers and employers and their organisations in the various areas or branches concerned.

In accordance with Article 3, paragraph 2 (2), of the Convention the observations of the National Minimum Wage Board will be taken into account in connection with the adoption of methods of fixing minimum wages and in the operation of minimum wage fixing machinery.

PARAGUAY

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

The wages of home workers are calculated in such a way as to ensure that these workers receive the minimum rate of remuneration they would have received if they were employed at time rates.

The Labour Administrative Authority ensures that the provisions respecting minimum wages are complied with. In the event of their infringement, the provisions of sections 260 and 381 of the Labour Code are applied.

PERU

The General Labour Inspectorate, acting through its branch offices, makes a suitable check whenever a general labour inspection is carried out. Besides, every local labour office has its own labour inspectors who ascertain whether minimum wage rates are being applied within the area of their jurisdiction. The trade unions and workers help by denouncing actual breaches of the minimum wage legislation.

SPAIN

In reply to a direct request made by the Committee of Experts the Government has stated that, according to section 8 of Decree No. 1844 of 21 September 1960, general compulsory minimum wages (both inter-occupational and those fixed by category or branch of activity) are fixed by the Ministry of Labour, after consulting the Labour Council and the trade unions.

Thus representatives of the employers and workers concerned are consulted through their occupational associations, both parties participating on an equal footing in the operation of the machinery.

SYRIAN ARAB REPUBLIC

A dependent relationship in the eyes of the law is the essential and sole condition for recognising a person as being a worker. It is this dependent relationship, and not economic dependence, which characterises and determines the nature of the contract (contract of employment or business contract).

Persons recognised as workers are entitled to wages at the minimum rates. For home workers the minimum wage is based on piece and time rates.

TUNISIA

Decree No. 97 of 15 April 1968 to abolish wage zones for activities in the non-agricultural sector (*Journal officiel*, 16-19 Apr. 1968, No. 16, p. 399).

By virtue of sections 1 and 2 of the above-mentioned decree, Zone II, established by the decree of 25 July 1947, has been abolished, and the minimum wage rates applicable to Zone I under the wages regulations in force have been extended to the whole of the national territory.

In reply to a direct request made by the Committee of Experts concerning the application of Article 1 and Article 3, paragraph 2 (2), of the Convention, the Government has stated that the decree laying down the membership, method of operation and terms of reference of the wages committees, provided for in section 136 of Act No. 27 of 30 April 1966, has not yet been promulgated, and that pending its promulgation the decree of 4 September 1943, repealed by that Act, continues to be applied in this connection.

UGANDA

In reply to a direct request made in 1967 by the Committee of Experts concerning Article 2 of the Convention the Government has stated that the workers' and employers' organisations in the trades or occupations concerned submit a panel of persons from which the Minister selects the respective representatives in equal numerical strength in the process of composing a Minimum Wages Advisory Board.

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

This Convention came into force on 9 March 1932

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

¹ Conditional ratification.

AUSTRALIA

Regulation No. 72, as amended, of the Navigation (Loading and Unloading Safety Measures) Regulations, 1961 (*Statutory Rules*, 1967, No. 133).

In reply to direct requests made by the Committee of Experts the Government has stated that the above-mentioned regulation has been amended in such a way as to ensure exact conformity with the provisions of the Convention.

CUBA

In reply to an observation made by the Committee of Experts the Government has stated, as regards Article 1 of the Convention, that no official measures have as yet been taken to give legal effect to the present practice according to which the consigner is obliged to mark the weight.

INDIA

In reply to an observation made by the Committee of Experts the Government has stated that the notification regarding the appointment of inspectors is expected to be issued shortly.

LUXEMBOURG

In reply to a direct request made by the Committee of Experts the Government has stated that the provisions of the Convention are directly applied by virtue of jurisprudence and doctrine.

PAKISTAN

In reply to an observation made by the Committee of Experts the Government has stated that it has been decided to extend the application of the Convention to Chalna port.

PERU

In reply to a direct request made by the Committee of Experts the Government has stated that the setting up of a commission, mentioned in its previous report, is being considered. This commission would propose legal provisions complying with the Convention.

POLAND

Decree No. 200 of 6 September 1967 of the Minister of Shipping respecting safety and labour health in sea and inland harbours (*Dziennik Ustaw*, 1967, No. 39).

Section 174 of the above-mentioned decree prohibits the weights of loads being lifted up during loading or unloading of a ship from being determined on the basis of estimates.

28. Protection against Accidents (Dockers) Convention, 1929

This Convention came into force on 1 April 1932

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

Countries	Ratification registered on
Spain ¹	29. 8. 1932

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

LUXEMBOURG

In reply to a direct request made by the Committee of Experts the Government has stated that there is only one newly constructed river port in the country and, as yet, only a small number of workers are employed in it. These workers are covered by the provisions of the labour legislation and other regulations applying to industrial and commercial workers.

NICARAGUA

In reply to a direct request made by the Committee of Experts the Government has stated that the labour inspection service is responsible for enforcing and applying the provisions of the regulations respecting safety in the loading and unloading of ships. Attached to the General Inspectorate of Labour is a corps of labour inspectors under the operational control of the Social Welfare Department.

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
Cambodia	24. 2. 1969
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
Colombia	4. 3. 1969
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
Kuwait	23. 9. 1968
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
Thailand	26. 2. 1969
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

CEYLON

In reply to a direct request made by the Committee of Experts the Government has stated that it does not intend to enforce the Compulsory Public Service Act, 1961, for any longer than is absolutely necessary; the possibility of repealing this Act is now being studied.

No situation has arisen during the period under review requiring the application of the Public Security Ordinance. Although the state of emergency continues, it is expected to be proclaimed at an end in the near future. The Emergency (Miscellaneous Provisions and Powers) Regulations, made under the Public Security Act, will cease to be effective thereafter.

CHAD

Article 10 of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that it is examining the repeal of provisions contained in the General Code of Direct Taxation, under which labour may be exacted for the recovery of taxes.

ECUADOR

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

According to the Penal Code only persons convicted in courts of law may be required to perform forced labour. The authorities empowered to decide under section 359 of the Penal Code on the internment of vagrants in industrial establishments or in penal agricultural settlements are the criminal courts.

In indigenous communities there exists the institution of the *minga*, according to which the members of the community carry out tasks for the benefit of the community in general. Participation in the *minga*—which is an ancient and established expression of collective co-operation—is not imposed by any law or authority, but is a moral obligation deriving from tradition.

Section 216 of the Labour Code, which provides for the possibility of compelling domestic servants to continue in service for a fortnight in certain circumstances, has not been applied in practice. The Government will propose the repeal of this provision when submitting amendments to the Labour Code to Parliament.

The armed forces (including persons undergoing compulsory military service) have for some years participated in “civic action” projects, such as the construction and maintenance of roads, bridges and schools. Such activities are a contribution to the development of the country and are not considered to constitute forced or compulsory labour.

Prior to 1964 there existed certain forms of agricultural labour which might have been considered to constitute forms of forced or compulsory labour. Thus peasants could be required to lend their services to the landowner in exchange for participation in production or for the use of the land. In July 1964 Presidential Decree No. 1480, promulgating the Agrarian Reform and Colonisation Law, abolished *huasipungo* and other forms of agricultural labour which derived from the colonial period.

MAURITANIA

In reply to requests made by the Committee of Experts the Government has stated that the requisition of persons by virtue of Act No. 62193 of 7 April 1962 and Ordinance No. 62101 of 26 April 1962 is restricted to cases of emergency in conformity with Article 2, paragraph 2 (*d*), of the Convention.

SENEGAL

Decree No. 1081 of 31 December 1966 respecting the organisation and functioning of prisons, as amended by Decree No. 583 of 28 May 1968.

VENEZUELA

Constitution of 23 January 1961 (*Gaceta Oficial*, 23 Jan. 1961, Extraordinary, p. 1).

Vagrants and Rogues Act of 23 January 1961.

Prisons Act of 21 July 1961.

Article 2, paragraph 2, clause (b), of the Convention. Under article 57 of the Constitution of 1961 compliance with the obligations incumbent on individuals by virtue of social solidarity may be imposed by law wherever necessary; persons engaging in specified occupations may also be required by law to provide their services for a certain amount of time in the places and under the conditions indicated. The few occasions on which this provision has been applied (for the protection of natural resources) were in cases of *force majeure*, disasters, fires, earthquakes and other events affecting public safety.

Clause (c). Persons subject to preventive detention or undergoing trial may not be required to perform work against their will.

Under article 84 of the Constitution work is a social right and the State is required to establish the conditions necessary for all persons to obtain adequate employment. At the same time article 54 of the Constitution states that work is a duty for every able-bodied person. The Vagrants and Rogues Act of 1961, in the sense that it sanctions this duty, does not violate freedom of work since it does not oblige persons to perform a particular service; it is aimed at the social re-education and re-adaptation, by corrective measures of an essentially moral character, of persons who constitute a burden on, and a menace to, society.

The work exacted from persons by virtue of a conviction in a court of law is carried out under the direction and control of the public authorities, in accordance with section 33 of the Prisons Regulations (Decree No. 458 of 27 November 1952), section 32 of the regulations of the labour colony "El Dorado" (Decree No. 94 of 24 March 1954) and section 73 of the Prisons Act of 21 July 1961.

Work carried out for private individuals, companies or associations by persons convicted in a court of law is voluntary and in accordance with the progressive system and treatment laid down in section 7 of the Prisons Act. Work outside the prison, in public or private establishments, is performed under the direct supervision of the prison personnel, under the same conditions as those of other workers (sections 68, 71 and 73 of the Act).

Section 6 of the Vagrants and Rogues Act, according to which persons subject to certain measures prescribed by the Act may be placed under the charge and in the employ of a reputable hard-working citizen, does not in fact provide for the hiring out of such persons to private individuals, but is intended to permit the replacement of the prescribed measures (relegation under guard to the village or community of origin or detention in a re-education and labour institution) by a personal guarantee given by a reputable citizen who will be responsible for the conduct and work of the internee. This arrangement implies a kind of conditional liberty and is intended for the benefit of the detainee by affording him broader opportunities for work than are available in the institution. In any case this authorisation is subject to the principle of the voluntary nature of work outside the institution.

Clause (d). Section 12 of the Compulsory Military Service Act provides that, in case of mobilisation due to an international war, citizens who are subject to the Act may be required to work according to their abilities in the interests of the national defence.

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
Colombia	4. 3. 1969	Panama	16. 2. 1959
Cuba	24. 2. 1936	Paraguay	21. 3. 1966
Finland	13. 1. 1936	Spain	29. 8. 1932
Guatemala	4. 8. 1961	Syrian Arab Republic	10. 5. 1960
Haiti	31. 3. 1952	United Arab Republic	10. 5. 1960
Iraq	26. 11. 1962	Uruguay	6. 6. 1933
Israel	26. 6. 1951		
Kuwait	21. 9. 1961		
Luxembourg	3. 3. 1958		

¹ Conditional ratification.

BULGARIA

In reply to a direct request made by the Committee of Experts the Government has stated that, by Order No. 600 of 8 November 1966 of the Minister of Communications, the daily maximum of ten working hours has been extended to the staff of radio and television stations, thus giving full effect to Article 6 of the Convention.

CHILE

Act No. 16176 of 27 September 1967 (*Diario Oficial*, 16 Oct. 1967, No. 26868) to amend the Labour Code.

The above-mentioned Act provides for a working week of 42 hours, or, exceptionally, 48 hours for radio-telephone and telephone operators.

See also under Convention No. 1.

FINLAND

In reply to a direct request made by the Committee of Experts the Government has stated that no special provisions have been issued by the Council of State in respect of the types of work referred to section 4 (6) of Act No. 605 of 1946.

A collective agreement which came into force on 1 February 1968 for fully qualified pharmaceutical staff employed by pharmacies which are members of the Confederation of Commercial Employers fixes normal working hours at 160 spread over any period of four weeks, with a limit of 48 hours in any one week. The first 20 hours of overtime must be remunerated at the rate of time-and-a-half and the remaining hours at double time, the maximum number of hours of overtime, to be performed only with the employee's consent, being fixed at 40 during a period of four weeks and 300 in a year. With the authorisation of the signatory organisations this maximum may be raised by a further 150 hours per year. Special arrangements are provided for in case of accident or *force majeure*, and in respect of work performed at night or on Sundays. The weekly rest period may not be less than 30 hours.

Another agreement signed on 28 December 1967 covers technical assistants, trainees and cleaners employed in pharmacies. Their average normal hours of work over any period of four weeks are fixed at 42 per week. The first two hours of overtime in excess of 47 hours in a week or eight hours in a day are remunerated at the rate of time-and-a-half, and any further hours at double time. Work performed after 6 p.m. on Saturdays or on the day before a public holiday is remunerated at 10 per cent above the normal rate.

GUATEMALA

In reply to a request made by the Committee of Experts the Government has stated that it is hoped to submit to Congress shortly the proposed amendments to the operative part of the Labour Code, which are awaiting approval by the Council of State.

KUWAIT

Articles 1, 4, 7 and 8 of the Convention. See under Convention No. 1.

LUXEMBOURG

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

Article 7, paragraph 3, of the Convention. Section 13 of the Grand-ducal Regulations of 28 October 1964 exempts certain persons from the application of the provisions concerning normal hours of work. There is no doubt, however, that section 5 of these regulations, which limits overtime to a maximum of two hours per day, is general in scope and applicable to the persons referred to in section 13. Hence the length of the working day can in no circumstances exceed ten hours, except in case of accident or *force majeure*.

NICARAGUA

See under Convention No. 1 as regards the proposed amendments to the Labour Code.

NORWAY

In reply to a direct request made by the Committee of Experts the Government supplied the text of the regulations governing overtime in public transport services (post and telegraph) and has stated that the question of the need to maintain the provisions of section 25 (1) (*e*) of the Workers' Protection Act is under consideration.

PARAGUAY (First Report)

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

Decision No. 36 of 8 April 1964.

Decree No. 5440 of 9 June 1964.

It has not been necessary to amend any law or regulation to permit ratification of the Convention.

Under the Constitution ratification gives the force of law to international Conventions.

Article 1 of the Convention. Section 206 of the Labour Code lists the persons who may be exempted from the limitation of hours of work.

Article 5. Section 208 of the Code governs the making up of hours lost.

Article 6. No use has been made of the faculty provided for in this Article.

Article 7. Permanent and temporary exceptions in respect of hours of work are governed, respectively, by section 205 and by sections 201 to 203 of the Code.

Article 11. The Labour Administrative Authority, acting through an inspection service, ensures compliance with the provisions of this Convention.

Employers may prepare notices stating the times at which hours of work begin and end in such style as they deem appropriate, so long as the hours in question conform to the statutory requirements.

Section 200 of the Labour Code provides for a break of not less than half an hour, which does not count as working time.

Under Decree No. 5440 of 1964 all employers are required to record in a wages book all overtime worked and the total amount paid in respect thereof.

No decisions have been given by the courts, and no observations have been made by the employers' or workers' organisations with regard to the application of this Convention.

SPAIN

See under Convention No. 1.

SYRIAN ARAB REPUBLIC

See under Convention No. 1.

URUGUAY

See under Convention No. 1.

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

This Convention came into force on 30 October 1934

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

BULGARIA

Safety Regulations for Navigation and Port Operations, 1965, to abrogate the Safety Regulations for Water Transport, 1959.

In reply to a direct request made by the Committee of Experts the Government has stated that sections 82, 85, 87, 96, 340, 342 to 344, 381, etc., of the above-mentioned regulations are in conformity with Article 5, paragraphs 2 to 5, of the Convention.

Article 18 of the Convention. The loading and unloading of Bulgarian ships in foreign ports and of foreign ships in Bulgarian ports are effected on a basis of reciprocity in accordance with the regulations of the respective countries.

CHILE

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that amendments to modify the existing national legislation covering salaried employees and manual workers employed both on board ship and on land are under consideration. As a result of these modifications the national legislation would be brought fully into conformity with the provisions of the Convention.

CHINA

Ministerial Instructions No. 03145 of 30 April 1964.

In reply to a direct request made by the Committee of Experts in 1967 the Government has supplied the following information.

Article 17, paragraph 3, of the Convention. Under the above-mentioned instructions the regulations for the safety and protection of dockers and those for cargo handling equipment are required to be prominently displayed in the docks.

FINLAND

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

The Ministry of Social Affairs set up in 1967 a safety committee for the transport industry which deals also with dock work.

An Accident Insurance Act was adopted in 1967. Under this Act insurance companies are obliged to communicate to the Ministry of Social Affairs information concerning accidents occurring in workplaces.

FRANCE

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

Article 2 of the Convention. All approaches, quays, platforms and other workplaces are provided by the public authorities with efficient lighting. Approaches and quays, being public property belonging to the State, are placed under the surveillance of the public authorities, whose officials ensure that they are kept clean and clear of obstructions and are authorised to take the names and addresses of offenders. Dangerous footways and bridges are always provided with hand-rails of at least 2ft. 6in. in height.

MEXICO

In reply to an observation made by the Committee of Experts the Government has stated that the committee set up to review the new text of the Federal Labour Act has not as yet expressed its opinion on the divergences existing between the provisions of the Federal Labour Act and the Convention.

NETHERLANDS

In reply to a direct request made by the Committee of Experts the Government has stated, as regards the application of Article 9 of the Convention, that in its opinion river ships having hoisting and lifting machines whose work load is less than one ton may, under the terms of Article 15, be considered as "special classes of ship or ships below a certain small tonnage", and the testing of such machines is, therefore, not compulsory.

NEW ZEALAND

Boilers, Lifts and Cranes Amendment Act, 1966 (*New Zealand Statutes*, 1966, Vol. 2, p. 1556).

Order in Council of 31 May 1967: General Harbour (Safe Working Load) Regulations, 1935, Amendment No. 4 (*Statutory Regulations*, 1967, No. 131).

SIERRA LEONE

In reply to a direct request made by the Committee of Experts the Government has stated that the Safety Committee of the Port Authority has been considering the requirements of Article 17, paragraph 3, of the Convention and the Committee of Experts will be informed of developments in due course.

SINGAPORE

In reply to a direct request made by the Committee of Experts the Government has stated that the Port of Singapore Authority supplements the legislative measures by the circulation, among the shipping community and among its own staff, of information and instructions regarding health and accident hazards, etc.

UNITED KINGDOM

Comments on the preliminary draft of the revised Docks Regulations were received from the interested organisations and it was hoped to consider these comments before the end of 1968.

URUGUAY

Decree No. 470 of 22 September 1966 prescribing the standards to be applied in the examination of the suitability of personal equipment for purposes of protection against employment accidents (*Diario Oficial*, 3 Oct. 1966, No. 17442).

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

This Convention came into force on 6 June 1935

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

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

AUSTRIA

In reply to a direct request made by the Committee of Experts concerning the application of Article 7 (b) of the Convention the Government has supplied the following information.

Section 13 of the Labour Inspection Act makes it obligatory for the authorities to assist the labour inspectors in the discharge of their duties. This provision makes it possible in extreme cases, if necessary with the assistance of the police, to verify the identity of young persons engaged in itinerant trading in the streets, etc.

BELGIUM

In reply to a direct request made by the Committee of Experts concerning the application of Article 7 (b) of the Convention the Government has supplied the following information.

Every Belgian citizen or alien resident in Belgium is issued with an administrative identity card mentioning his date of birth.

Furthermore, under the Act of 26 January 1951 respecting the simplification of the records which have to be kept in compliance with the social legislation, every employer is required to keep a register of his employees indicating, *inter alia*, the date of birth of each person.

The labour inspectorate may ask to consult the staff register.

CAMEROON

Eastern Cameroon

Order No. 012/MTLS/DEGREE of 17 June 1968.

See also under Convention No. 11.

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned order has repealed Order No. 983 of 27 February 1954, as amended in 1963, allowing for the waiving of the minimum age for admission of children to employment.

CHAD

See under Convention No. 5.

In accordance with the Labour Code children may not be employed in any undertaking, even as apprentices, under the age of 14 years, unless a special exception is made.

The types of work and the categories of undertakings forbidden to young persons and the age below which the ban applies are established by decree.

DAHOMY

See under Convention No. 11.

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).

Under sections 5 and 6 of the above-mentioned ordinance children may be admitted to undertakings during the last two years of the compulsory schooling period (the school-leaving age having been raised by the ordinance of 6 January 1959 to 16 years for children born since 1 January 1953), for the purpose of undergoing periods of practical training, under the conditions laid down in the enactments respecting compulsory education, until 1972. After 1972 they will be able to be so admitted only during the final year of the compulsory schooling period, likewise under the conditions laid down in the enactments respecting compulsory education.

GUINEA

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

Articles 2 and 3 of the Convention. Even though the compulsory school-leaving age remains at 15 years, this does not mean that schoolchildren over that age are allowed to leave school. In effect, by virtue of a decision of the National Revolutionary Council taken at a meeting in Labé on 8 July 1968, children attending school, whether under or over 14 years of age, cannot leave school until they have completed their studies. During their schooling they may not be employed on work other than work which forms part of their school curriculum, and which is accordingly not harmful to their health or moral development; which is not such as to prejudice their attendance at school or their capacity to benefit from the instruction given to them there; and which does not exceed two hours per day.

Furthermore, Sundays and legal public holidays are holidays for schoolchildren just as for other persons.

Instruction is given only in the daytime.

The types of light work permissible for children will be specified in the order now being drafted respecting the employment of women and children.

Article 8. The lists of types of light work and dangerous work will be forwarded to the ILO later.

MAURITANIA

Order No. 084 of 16 February 1968 respecting the waiving of the age for admission to employment (*Journal officiel*, 22 Mar. 1967).

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

The above-mentioned order, which has repealed Order No. 10150 of 5 March 1965 on the same subject, reproduces in section 1 the exact wording of Article 3, paragraph 1, of the Convention and in section 3 defines "light work".

NIGER

See under Convention No. 5.

In reply to direct requests made by the Committee of Experts the Government has stated that the above-mentioned decree lays down the types of work and the categories of undertakings forbidden to young persons and the age below which the ban applies.

SENEGAL

In reply to a direct request made by the Committee of Experts the Government has stated that it is proposing to adopt an enactment specifying that "Order No. 3723IT of 22 June 1954 respecting exceptions to the age for admission to employment shall be replaced by the provisions of the Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)", and has requested the Committee's opinion on this proposal.

SPAIN

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

Article 7 (b) of the Convention. The supervision exercised by the labour inspectorate in connection with the furnishing to employers of the documentary evidence required by section 178 of the Contracts of Employment Act also covers employed persons working in the streets or in places to which the public have access, and it is not therefore necessary to adopt any further measure in this connection. Section 13 of the Labour Inspection Act mentions, among other functions of inspectors, the questioning of workers on any matter relating to the application of the law.

UPPER VOLTA

In reply to a direct request made by the Committee of Experts in connection with Article 3, paragraph 1 (c), of the Convention, the Government has stated that it intends to look into the point raised with a view to bringing the national legislation into line with the Convention.

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

BULGARIA

Decree of 28 December 1967 of the Presidium of the National Assembly (*D'rzhaven Vestnik*, 29 Dec. 1967, No. 102) to amend and supplement the Pensions Act.

Penal Code, 1968 (*ibid.*, 2 Apr. 1968, No. 26).

Certain increases have been made in old-age and retirement pensions.

In reply to observations made by the Committee of Experts the Government has stated that under section 37 of the new Penal Code, which came into force on 1 May 1968, provision is no longer made for the deprivation of the right to a pension as a penalty for a criminal offence.

PERU

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

Article 2 of the Convention. A Bill is before Parliament which will include domestic servants in the Workers' Social Insurance Scheme.

Article 7, paragraph 2. In accordance with section 93 of the regulations made under Act No. 13640 to institute a retirement pension scheme for workers, minimum rates have been fixed for the pensions payable under the Act.

Article 9, paragraph 4. The State contributes towards the financing of the Workers' Social Insurance Scheme, out of the income from selected taxes, an amount equivalent to 2 per cent of the wages insured. The State makes no contribution to the Workers' Retirement Pension Fund.

UNITED KINGDOM

National Insurance Act, 1967.

National Insurance Act (Northern Ireland), 1967.

Family Allowances and National Insurance Act, 1967.

Family Allowances and National Insurance Act (Northern Ireland), 1967.

Public Expenditure and Receipts Act, 1968.

Public Expenditure and Receipts Act (Northern Ireland), 1968.

The above-mentioned Acts have increased national insurance contributions, benefit rates and children's allowances in Great Britain and in Northern Ireland. Increases were also made by regulations in the amount which can be earned before a retirement pension is reduced.

36. Old-Age Insurance (Agriculture) 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
France	23. 8. 1939

Countries	Ratification registered on
Italy	22. 10. 1947
Malta	4. 1. 1965
Peru	1. 2. 1960
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

BULGARIA

Decree No. 463 of 22 June 1967 of the Praesidium of the National Assembly to settle certain questions connected with the insurance and pension coverage of co-operative farmers (*D'rzhaven Vestnik* (*D.V.*), 27 June 1967, No. 50, p. 1) (*L.S.* 1967—Bul. 2).

Penal Code, 1968 (*D.V.*, 2 Apr. 1968, No. 26).

See under Convention No. 35.

PERU

See under Convention No. 35.

UNITED KINGDOM

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
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
Peru	8. 11. 1945
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

BULGARIA

See under Convention No. 35.

PERU

See under Convention No. 35.

UNITED KINGDOM

National Insurance Act, 1966.

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

The above-mentioned Acts provide for the payment of an earnings-related supplement to the flat-rate sickness benefit.

The flat-rate benefit was increased with effect from 26 October 1967; contributions were correspondingly increased.

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

BULGARIA

Decree No. 463 of 22 June 1967 of the Praesidium of the National Assembly to settle certain questions connected with the insurance and pension coverage of co-operative farmers (*D'rzhaven Vestnik* (D.V.), 27 June 1967, No. 50, p. 1) (L.S. 1967—Bul. 2).

Penal Code, 1968 (D.V., 2 Apr. 1968, No. 26).

See under Convention No. 35.

PERU

See under Convention No. 35.

UNITED KINGDOM

See under Convention No. 37.

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

This Convention came into force on 8 November 1946

Countries	Ratification registered on
Bulgaria	29. 12. 1949
Czechoslovakia	1. 7. 1949
Ecuador	5. 2. 1962
Italy	22. 10. 1952

Countries	Ratification registered on
Peru	8. 11. 1945
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

BULGARIA

See under Convention No. 35.

PERU

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

Article 2 of the Convention. See under Convention No. 35 the information supplied in respect of Article 2 of that Convention.

Article 5. On ceasing to be insured a person retains his rights in respect of contributions made for a period equal to one-third of the period of his membership of the scheme. In relation to the Retirement Pension Fund, the period is one-half of his period of membership.

Article 9, paragraph 2. Act No. 8433 does not provide for a fixed pension independent of the number of contributions and their amount. The Workers' Retirement Pension Fund does grant minimum pensions, provided that the qualifying period has been fulfilled.

Article 12, paragraph 4. See under Convention No. 35 the information supplied in respect of Article 9, paragraph 4.

UNITED KINGDOM

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

PERU

See under Convention No. 39.

UNITED KINGDOM

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
Afghanistan	12. 6. 1939
Argentina	14. 3. 1950
Belgium ¹	4. 8. 1937
Brazil ¹	8. 6. 1936
Burma ²	22. 11. 1935
Central African Republic	27. 10. 1960
Ceylon ¹	2. 9. 1950
Chad	10. 11. 1960
Congo (Brazzaville)	10. 11. 1960
Dahomey	12. 12. 1960
France ¹	25. 1. 1938
Gabon	14. 10. 1960
Greece ¹	30. 5. 1936
Guinea ¹	21. 1. 1959
Hungary	18. 12. 1936
India ¹	22. 11. 1935
Iraq ¹	28. 3. 1938
Ireland ¹	15. 3. 1937
Ivory Coast	21. 11. 1960
Malagasy Republic	1. 11. 1960

Countries	Ratification registered on
Mali	22. 9. 1960
Mauritania ¹	20. 6. 1961
Morocco	13. 6. 1956
Netherlands ¹	9. 12. 1935
New Zealand ¹	29. 3. 1938
Niger	27. 2. 1961
Pakistan ¹	22. 11. 1935
Peru	8. 11. 1945
Senegal ¹	4. 11. 1960
Republic of South Africa ¹	28. 5. 1935
Switzerland ¹	4. 6. 1936
Togo	7. 6. 1960
United Arab Republic ¹	11. 7. 1947
United Kingdom ²	25. 1. 1937
Upper Volta	21. 11. 1960
Venezuela	20. 11. 1944

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

² Has denounced this Convention.

HUNGARY

Labour Code, Act No. II of 1967 (*Magyar Közlöny (M.K.)*, 8 Oct. 1967, No. 67, p. 503) (*L.S.* 1967—Hun. 2 A), and Government Ordinance No. 34 of 8 October 1968 to bring the Labour Code into operation (*M.K.*, 8 Oct. 1967, No. 67, p. 512) (*L.S.* 1967—Hun. 2 B).

In reply to the observation made in 1968 by the Committee of Experts the Government has supplied the following information.

The rights and advantages accorded to women remain unchanged and they contribute very actively to the elimination of the negative effects of night work. The reduction of hours of work continues. This measure, adopted previously and in the course of application this year, will improve even further the situation, in the areas affected, for women employed on night work.

By virtue of section 50 (2) of the new Labour Code women having three children or more will enjoy, in addition to the leave which is granted to them as a result of various entitlements, two days' supplementary leave in respect of each child. In this way the work done by women on night shift will again be further reduced and their conditions of work will also become more favourable. Apart from the measures already taken the Government is continuing to examine the detailed provisions of new measures which will contribute to giving effect to the provisions of the Convention.

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 ¹	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.

ALGERIA

Order of 22 March 1968 respecting the schedules of occupational diseases (*Journal officiel*, 19 Apr. 1968, No. 32).

In reply to observations made by the Committee of Experts the Government has stated that the above-mentioned order deems to be occupational diseases not only the ten diseases listed in the Convention but a total of 48 types of poisoning, disorders or infections.

FINLAND

Occupational Diseases Act of 29 December 1967 (*Suomen Asetuskokoelma—Finlands Författnings-samling* (S.A.—F.F.), 1967, No. 638, p. 1320) (L.S. 1967—Fin. 2 A).

Occupational Diseases Ordinance of 29 December 1967 (S.A.—F.F., 1967, No. 639, p. 1321) (L.S. 1967—Fin. 2 B).

Order of 29 December 1967 of the Ministry of Social Affairs to issue rules respecting the classification of occupational diseases (S.A.—F.F., 1967, No. 640, p. 1323) (L.S. 1967—Fin. 2 C).

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

The above-mentioned legislation defines occupational diseases in an entirely new way. According to the ordinance an illness is considered as an occupational disease if it is likely that it has occurred during the performance of the work referred to in the Act as a result of physical, chemical or biological factors enumerated separately in the ordinance. Further, an illness caused by a factor not mentioned in the

ordinance is considered as an occupational disease if the illness was obviously caused by the work performed.

The Ministry of Social Affairs has given a list of examples as a guide for diagnosing occupational diseases. It appears from the arguments of the committee which prepared the Act and from the order of the Ministry of Social Affairs that additional illnesses deriving directly from an occupational disease which on medical grounds can be considered to be caused by the occupational disease shall also be considered as occupational diseases.

NEW ZEALAND

Workers' Compensation Amendment Act, 1967.

Employers' Liability Insurance Regulations, 1968.

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

The report and recommendations of the Royal Commission of Inquiry on Compensation for Personal Injury, made at the end of 1967, cover, *inter alia*, the question of including in the national legislation the "double list" system of the Convention. This report is being widely distributed with a view to a careful study thereof by all interested parties and it is possible that, after such study, the Government will consider the question of legislation arising out of it.

PANAMA

In reply to a direct request made by the Committee of Experts the Government has stated that the lists of occupational diseases provided for by section 209 of the Labour Code and the rules governing the corresponding compensation form part of the Bill to amend the Health Code submitted by the Executive for consideration by the National Legislative Assembly.

TURKEY

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

The national list of occupational diseases was based on French legislation. Since France, although it has ratified the Convention, has not modified its legislation, the Government is of the opinion that the points raised by the Committee of Experts are not of major importance.

In spite of this fact these points will again be examined during the final revision of the regulations concerning the social insurance procedure of health and an attempt will be made to take them into account in the text of the regulations.

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.

BULGARIA

In reply to an observation made by the Committee of Experts the Government has stated that Order No. 1502 of 21 July 1951, the text of which was appended to the Government's report, is applicable to all workers engaged in the operations covered by the Convention.

CZECHOSLOVAKIA

Article 4, clause (c), of the Convention. See under Convention No. 1, Article 8, paragraph 1 (c).

MEXICO

Article 3 of the Convention. In reply to an observation made by the Committee of Experts the Government has stated that the Bill to amend the Federal Labour Act will include provisions replacing the present section 75 of the Act and laying down the conditions governing the extension of the working day in the event of accident or of imminent danger threatening the life of persons or the existence of the undertaking as well as the compensation to be granted in these cases.

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

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

ALGERIA

The application of the enactments relating to the scheme for assistance to workers involuntarily deprived of employment continues to be suspended due to the wide extent of unemployment. A transitional system whereby aid in kind is furnished to the neediest among those unable to work has been substituted for the former scheme, while all persons in search of employment, irrespective of their occupational background, can be employed at the so-called "full employment work sites", in so far as circumstances permit, on condition that they can prove that they are in need. These full employment work sites are organised under the rural equipment and development programmes. The amount of the daily aid allowance is seven dinars for workers employed at full employment work sites. It rises to 12 dinars in the case of skilled workers. The persons concerned may also receive help from the public assistance services, mainly in the form of medical care, medical supplies and the supply of food and clothing. Any further measures will depend upon the development of the economy.

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.

BELGIUM

Royal Order No. 40 of 24 October 1967 respecting the employment of women (*Moniteur belge*, 27 Oct. 1967, No. 207, p. 11210) (*L.S.* 1967—Bel. 3).

CANADA (First Report)

Federal Legislation.

Canada Labour (Safety) Code: Regulations respecting safe employment in Cape Breton Development Corporation Coal Mines (Statutory Orders and Regulations, 1969, No. 31).

Northwest Territories.

Mining Safety Ordinance, as amended up to 1967.

Yukon Territory.

Mining Safety Ordinance.

*Provincial Legislation.**Alberta.*

Coal Mines Regulation Act (Revised Statutes (R.S.), 1955, Ch. 47).

British Columbia.

Coal Mines Regulation Act, as amended (R.S., 1960, Ch. 242, section 1).

Manitoba.

Mines Act (R.S., 1954, Ch. 166): Regulations No. 45 of 1957 governing the operation of mines.

New Brunswick.

Regulations governing the operation of mines and quarries (Order in Council No. 829 of 1955).

Mining Act 1961-62 (Ch. 45): Regulations governing the operation of coal mines (Order in Council No. 711 of 1957).

Newfoundland.

Regulation of Mines Act (R.S., 1952, Ch. 178): Mines (Safety of Workmen) Regulations, 1957.

Nova Scotia.

Metalliferous Mines and Quarries Regulation Act (R.S., 1954, Ch. 176).

Ontario.

Mining Act (Statutory Orders, 1961-62, Ch. 81).

Quebec.

Mining Act, 1965 (Ch. 34).

Saskatchewan.

Mines Regulation Act (R.S., 1965, Ch. 373): Regulations governing the operation of mines (Order in Council No. 1107 of 1966).

Article 1 of the Convention. Definitions of the term "mine" are given in the legislation governing the Northwest Territories (Mining Safety Ordinance, as amended, section 2 (*h*)) and Yukon Territory (Mining Safety Ordinance, section 2 (*f*)), as well as in the legislation of Alberta (Coal Mines Regulation Act, section 2 (*w*)); British Columbia (Coal Mines Regulation Act, section 2); Manitoba (Mines Act, as amended, section 2 (1)); New Brunswick (Mining Act, section 1 (*h*)); Newfoundland (Regulation of Mines Act, section 2 (*h*)); Nova Scotia (Metalliferous Mines and Quarries Regulation Act, section 3 (*k*)); Ontario (Mining Act, section 1 (12)); Quebec (Mining Act, section 1 (4)); and Saskatchewan (Mines Regulation Act, as amended, section 2 (*b*)).

Article 2. The employment of females in underground work in mines is prohibited under the legislation of Alberta (Coal Mines Regulation Act, section 94 (1)); British Columbia (Coal Mines Regulation Act, section 30 (2)); Manitoba (Regulations No. 45 of 1957, section 5 (2)); Nova Scotia (Metalliferous Mines and Quarries Regulation Act, section 4 (2)); and Ontario (Mining Act, section 162 (2)).

Article 3. Recourse may be had to the exceptions provided for in clauses (*a*), (*b*), (*c*) and (*d*) of this Article under the legislation governing the Northwest Territories (Mining Safety Ordinance, as amended, section 10) and Yukon Territory (Mining Safety Ordinance, as amended, section 10), as well as under the legislation of British Columbia (Mines Regulation Act, section 17 (3)).

The employment of females in mines in a technical, clerical or domestic capacity is permitted under the legislation of New Brunswick (Regulations governing the operation of mines and quarries, section 34, and Regulations governing the operation of coal mines, section 36) and Saskatchewan (Regulations governing the operation of mines, section 62 (2)).

The employment of females in mines in office or laboratory work is permitted under the legislation of Newfoundland (Mines (Safety of Workmen) Regulations,

section 3 (1)) and the employment of females in mines as engineers or geologists is permitted under the legislation of Quebec (Mining Act, section 259).

Inspectorates maintained by the territories and by the provincial Departments of Mines enforce the laws and regulations.

PANAMA

In reply to a direct request made by the Committee of Experts the Government has stated that, because of the complete absence of any mining industry in the country, no legislation has been enacted referring to the performance of work in this sector by the female population.

TURKEY

Labour Act, No. 931 of 28 July 1967 (*Resmî Gazete*, 12 Aug. 1967, No. 12672, p. 1) (*L.S.* 1967—Tur. 1).

47. Forty-Hour Week Convention, 1935

This Convention came into force on 23 June 1957

Countries	Ratification registered on
Byelorussia	21. 8. 1956
New Zealand	29. 3. 1938

Countries	Ratification registered on
Ukraine	10. 8. 1956
U.S.S.R.	23. 6. 1956

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Countries	Ratification registered on
Czechoslovakia ¹	12. 6. 1950
Hungary	10. 8. 1937
Israel	16. 1. 1963
Italy	22. 10. 1952
Netherlands	6. 10. 1938

Countries	Ratification registered on
Poland	21. 3. 1938
Spain	8. 7. 1937
Yugoslavia	4. 1. 1946

¹ Has denounced this Convention.

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

This Convention came into force on 10 June 1938

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Mexico	21. 2. 1938
Czechoslovakia	19. 9. 1938	New Zealand	29. 3. 1938
France	25. 1. 1938	Norway	21. 7. 1936
Ireland	10. 6. 1937		

BULGARIA

In reply to an observation made by the Committee of Experts the Government has stated that Order No. 142 of 13 May 1960, the text of which was appended to the Government's report, is applicable to all persons engaged in the operations covered by the Convention.

CZECHOSLOVAKIA

See under Convention No. 1, Article 8, paragraph 1 (c).

MEXICO

See under Convention No. 43.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	14. 3. 1950	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		

CONGO (KINSHASA)

See under Convention No. 11.

In reply to an observation made by the Committee of Experts the Government has stated that the Labour Code prohibits the recruiting of workers.

GHANA

In reply to a direct request made by the Committee of Experts the Government has stated that the Labour Advisory Committee has discussed and recommended regulations which will give effect to the provisions of the Convention.

GUYANA

In reply to observations made by the Committee of Experts the Government has stated that, in order to ensure the full application of the Convention, in case recruiting takes place in the future, draft regulations under the Recruiting of Workers Ordinance are being prepared.

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	Mali	12. 7. 1968
Central African Republic	9. 6. 1964	Mauritania	8. 11. 1963
Chad	8. 6. 1961	Mexico	9. 3. 1938
Colombia	7. 6. 1963	Morocco	20. 9. 1956
Cuba	20. 7. 1953	New Zealand	10. 11. 1950
Czechoslovakia	12. 6. 1950	Panama	3. 6. 1958
Denmark	22. 6. 1939	Paraguay	21. 3. 1966
Dominican Republic	5. 12. 1956	Peru	1. 2. 1960
Finland	23. 8. 1949	Senegal	22. 10. 1962
France	23. 8. 1939	Syrian Arab Republic	26. 7. 1960
Gabon	13. 6. 1961	Tunisia	15. 5. 1957
Greece	13. 6. 1952	Ukraine	14. 9. 1956
Guinea	12. 12. 1966	U.S.S.R.	10. 8. 1956
Hungary	8. 6. 1956	United Arab Republic	3. 7. 1954
Iraq	12. 5. 1960	Uruguay	18. 3. 1954
Israel	22. 8. 1951	Viet-Nam	6. 6. 1953
Italy	22. 10. 1952	Yugoslavia	26. 3. 1953

MAURITANIA

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

Annual holidays may be carried over until the following year, but only by agreement between the parties. The Committee's proposal will soon be given consideration.

Interruptions of work due to sickness are not included in the annual holiday.

PARAGUAY (First Report)

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

Act No. 1506 of 31 October 1935.

Under article 8 of the Constitution ratified Conventions form part of the national legislation.

Article 1 of the Convention. The Labour Code (section 219) provides for holidays with pay for all workers, without exception. Every civil servant is entitled to one month's holiday per year with pay (section 25 of Act No. 1506 of 1935).

Article 2. Section 225 of the Code deals with the division into parts of the annual holiday.

Article 5. It is unlawful for a worker to work for another employer during his annual holiday (section 226 of the Code).

Article 7. The provisions of this Article are covered by section 227 of the Code; two registration forms were appended to the Government's report.

Article 8. The provisions of this Article are covered by section 378 of the Code.

The enforcement of the relevant legislative provisions is the responsibility of the labour inspection service.

The approximate number of workers protected is 110,000.

SENEGAL

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

Article 2 of the Convention. On account of the costs involved, the Government does not intend to compel employers to grant foreign workers hiring their services in Senegal an annual holiday which they would then spend outside the national territory.

Article 4. The worker's right, in accordance with section 145 of the Labour Code, to request the postponement of his annual holiday for a maximum period of three years is a right that has now become traditional, and it does not seem desirable to amend the legislation in this connection.

In the light of these considerations the Government is envisaging denunciation of the Convention.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

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

BELGIUM

Royal Order of 21 May 1958 respecting the granting of titles, diplomas, certificates and licences in the merchant navy and sea-fishing fleet and for pleasure boats, as amended by the Royal Orders of 3 August 1967 (*Moniteur belge*, 6 Dec. 1967) and 13 March 1968 (*ibid.*, 6 Apr. 1968).

56. Sickness Insurance (Sea) Convention, 1936

This Convention came into force on 9 December 1949

Countries	Ratification registered on
Algeria	19. 10. 1962
Belgium	3. 8. 1949
Bulgaria	29. 12. 1949
France	9. 12. 1948
Federal Republic of Germany	12. 12. 1956

Countries	Ratification registered on
Norway	6. 6. 1966
Peru	4. 4. 1962
United Kingdom	30. 9. 1944
Yugoslavia	13. 10. 1958

NORWAY (First Report)

Sickness Insurance Act, No. 2 of 2 March 1956 (*Norsk Lovtidend (N.L.)*, 26 Mar. 1956, No. 10, p. 156) (*L.S.* 1956—Nor. 1), as amended up to 1967.

National Insurance Act, No. 12 of 17 June 1966 (*N.L.*, 26 July 1966, No. 23, p. 830) (*L.S.* 1966—Nor. 3).

Article 1 of the Convention. Every person working in Norway in the service of another and paid wholly or partly in cash is insured as an employed person under the National Insurance Act. Employment on board a ship registered in Norway is deemed to be employment in the country. Norwegian nationals and persons permanently resident in Norway who are employed aboard Norwegian ships engaged in foreign trade are also insured.

No recourse is had to the exceptions permitted under paragraph 2 of this Article except that foreign nationals employed aboard a Norwegian ship in foreign trade are only insured if they are resident in Norway. Pilots are as a rule not covered as employees of the shipowner, but if they are engaged in permanent employment they are protected in the same way as the crew.

Article 2. Sickness benefit is payable for up to 104 weeks in respect of any one illness. There is a qualifying period of 14 days, but this does not apply to seamen engaged in foreign trade. Benefit is payable for every day except Sundays but not in respect of the first three days (including a Sunday) of each illness. This waiting period does not apply to seamen in foreign trade or to persons who are hospitalised.

Special provisions apply to seamen engaged in foreign trade while staying abroad in countries where the cost of living is higher than in the home country; a subsistence allowance, fixed according to the cost of living in the particular locality, is payable instead of the sickness benefit.

During service on board a ship outside Norwegian waters neither sickness cash benefits nor subsistence allowances are payable. For such time as the insured person is in hospital or in a like institution, reduced cash benefits are paid, the rate depending on the number of dependants. For periods during which sick pay is provided under law by the shipowner, cash benefits or subsistence allowances are not payable if the seaman is hospitalised.

No limitation of benefit rights in case of wilful misconduct is provided for under the sickness insurance scheme.

Article 3. Medical benefit is paid as long as the insured person remains a member of the scheme. It normally amounts to 75 per cent of doctor's fees and full reimbursement of essential drugs. For seamen in foreign trade full reimbursement is

provided for essential medical costs. If necessary, free medical care and maintenance are provided in public hospitals or sanatoria.

Article 4. For a seaman engaged in foreign trade who owing to illness is unable to live with his family, benefit is payable in the form of supplements paid to his family; the amount varies with the number of dependants and according to whether the family is living in Norway or abroad.

Family supplements in respect of dependants are payable in addition to the cash sickness benefit at the rate of three crowns a day in respect of each such dependant. Family members are entitled to benefits in kind in case of sickness.

Article 5. In respect of each confinement the sickness insurance scheme provides free medical aid and midwife services, payment for five or six control examinations by a doctor during pregnancy, free nursing and treatment for not more than eight weeks in a maternity home and payment for transportation. Maternity benefit is payable at the same rate as sickness benefit for a period of 12 weeks including at least six weeks after confinement. The right to maternity benefit is conditional upon insurance for sickness benefit during the ten months preceding confinement. This qualifying period does not apply to persons insured under the special provisions for seamen in foreign trade.

The wife of an insured person is entitled to the same benefits in kind as mentioned above. If she is not confined in a maternity home she receives a confinement grant of 200 crowns.

Article 6. The general sickness insurance scheme does not provide for a funeral grant, but for seamen engaged in foreign trade the Ministry for Social Affairs has prescribed special provisions. Thus, if a seaman is insured under the National Insurance Act (which covers all persons domiciled in Norway and provides for a funeral grant in respect of the death of an insured person amounting to 15 per cent of the basic amount under the National Pension Scheme), in addition to the funeral grant under that Act payment is made out of the sickness insurance fund of further expenses incurred abroad as a consequence of the death. If a seaman is not insured under the National Insurance Act, expenses incurred abroad are paid in full out of the sickness insurance fund and expenses incurred in Norway are paid up to an amount corresponding to 15 per cent of the basic amount under the national pension scheme.

Similar funeral benefits are provided in respect of dependants insured as family members.

Article 7. The right to benefits lasts throughout membership of the scheme. Membership as an employee of the general sickness insurance scheme terminates on the first Sunday after termination of employment unless illness or other circumstances cause it to be prolonged.

For seamen engaged in foreign trade, membership continues as a minimum until the first Sunday of the first month following the termination of employment, and this period is prolonged up to a maximum of four months, depending on the length of continuous service at the time employment is terminated. Membership also continues as long as a member receives a wage after the termination of service (unless the termination was caused by himself) and, if the member is sent home by the shipowner in connection with his service or at the expense of the Treasury, until the first Sunday after his arrival in Norway. These provisions are designed to ensure that seamen in fact enjoy continuous sickness insurance.

Article 8. In addition to the insured person's contribution, the employer pays 75 per cent, the municipality (in which the person is liable to taxation) 25 per cent, and the State 20 per cent of the insured person's contribution under the general

sickness insurance scheme. For seamen in foreign trade, the distribution of the contributions is determined in the same ratios.

Article 9. The general sickness insurance scheme is administered locally by public sickness funds of which there is in principle one in each municipality. Each fund has a board of five members with personal substitutes appointed by the municipal council, which itself is constituted by general elections and thus represents the persons insured with the fund. One of the members must be an employer of employed persons insured with the fund. The sickness insurance scheme for seamen in foreign trade is administered by a special sickness fund established for this purpose with a board of five members with personal substitutes appointed by the Ministry for Social Affairs, of whom one must represent the shipowners and another the seamen.

The central administration of the sickness insurance scheme is entrusted to the National Insurance Institution managed by a board composed of the Director of the National Insurance Institution and four other members appointed by the Crown.

Article 10. Claims are settled by the insurance funds; appeals against their decisions can be lodged with the National Insurance Institution, whose decision is final and binding on the insurance fund. The insured person, however, can bring the case before the Social Security Tribunal. No fees are payable and as a rule the insured person should be able to deal with the case without the services of a lawyer, but the President of the Tribunal may, if he considers it necessary, appoint counsel for the appellant.

Minimum Age (Sea) Convention (Revised), 1936

This Convention came into force on 11 April 1939

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Japan	22. 8. 1955
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	17. 2. 1955	Liberia	9. 5. 1960
Belgium	11. 4. 1938	Mauritania	8. 11. 1963
Brazil	12. 10. 1938	Mexico	18. 7. 1952
Bulgaria	29. 12. 1949	Netherlands	8. 7. 1947
Byelorussia	6. 11. 1956	New Zealand	7. 6. 1946
Canada	10. 9. 1951	Nigeria	16. 6. 1961
Ceylon	18. 5. 1959	Norway	7. 7. 1937
China	10. 12. 1964	Peru	4. 4. 1962
Cuba	20. 7. 1953	Sierra Leone	13. 6. 1961
Denmark	4. 6. 1955	Sweden	6. 1. 1939
France	9. 12. 1948	Switzerland	21. 4. 1960
Ghana	20. 5. 1957	Tanzania (Zanzibar)	22. 6. 1964
Greece	9. 10. 1963	Turkey	29. 9. 1959
Guatemala	30. 10. 1961	Ukraine	14. 9. 1956
Iceland	21. 8. 1956	U.S.S.R.	10. 8. 1956
Iraq	30. 12. 1939	United States	29. 10. 1938
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Jamaica	26. 12. 1962	Yugoslavia	5. 5. 1958

KENYA

Merchant Shipping Act, No. 35 of 1967 (*Kenya Gazette*, Supplement No. 104, 29 Dec. 1967).

In reply to requests made by the Committee of Experts the Government has stated that Articles 2 and 4 of the Convention are fully applied by sections 96, 89 (2) (*j*) and 91 (2) (*d*) of the above-mentioned Act.

SWEDEN

See under Convention No. 7.

59. Minimum Age (Industry) Convention (Revised), 1937

This Convention came into force on 21 February 1941

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Norway	26. 8. 1938
Bulgaria	22. 7. 1960	Pakistan	26. 5. 1955
Byelorussia	6. 11. 1956	Paraguay	21. 3. 1966
China	21. 2. 1940	Peru	4. 4. 1962
Cuba	7. 9. 1954	Philippines	17. 11. 1960
Ghana	20. 5. 1957	Sierra Leone	15. 6. 1961
Iraq	5. 7. 1960	Tanzania:	
Italy	22. 10. 1952	Tanganyika	30. 1. 1962
Kenya	13. 1. 1964	Zanzibar	22. 6. 1964
Luxembourg	3. 3. 1958	Ukraine	14. 9. 1956
New Zealand	8. 7. 1947	U.S.S.R.	10. 8. 1956
Nigeria	16. 6. 1961	Uruguay	18. 3. 1954

CHINA

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

Starting from July 1968, under the national education system provision has been made for a minimum of nine years' instead of six years' compulsory schooling and children will be at least 15 years old before they can complete it. Consequently, it is impossible for children under 15 years of age to be employed in mine pits.

No inspection visits have ever revealed the employment of any person under 15 years of age in mine pits.

GHANA

Labour Decree, 1967, National Liberation Council Decree No. 157 of 10 April 1967 (*Gazette of Ghana*, 14 Apr. 1967) (*L.S.* 1967—Ghana 1).

In reply to direct requests made by the Committee of Experts the Government has stated that section 47 of the above-mentioned decree has amended the definition of "industrial undertaking" in order to cover "undertakings engaged in the handling of goods at docks, quays, wharves and warehouses", in conformity with Article 1, paragraph 1 (*d*), of the Convention.

ITALY

See under Convention No. 60.

KENYA

Statutes Law (Miscellaneous Amendments) Act, No. 38 of 1968.

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned Act has amended section 5 (1) (vii) of the Factories Act by inserting the words "transformation or transmission" after "generating" (of electricity), in the definition of "industrial undertaking".

LUXEMBOURG

See under Convention No. 60.

PAKISTAN

Mines (Amendment) Act, No. VII of 1967.

In reply to observations made by the Committee of Experts the Government has stated that the above-mentioned Act has brought section 26-A of the Mines Act, 1923, which relates to the employment of persons under 17 years of age in mines and quarries, into conformity with Article 7, paragraph 5, of the Convention.

PARAGUAY (First Report)

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

See also under Convention No. 14.

Article 1 of the Convention. So far only agriculture has been classified separately, by virtue of section 4 of decision No. 36 of 1964.

Article 2. No advantage has been taken of the exception permitted under paragraph 2 of this Article.

Article 3. The second part of section 119 of the Labour Code allows for the exception provided for in this Article. The requirements of this Article are met by section 120 of the Labour Code.

Article 4. The wording of section 123 of the Labour Code is almost identical with that of this Article of the Convention. A specimen of the register prescribed was attached to the Government's report.

Article 5. Section 121 (*d*) of the Labour Code stipulates that young persons under 18 years of age may not perform any type of work endangering their life, health or morals. Since heavy industry is only in its infancy in Paraguay, these types of work have not yet been classified by the competent authority.

The application of the provisions of the labour legislation and of the Convention is ensured by the Labour Administrative Authority, acting through an inspection service.

The labour courts have not given any decision involving questions relating to the application of the Convention.

Eighty-seven breaches of the law in respect of matters relating to the application of the Convention have been noted by the inspection service.

PERU

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

Article 1 of the Convention. It has not been considered necessary to include a definition of the industrial undertakings to which the minimum age of 15 years applies, since Act No. 13270 respecting the encouragement of industry defines them as being those included in the United Nations International Standard Industrial Classification of All Economic Activities, and this definition is valid for all standards.

Article 2, paragraph 1. In practice it is understood that the authorisation for children aged from 13 to 14 years to work in certain conditions can place no restriction on their work in industry, provided that the legal provisions in which the danger of the work or of the cultural and moral conditions is referred to are observed.

PHILIPPINES

Revised Rules and Regulations to implement Republic Act No. 679 of 2 January 1964, as amended.

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937

This Convention came into force on 29 December 1950

Countries	Ratification registered on	Countries	Ratification registered on
Bulgaria	29. 12. 1949	Paraguay	21. 3. 1966
Byelorussia	6. 11. 1956	Ukraine	14. 9. 1956
Cuba	7. 9. 1954	U.S.S.R.	10. 8. 1956
Italy	22. 10. 1952	Uruguay	18. 3. 1954
Luxembourg	3. 3. 1958		
New Zealand ¹	8. 7. 1947		

¹ Has denounced this Convention.

ITALY

Act No. 977 of 17 October 1967 respecting the protection of children and young persons in employment (*Gazzetta Ufficiale*, 6 Nov. 1967, No. 276, p. 6105) (*L.S.* 1967—It. 1).

The drawing up of the list of types of light non-industrial work on which children over 14 years of age may be employed under section 4 of the above-mentioned Act has reached an advanced stage. The list will be embodied in a decree of the President of the Republic, after the trade unions have been consulted.

In connection with the establishment of this list the handicrafts unions have made a proposal to the effect that there should be a definition of what is meant by industrial activities and undertakings and that a distinction should be made between industry and handicrafts. This point was mentioned in the report of the Committee on Light Work and referred to the Council of State.

LUXEMBOURG

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

The Bill respecting the protection of children and young workers has not yet been adopted in view of the dissolution of the Chamber of Deputies in October 1968. It will be for the new Chamber elected in December 1968 to take a final vote on this Bill.

As regards Article 7 (c) of the Convention, section 18 of the Bill has been amended to state that grand-ducal regulations may provide for suitable means of facilitating the identification and supervision of persons whose employment in the types of work and occupations listed in the schedule to the Act is prohibited.

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 1 of the Convention. No line of division has been defined to separate the types of employment covered by this Convention from those covered in the Conventions mentioned in paragraph 1 of this Article.

Paragraph 4. Section 119 of the Labour Code has made use of the exception provided for in this paragraph. The Labour Administrative Authority understands the term “family” as covering the father, mother, sons and daughters, uncles and aunts, cousins and nieces and nephews.

Article 3. To date no employment of children on light work has been authorised.

Paragraph 2. Section 120 of the Labour Code gives effect to the provisions of this paragraph.

Article 7. The application of the provisions of this Convention and of the labour legislation in force is ensured by an inspection and enforcement service attached to the Labour Administrative Authority.

Section 123 of the Labour Code requires every employer to keep a register, as stipulated by clause (b) of this Article.

The labour courts have not given any decision involving questions relating to the application of the Convention.

Thirty-nine breaches of the law in respect of matters relating to the application of this Convention have been recorded.

Article 8. Subsections (c), (e) and (f) of section 120 of the Labour Code lay down the conditions under which young persons between 12 and 14 years of age may be employed.

Light work is deemed to consist of unarduous tasks which are not prejudicial to the health or natural development of a young person, such as the work of errand boys, cadets or orderlies.

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
Colombia	4. 3. 1969	Poland	17. 4. 1950
Congo (Kinshasa)	20. 9. 1960	Rwanda	18. 9. 1962
Finland	8. 4. 1947	Spain	24. 6. 1958
France	16. 12. 1950	Switzerland	23. 5. 1940
Federal Republic of Germany	14. 6. 1955	Tunisia	12. 1. 1959
Guinea	12. 12. 1966	Uruguay	18. 3. 1954
Honduras	17. 11. 1964		

BULGARIA

See under Convention No. 32.

CENTRAL AFRICAN REPUBLIC

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

Article 2, paragraph 2, of the Convention. Employers' and workers' representatives are adequately represented on the Labour Advisory Committee.

Article 3, clause (a). The labour inspector may request that instructions concerning safety in buildings be posted up in the place reserved for the purpose. The technicians mentioned in section 157 (c) of the Labour Code verify whether the text posted up accords with the model approved by the Ministry responsible for public works.

FINLAND

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that new revised safety regulations, which should come into force in 1969, will conform to the provisions of the Convention.

FEDERAL REPUBLIC OF GERMANY

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

Article 7, paragraph 2, of the Convention. A new draft of safety regulations for building work is being prepared. The regulations, which will apply to all types of work done in the building industry, will prescribe that the work must be performed under the supervision of competent and responsible persons and that a person acting in a supervisory capacity must always be present on the work site.

Article 16. The trade unions have submitted to the Minister of Labour and Social Affairs, for approval, the draft of an addendum to the general provisions of the safety regulations stipulating that bodily protection equipment must be made available and used whenever the risk of accident or danger to health cannot be eliminated by any other means.

MEXICO

In reply to an observation made by the Committee of Experts the Government has stated that a committee will soon be set up and be entrusted with the revision of the regulations applying to the federal district, including the building regulations. Proposals made by the Department of Labour and Social Welfare for amendments to the existing building regulations will be submitted to this committee.

PERU

In reply to a direct request made by the Committee of Experts the Government has stated that the committee responsible for the preparation of a Labour Code is continuing its activities. Any progress made in this respect will be communicated to the Committee of Experts.

SPAIN

Order of 30 June 1966 to approve the revised text of the Hoisting Appliances Regulations.

SWITZERLAND

Ordinance of 8 August 1967 respecting the prevention of accidents in building work.

Ordinance of 17 November 1967 respecting the prevention of accidents in roofing and other work performed on roofs.

The ordinance of 8 August 1967, which takes account of the introduction of new techniques, replaces that of 2 April 1940 respecting the prevention of accidents in building work.

URUGUAY

See under Convention No. 32.

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 ^{2 3}	24. 11. 1961	Republic of South Africa ^{1 2}	8. 8. 1939
Canada	6. 4. 1946	Sweden ³	21. 6. 1939
Ceylon ²	25. 8. 1952	Switzerland ^{2 3}	23. 5. 1940
Chile ³	10. 5. 1957	Syrian Arab Republic ^{2 3}	26. 7. 1960
Cuba	7. 9. 1954	Tanzania:	
Czechoslovakia	12. 6. 1950	Tanganyika ¹	19. 11. 1962
Denmark ³	22. 6. 1939	Zanzibar	22. 6. 1964
Finland ³	8. 4. 1947	United Arab Republic ^{2 3}	5. 10. 1940
France	28. 6. 1951	United Kingdom	26. 5. 1947
Federal Republic of Germany	22. 6. 1954	Uruguay	18. 3. 1954
Guatemala	4. 8. 1961		
Ireland	9. 10. 1946		
Kenya	13. 1. 1964		

¹ Excluding Part II.
² Excluding Part IV.
³ Excluding Part III.

ALGERIA

In reply to an observation made by the Committee of Experts the Government communicated statistical papers and has stated that the Agricultural Statistics Service, set up in 1964, will, from 1970, be in a position to compile and publish statistics on wages and hours of work in 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	Nigeria	17. 10. 1960
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
Kenya	13. 1. 1964	Zanzibar	22. 6. 1964
Lesotho	31. 10. 1966	Uganda	4. 6. 1963
Malawi	7. 6. 1966	United Kingdom ¹	24. 8. 1943
Malaysia:		Zambia	2. 12. 1964
States of Malaya	11. 11. 1957		
Sabah, Sarawak	3. 3. 1964		
New Zealand ¹	8. 7. 1947		

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

CONGO (KINSHASA)

See under Convention No. 11.

GHANA

See under Convention No. 59.

Articles 1, 3 and 5 of the Convention. Sections 11 and 12 of the Labour Decree cover these provisions of the Convention.

Article 4. Section 20 (1) of the decree.

Article 6. Sections 14 and 15 of the decree.

Article 7. Section 13 of the decree.

Article 8. Section 16 of the decree.

Article 9. Sections 16 and 17 of the decree. In addition regulations providing for minimum holidays are under consideration.

Article 10. Section 19 of the decree.

Article 11. Section 22 (4) and (5) of the decree.

Article 12. Section 22 (1), (2) and (3) of the decree.

Article 13. Sections 23 and 24 (3) of the decree.

Article 14. Section 24 (1) and (2) of the decree.

Article 15. Suitable means of transport are available for use by repatriated workers and even long journeys can be undertaken without a break.

Article 17. Section 26 of the decree.

Articles 18 and 19. Section 17 of the decree.

MALAWI

In reply to a direct request made by the Committee of Experts concerning Article 14 of the Convention the Government has stated that Malawi workers employed in mines in the Republic of South Africa are paid at the prevailing mine rates, but a deduction from wages is made to cover repatriation costs. Any increase in such deductions as a result of a rise in transport costs is agreed to by the Malawi Government only if there has been a corresponding increase in earnings.

67. Hours of Work and Rest Periods (Road Transport) Convention, 1939

This Convention came into force on 18 March 1955

Countries	Ratification registered on
Central African Republic	9. 6. 1964
Cuba	20. 7. 1953

Countries	Ratification registered on
Peru	4. 4. 1962
Uruguay	18. 3. 1954

CUBA

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

In view of the far-reaching changes in the economic field, including the nationalisation of transport, the state transport undertakings are responsible for ensuring that the laws and regulations are respected, subject to the supervision of the public authorities.

Section V (2) of Decree No. 2513 of 19 October 1933, although still in force, is no longer applied in practice for the above-mentioned reasons.

68. Food and Catering (Ships' Crews) Convention, 1946**71. Seafarers' Pensions Convention, 1946****68. Food and Catering (Ships' Crews) Convention, 1946**

This Convention came into force on 24 March 1957

Countries	Ratification registered on
Algeria	19. 10. 1962
Argentina	24. 9. 1956
Belgium	5. 12. 1951
Bulgaria	29. 12. 1949
Canada	19. 3. 1951
France	9. 12. 1948
Ireland	12. 6. 1956

Countries	Ratification registered on
Italy	22. 10. 1952
Netherlands	17. 6. 1958
Norway	28. 1. 1957
Peru	4. 4. 1962
Poland	13. 4. 1954
Portugal	13. 6. 1952
United Kingdom	6. 8. 1953

71. Seafarers' Pensions Convention, 1946

This Convention came into force on 10 October 1962

Countries	Ratification registered on
Algeria	19. 10. 1962
Argentina	17. 2. 1955
Bulgaria	29. 12. 1949
France	9. 12. 1948

Countries	Ratification registered on
Italy	10. 4. 1962
Netherlands	27. 8. 1957
Norway	4. 7. 1949
Peru	4. 4. 1962

73. Medical Examination (Seafarers) Convention, 1946*This Convention came into force on 17 August 1955*

Countries	Ratification registered on
Algeria	19. 10. 1962
Argentina	17. 2. 1955
Belgium	5. 12. 1951
Bulgaria	29. 12. 1949
Canada	19. 3. 1951
China	10. 12. 1964
Finland	15. 5. 1956
France	9. 12. 1948
Italy	22. 10. 1952

Countries	Ratification registered on
Japan	22. 8. 1955
Netherlands	17. 6. 1958
Norway	17. 2. 1955
Peru	4. 4. 1962
Poland	13. 4. 1954
Portugal	13. 6. 1952
Sweden	9. 1. 1962
Uruguay	18. 3. 1954
Yugoslavia	25. 11. 1966

74. Certification of Able Seamen Convention, 1946*This Convention came into force on 14 July 1951*

Countries	Ratification registered on
Algeria	19. 10. 1962
Barbados	8. 5. 1967
Belgium	5. 12. 1951
Canada	19. 3. 1951
France	9. 12. 1948
Ghana	18. 3. 1965
Ireland	21. 6. 1957
Netherlands	14. 7. 1950

Countries	Ratification registered on
New Zealand	5. 12. 1961
Poland	13. 4. 1954
Portugal	13. 6. 1952
United Arab Republic	30. 3. 1967
United Kingdom	13. 5. 1952
United States	9. 4. 1953
Yugoslavia	22. 12. 1961

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		

PARAGUAY (First Report)

See under Convention No. 60.

Article 1 of the Convention. Only the line of division relating to agriculture has been defined under section 4 of Decision No. 36 of 8 April 1964.

Article 2. The annual certificate supplied by the Ministry of Public Health and Social Welfare complies with the requirement of paragraph 3 of this Article and with section 120 (b) of the Labour Code.

Article 3. A medical examination is carried out annually and repeated at shorter intervals when the competent authority deems it necessary.

Article 4. An annual medical examination of fitness for employment is required in all cases and without limit of age.

Article 6. The application of the provisions of paragraphs 2 and 3 is under consideration.

Article 7. Section 8, paragraph 4, of Decree No. 3286 of 4 March 1964 concerning labour inspection is in accordance with the provisions of this Article.

Article 8. No use is made of the exemption provided for in this Article.

Article 9. No declaration has been made in connection with this Article.

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		

PARAGUAY (First Report)

See under Convention No. 60.

Article 1 of the Convention. The line of division mentioned in paragraph 3 has not yet been defined. Light work which is not harmful to the health or moral development of young persons is considered as not being dangerous to their health.

Articles 2 to 6. See under Convention No. 77, Articles 2 to 6.

Article 7. See under Convention No. 77, Article 7. The measures of identification consist in the identity card issued by the Identification Service of the Police Department in Asunción.

Articles 8 and 9. See under Convention No. 77, Articles 8 and 9.

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		

PARAGUAY (First Report)

Decree No. 3286 of 4 March 1964 respecting the organisation of the labour directorate of the Ministry of Justice and Labour (*Gaceta Oficial*, 4 Mar. 1964, No. 26).

See also under Convention No. 60.

The Convention is applied by the Labour Code.

Article 1 of the Convention. The line of division mentioned in paragraph 3 has not yet been defined.

The Labour Code makes use of the exceptions provided for in paragraph 4, the relevant exceptions being prescribed in section 119. The terms "harmful", "prejudicial" and "dangerous" mentioned in paragraph 4 (*b*) have not yet been defined.

Article 3. No use has been made of the provisions of paragraph 2.

Article 4. No use has been made of the exceptions provided for in paragraph 1. The prohibition of night work of children and young persons has not been suspended. No authority has been granted the power to issue licences as mentioned in paragraph 3.

Article 6. Sections 5 and 8 of the above-mentioned decree establish the functions of the inspection and enforcement service and the powers of the labour inspectors.

The obligation laid down in paragraph 1 (*b*) is provided for under section 123 of the Labour Code. A model of the register required was submitted separately from the Government's report.

With reference to paragraph 2, no use has been made of Articles 2, 3 or 5 of the Convention.

Article 7. No use has been made of the provisions of paragraph 1.

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	Kuwait	23. 11. 1964
Argentina	17. 2. 1955	Lebanon	26. 7. 1962
Austria	30. 4. 1949	Luxembourg	3. 3. 1958
Barbados ¹	8. 5. 1967	Malawi	22. 3. 1965
Belgium	5. 4. 1957	Malaysia:	
Brazil	25. 4. 1957	States of Malaya	1. 7. 1963
Bulgaria	29. 12. 1949	Sabah, Sarawak	3. 3. 1964
Cameroon (Western Cameroon) ¹	3. 9. 1962	Mali	2. 3. 1964
Central African Republic	9. 6. 1964	Malta ¹	4. 1. 1965
Ceylon	3. 4. 1956	Mauritania	8. 11. 1963
Chad	30. 11. 1965	Morocco	14. 3. 1958
China ¹	13. 2. 1962	Netherlands	15. 9. 1951
Colombia ¹	13. 11. 1967	New Zealand ¹	30. 11. 1959
Congo (Kinshasa)	19. 4. 1968	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
Jordan	27. 3. 1969	Yugoslavia	18. 8. 1955
Kenya	13. 1. 1964		

¹ Excluding Part II.

BRAZIL

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

Article 3, paragraph 2, and Articles 10 and 16 of the Convention. Sections 8, 10 and 11 of the Labour Inspection Regulations give the list of duties entrusted to the inspectors. Moreover, section 39 of the same regulations prohibits the attribution to them of duties other than those appertaining to them. An increase in the number of staff in the inspectorate, which is at present under consideration, is dependent upon the administrative reform now being contemplated and upon the economic and financial situation of the country, which calls for staff restrictions in the public service.

Agreements have been reached with the governments of the different states as regards collaboration in the field of health and safety.

Articles 6 and 7. Owing to the financial difficulties referred to above, a competition held to fill vacant posts cannot be considered at present. Appointments of inspectors are made on a permanent basis. Appointments by transfer, which were made until recently, were based on the actual carrying out of the functions concerned during a period of from two to five years. Suitability was assessed by the Ministry of Labour, and subsequently confirmed by the Special Committee of the Civil Service Department. The only opportunity for specialised training is provided by the training acquired in the course of work.

Article 11, paragraph 2. Following the studies carried out by the ad hoc working group and the Standing Committee on Social Legislation of the Ministry of Labour, special funds called for by the provisions of section 42 of the Labour Inspection Regulations have been included in the 1969 budget, which has been submitted to Parliament.

Article 13, paragraphs 2 (b) and 3. The provisions of section 8 (j) and (p), section 10 (f) and (g) and section 12, particularly paragraph 3, of the Labour Inspection Regulations meet the requirements of the Convention.

Article 17, paragraph 2. Section 18 of the regulations meets in general the provisions of the Convention. Section 19—which provides that proceedings shall be started in the event of infringement—specifies that this shall be done “subject to the provisions of the preceding section”.

Articles 19 to 21. The administrative conditions in which the National Labour Department and the regional labour offices operate do not make it possible to arrange for the drawing up of a general report on the work of the inspection services dealing with the prescribed subjects. Nevertheless, efforts will be made to meet the requirements of the Convention on these points. Statistics were enclosed with the Government's report.

MAURITANIA

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

Articles 11 and 16 of the Convention. The budgetary problems that make inspection difficult have not yet been overcome, but the Government will do everything possible to strengthen the labour inspectorate. The creation of new inspection sections is already under consideration.

Article 13, paragraph 2 (b). The only provisions applying this clause require nothing more than official notification and official reports.

Articles 19 to 21. The reports required by these Articles will in future be communicated to the International Labour Office.

PAKISTAN

In reply to an observation and a direct request made by the Committee of Experts, the Government has stated that the Mines Act, 1923, of East Pakistan as well as the Factories Act, 1934, and the Mines Act, 1923, of West Pakistan are still under revision.

As regards Article 15 (c) of the Convention, the Government adds that, since section 10 of the East Pakistan Factories Act, 1965, and section 11 of the West Pakistan Factories Act empower an inspector to enter freely any factory and inspect any place which he has reason to believe to be a factory, he is obviously not required to divulge any source of complaint occasioning the visit.

Moreover, delay in the submission of the reports required by Articles 20 and 21 of the Convention is due to the late receipt of material for inclusion therein from the provincial governments. Efforts are being made to publish them in time.

PANAMA

Presidential Decree No. 1360 of 27 June 1968.

In reply to an observation made by the Committee of Experts the Government has stated that in accordance with the above-mentioned decree the entire Department of Labour has been brought within the civil service system and that the process of giving effect to this measure was due to be completed by 27 December 1968.

SENEGAL

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

Article 8 of the Convention. A woman was appointed as a labour inspector with effect from 1 July 1967.

Article 10. The decree of 21 March 1962 has made provision for the setting up of a regional inspectorate for each administrative region. The principle, however, cannot be put into immediate application: Eastern Senegal had 237 workers in 1963, and this was not enough to justify the setting up of an inspectorate in that region. The comparison of successive reports of the Government makes it possible to observe the gradual growth of the number of inspectors and labour supervisors.

Article 13, paragraph 2 (b). The order of 19 July 1954 implicitly provides for the making of orders requiring no notification and thus excludes any delay in the execution of the measures adopted in the event of imminent danger to the health and safety of the workers.

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

Countries	Ratification registered on
Belgium	27. 1.1955
France	26. 7. 1954
New Zealand ¹	1. 7. 1952

Countries	Ratification registered on
United Kingdom ¹	27. 3. 1950

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

CONGO (KINSHASA)

See under Convention No. 11.

DAHOMEY

See under Convention No. 11.

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
France	26. 7. 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).

TOGO

The Inspectorate of Labour and Social Legislation has so far been a single service covering the whole territory. With the establishment of a Directorate of Labour, Manpower and Social Security under Ordinance No. 39 of 23 August 1968, and in accordance with the provisions of a decree to be issued under the ordinance and at present being discussed by the Council of Ministers, the Inspectorate of Labour will consist of regional inspectorates and a general inspectorate in the capital, which will also play the part of a co-ordinating and supervising service for the regional inspectorates.

86. Contracts of Employment (Indigenous Workers) Convention, 1947*This Convention came into force on 13 February 1953*

Countries	Ratification registered on
Barbados	8. 5. 1967
Guatemala	13. 2. 1952
Guyana	8. 6. 1966
Jamaica	26. 12. 1962
Kenya	13. 1. 1964
Malawi	22. 3. 1965
Malaysia (Sabah, Sarawak)	3. 3. 1964
Sierra Leone	13. 6. 1961
Singapore	25. 10. 1965

Countries	Ratification registered on
Tanzania:	
Tanganyika	30. 1. 1962
Zanzibar	22. 6. 1964
Uganda	4. 6. 1963
United Kingdom ¹	27. 3. 1950
Zambia	2. 12. 1964

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

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

BARBADOS

Independence Order, 1966.

Article 21 of the Constitution, incorporated in the above-mentioned order, guarantees to all persons the right of assembly and association, subject to certain exceptions made in the public interest.

In reply to a direct request made by the Committee of Experts concerning sections 32 and 35 (2) of the Trade Union Act, the Government has stated that no legislation has so far been enacted making decisions by the Registrar regarding infringements relating to union funds subject to appeal by the courts but that the request is still under consideration.

BOLIVIA

Constitution of 2 February 1967.

Agrarian Reform Act.

Legislative Decree of 7 February 1944 to provide that employees who hold managerial posts in industrial associations shall not be dismissed without due preliminary proceedings (*Boletín Oficial*, Feb. 1944, Year II, No. 14, pp. 59-61) (L.S. 1944—Bol. 2).

Act No. 22 of 26 October 1949.

Presidential Decree No. 1958 of 16 March 1950.

Civil Service Regulations, Presidential Decree No. 7375 of 5 November 1965.

Presidential Decree No. 7822 of 23 September 1966 to promulgate administrative regulations under the Labour Code (*Industria*, 1966, p. 37) (L.S. 1966—Bol. 1).

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Civil servants—i.e. persons performing services for the State by appointment and not under a contract of employment—are covered by the Civil Service Regulations of 1965.

Peasants have the right to form trade unions. Section 132 of the Agrarian Reform Act recognises peasants' trade unions as being a means of defending the rights of their members and of preserving the social advantages won. The peasants' unions have their part to play in the implementation of the agrarian reform scheme, and they may be either independent or affiliated to central bodies.

The single section of Act No. 22 of 26 October 1949 lays down that persons belonging to specified professions (lawyers, doctors, accountants, etc.) and employed by commercial or industrial undertakings or banking institutions for a monthly salary, even though they do not have regular hours of work, shall enjoy all the benefits granted to workers under the social legislation.

Section 4 of the legislative decree of 7 February 1944 provides that every occupational or industrial association may be constituted freely and without the necessity of procuring authorisation in advance. To ensure respect for the law of the land (Article 8 of the Convention), the General Inspectorate of Labour ascertains whether the by-laws of such associations are in conformity with the social legislation and the Attorney-General makes sure that there is no infringement of any other law or of the national Constitution.

Trade union officials—and in particular officials of federations and confederations—draw their wages without being required to go to work in the undertakings employing them. If a number of trade unions were allowed to exist within the same undertaking, the economy and production would suffer as a result.

Trade unions have the right to draw up their by-laws, but these must be in conformity with the Constitution and with the other laws, particularly the social laws. The Presidential Decree of June 1965, which stipulated the form these by-laws should take and listed the subjects which should be dealt with therein, has been repealed.

The provision concerning the presence of inspectors at trade union meetings exists only on paper; in practice, inspectors do not attend such meetings, nor do trade unions discuss their business in the presence of a labour inspector. However, Congress has been asked to repeal the provision in question (the second part of section 101 of the General Labour Act).

Under section 43 of Presidential Decree No. 7822 of 23 September 1966, only a judge of the competent labour court is empowered to order the liquidation of a trade union organisation. Appeal may be made against the judge's decision to the National Labour and Social Security Court. Liquidation may be carried out only in the following cases: (a) on proof of non-observance of the relevant laws; (b) if a

trade union has ceased to be active for more than one year, for reasons which can be attributed to its own responsibility; (c) by a decision freely adopted by two-thirds of its affiliated members.

Section 10 of Decree No. 7822 declares it unlawful for trade union organisations to engage in party politics. Section 19 (g) stipulates that a member of the executive committee of a trade union organisation may not have been a member of any committee of any political party or group during the two months prior to his election. The application of this decree is awakening a new spirit of trade unionism in the workers which has nothing to do with party politics. The decree in question will be amended upon the adoption of the new Labour Code, consideration of which is now in its final stages and one section of which reproduces verbatim Article 3 of the Convention.

Public services are defined in section 1 of Presidential Decree No. 1958 of 16 March 1950 as follows: (a) public, fiscal and municipal administrations; (b) services in connection with the supply of drinking water, fuel and electric light and power; (c) communications and banking; (d) health and public markets services. Under section 2 of the decree stoppages of work in the above-mentioned public services in the form of strikes or lockouts or in any other form are punishable by the maximum penalty prescribed by law.

BULGARIA

In reply to a direct request made by the Committee of Experts the Government has stated that the national legislation, including the relevant sections of the Labour Code, in principle provide for no restriction on the access to work of foreign subjects as wage earners or salaried employees. Under section 2 of the Labour Code, all wage earners and salaried employees, including foreign subjects who have the status of wage earners or salaried employees, can belong to trade unions.

Moreover, if organisations of non-wage-earning workers or of managers of undertakings were to be formed, these organisations would have legal personality under the established general procedure where no provisions were laid down to this effect.

BURMA

In reply to an observation made by the Committee of Experts the Government has stated that it has nothing further to add to the report which it submitted in 1965 except to reiterate that the Trade Unions Act of 1926 has not been repealed either in whole or in part. Under section 12 of the law defining the fundamental rights and responsibilities of the people's workers, the Trade Unions Act became one of its rules, in so far as compatible with the aim and spirit of this law.

CAMEROON

See under Convention No. 11.

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

Ordinance No. OF/24 of 31 March 1962 restricting the right to hold trade union office to persons engaged in the occupation concerned is implicitly repealed by section 193 of the federal Labour Code, since this section repeals the Overseas Labour Code of 15 December 1952 under which the ordinance in question was promulgated.

With regard to Western Cameroon the discrepancies observed by the Committee of Experts concerning the right of casual workers to organise and the restriction of the right of workers to elect their representatives freely are also eliminated by section 193 of the newly adopted federal Labour Code.

COSTA RICA

In reply to a direct request made by the Committee of Experts the Government has stated that, by means of Administrative Order No. 1772 of 5 September 1967, it has given expression to the Committee's views as regards the access of trade union officials to the banana company's plantations and the holding of union meetings on these plantations.

CYPRUS (First Report)

Constitution (Article 21).

Trade Unions Act, No. 71 of 1965 (*Episemos Ephemeris*, 7 Dec. 1965, No. 457, First Supplement) to amend and consolidate the Act respecting the registration and supervision of trade unions.

Act No. 17 of 1966 to ratify the Convention (*ibid.*, 12 May 1966, No. 494).

Public Service Act, No. 33 of 1967 (section 59 (1)) (*ibid.*, 30 June 1967, No. 583).

Police Act (sections 51 and 52).

Article 2 of the Convention. Under the Trade Unions Act, 1965, members of unions must be at least 16 years old (18 years before 1956); unions cannot be formed by less than 20 persons if their trade or occupation comprises more than this number of persons (in other cases the minimum number is seven or three (section 8 (2))); no special legal provisions exist regarding the establishment of organisations by public officials and employees of publicly owned undertakings, but under section 59 (1) of the Public Service Act of 1967 no public officer shall become or be a member of a trade union or federation which is not exclusively composed of public officers or which, though exclusively so composed, unites with any other union or federation not exclusively so composed.

Article 3. Subject to the terms of section 18 of the Trade Unions Act, requiring that the unions' constitutions shall contain certain provisions as listed in the first schedule to the Act, to section 20 and to section 21 (2) of the Act, under which no one under the age of 21 may be a member of the Committee of Management, certain restrictions exist on the application of funds for political purposes (Part IV of the Act).

Article 4. The dissolution of unions by the Registrar is possible under section 16 (1) of the Trade Unions Act, but the Registrar's decision is subject to revision by the Council of Ministers and then to appeal to the Supreme Court. The usual ground for dissolution (and since Independence the only actual ground) is when membership falls below the minimum.

Article 5. In practice workers' and employers' organisations can freely join federations and confederations: the Trade Unions Act implicitly permits this in Part VII. Affiliation with international organisations is subject only to the rules of the organisation concerned. The two major trade union federations are affiliated with the International Confederation of Free Trade Unions and the World Federation of Trade Unions respectively.

Article 6. The provisions of section 53 of the Trade Unions Act apply equally to two or more trade unions the members of which are employed in the same trade or calling and to confederations where relevant.

Article 7. The acquisition of legal personality is not subject to any conditions and is conferred, within the limitations of sections 36 and 37 of the Trade Unions Act, upon registration, which is compulsory (section 7).

Article 8. The right to hold meetings is guaranteed by article 21 (1) of the Constitution, subject only to the provisions of the Criminal Code regarding unlawful assemblies, processions and riots. The existence of the Code has in no way hindered the observance of the guarantees provided by the Convention.

Article 9. Restrictions on the freedom of association of the armed forces, police and gendarmerie are allowed under article 21 (5) of the Constitution. Members of the police are prohibited under section 51 of the Police Act from being members of a trade union, but they may have their own police associations under section 52 of the same Act.

The Convention is applied by means of the above-mentioned legislation and by the policy of the Ministry of Labour as enunciated in the public statements of the Minister and in the Annual Reports of the Ministry. No decisions have been given by any courts of law or other tribunals involving questions of principle relating to the application of the Convention and no observations have been received from any source whatsoever.

DAHOMÉY

See under Convention No. 11.

ETHIOPIA

See under Convention No. 11.

GHANA

In reply to a request made in 1968 by the Committee of Experts the Government has stated that the Labour Advisory Committee established under the Industrial Relations Act, 1965, is currently discussing the revision of the provisions of the Act relating to the certification of trade unions and other matters. The Government, having taken note of the observations made by the Committee of Experts, will consider them in the light of the recommendations made by the Labour Advisory Committee.

GUATEMALA

Civil Service Act, Decree No. 1748 of 10 May 1968 (*El Guatemalteco*, 23 May 1968, No. 60, p. 633).

In reply to an observation made by the Committee of Experts the Government has stated that, as regards the revision of the existing legislation, the Council of State is pursuing its careful study of the draft amendments to the Labour Code proposed by the Ministry of Labour and Social Welfare, which include the changes suggested by the Committee of Experts. Apart from this, the Council of State, referring to the introduction of amendments as a result of observations made by the Committee of Experts, has issued a general ruling in favour of the making of such amendments. The Ministry of Labour and Social Welfare hopes to submit to Congress as soon as possible the draft amendments to the Labour Code, backed by the Council of State's ruling.

A decree, No. 1748, has been issued embodying the Civil Service Act, and once the bodies provided for in this decree have been formally set up, the necessary regulations governing the organisation and functioning of the civil service will be adopted.

ISRAEL

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that the Bill to amend section 12 of the Act respecting the dissolution of organisations, has not yet been promulgated.

JAPAN

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

Between 1963 and 1967 the Labour Relations Commission examined the qualifications, as a prerequisite of registration, of 8,943 trade unions in new cases, but no trade union was adjudged unqualified for the reason that it came under item (4) of the proviso to section 2 of the Trade Union Act (No. 174 of 1949).

Should the National Personnel Authority or the Personnel Commission or Equity Commission suspend or cancel the registration of an employees' organisation under section 108-3, paragraph 6, of the National Public Service Act (No. 120 of 1947) or under section 53, paragraph 6, of the Local Public Service Act (No. 261 of 1950), the employees' organisation concerned may institute a suit against the decision to a court of law under the Administrative Suit Act (No. 139 of 1962).

An employees' organisation or federation thereof may, under section 52, paragraph 1, of the Local Public Service Act, be formed beyond the scope of one local public body, and such an organisation, whether registered or not, enjoys not only freedom to negotiate with the authorities of the local public body but also freedom of activity as an employees' organisation. In view of the fact that wages and other conditions of work of local public employees are determined by the local public body employing them, and that an organisation formed solely by such employees is the most appropriate party to negotiate, the Local Public Service Act provides that the Personnel Commission or Equity Commission shall, upon the organisation's application, register it after confirmation of its democratic and autonomous nature. Furthermore, since among local public employees engaged, *inter alia*, in school education, the majority have their wages and conditions of work determined by the by-laws of the prefectural government, the Act to lay down special regulations respecting educational personnel (No. 1 of 1949) provides that an employees' organisation formed by employees of public schools within the scope of one prefecture (i.e. beyond the scope of one local public body) may be registered. The Government has stated that it is convinced that this system is not in conflict with the Convention, that it is merely a matter of national policy since it has no specific influence on the capacity of the employees' organisation to act and that at present it is unnecessary to amend the legislation in question.

Since employees of penal institutions carry out functions of detaining in prison persons sentenced to confinement, accused persons, suspects and those sentenced to death, the Government considers that these employees may be assimilated to the police in view of the fact that both operate to ensure national security and both must, therefore, be subject to specially rigid control and discipline. As employees of penal institutions are national public employees they are not covered by the provisions of section 52, paragraph 5, of the Local Public Service Act.

The Government appended to its report the part of Rule No. 17-0 of the National Personnel Authority defining the scope of managerial personnel and the like, which

concerns the Ministry of Foreign Affairs, and also an equivalent example for local public employees—Regulation No. 20 of the Personnel Commission of Kanagawa prefecture.

KUWAIT

In reply to a direct request made by the Committee of Experts the Government referred to the difficulty mentioned in its previous report, namely the large percentage of foreign workers in the labour force, but has stated that all the points raised by the Committee are endorsed and that the national legislation will be brought into conformity with the Convention in due course.

LIBERIA

In reply to a direct request made by the Committee of Experts the Government has stated that it considers the Committee's objections to section 4102 (10) of the Labour Practices Law to be misplaced, since there is no way in which it can be read as sanctioning widespread intervention in the election process without disregarding the remaining provisions of section 4102 and the safeguards for free elections to be found throughout Chapter 40 of the Labour Practices Law. No instances on record support the Committee's fears. Article 3 of the Convention can only be understood in conjunction with the requirement of Article 8 respecting the law of the land, and it cannot seriously be asserted that it is intended by "full freedom" to allow corrupt and undemocratic elections. Rather, these two provisions imply that elections are to be freely conducted within the framework of legal safeguards, such as section 4102 (10), intended to ensure that they are free, open and democratic. The legal commitment of the Government, and its consistent policy, is to honour Article 8, paragraph 2, so that the law of the land does not impair the guarantees provided for in the Convention. There is, accordingly, nothing incompatible between Article 3 of the Convention and the Labour Practices Law, section 4102 (10), and Chapter 40 in general.

The action requested by the Committee concerning the acts of incorporation of the Mechanics and Allied Workers Union and of the Labour Congress of Liberia should more properly be directed to these organisations for appropriate response. The National Labour Affairs Agency will communicate the request to them and will notify the Committee of any change or clarification in the acts of incorporation.

LUXEMBOURG

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

The workers in the public sector referred to in the previous report include not only those who belong to manual workers' trade unions but also those bound to the State by individual contracts, i.e. state employees. The situation in a large part of the public sector is the same as that in the private sector. The part of the public sector concerned in this particular instance is that where conditions of work may be governed by collective agreement. Employees bound to the State by individual contracts and workers whose conditions of work are governed by a collective agreement are not regarded as civil servants acting as agents of public authority.

MAURITANIA

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

The fact that members responsible for the administration or management of a trade union must belong to the occupation concerned is no infringement of the right of organisations to elect their representatives in full freedom. On the contrary, it is a protection against the interference in trade union matters of persons whose pre-occupations may be unrelated to the interests of the union.

Freedom to choose trade union representatives must not be blind. It is in the interest of the organisations, even if they are in a position to elect anybody at all, to be represented only by officers who have the right to vote and be elected in public elections. A person who is not in possession of his civic rights does not inspire confidence.

With regard to the scope of the provisions of section 40 of Book IV of the Labour Code, if there has not yet been any labour dispute that has led to a lawful strike, this is because strikes have occurred without the submission of the disputes to the settlement procedure laid down by Part II of Book IV (conciliation and mediation). In fact the strikes have not led to the imposition of penalties by the public authorities. The only penalties imposed have been imposed by the employers on the grounds of the illegality of the stoppage of work. At the present stage, in the absence of any practical application of the provisions of section 40 of the Labour Code, it is difficult to say in advance that the full freedom of action of the Minister of Labour restricts the freedom of action of the unions. Moreover, it seems to follow from the provisions of section 48 that, if the Minister takes no decision, the unions recover their freedom of action. A specific case of submission of a dispute to arbitration would have to occur before the practical scope of the provisions of sections 40 and 48 taken together could be assessed.

NIGERIA

Civil Aviation (Fire and Security Measures) Act, 1968 (sections 3, 4, 12 and 19).

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

Notwithstanding the phrase "regularly and" in section 6 of the first schedule to the Trade Unions Act, there has in practice been no case of discrimination in, or denial of membership by, a trade union on the ground that a person is not regularly employed or is employed as a seasonal or casual worker. Also no restriction has been imposed on trade unions by virtue of section 7 of the same schedule, which in fact makes provision for the appointment to certain offices of the union of persons who are not members of the union.

Also in reply to a direct request made by the Committee of Experts concerning the nature of the Civil Aviation Fire and Guard Service, the Government quoted the above-mentioned sections of the Civil Aviation (Fire and Security Measures) Act, 1968, and has stated that the reason for the assimilation of this service to the armed services is that it deals with outbreaks of fire at aerodromes and with the security of life and property in such places. The total number of persons employed in the service does not exceed 623.

PAKISTAN

West Pakistan Trade Unions Ordinance, 1968.

West Pakistan Industrial Disputes Ordinance, 1968.

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

Article 2 of the Convention. Action is in hand to bring the Establishment Division's Notification No. 6/1/48—Ests (SE) of 30 August 1948, dealing with the freedom of association of public officials or government servants, into line with the provisions of this Article. The matter is under active consideration with the two provincial governments and other relevant authorities.

Article 3. Section 29 (2) of the West Pakistan Trade Unions Ordinance, 1968, and section 24 (2) of the East Pakistan Trade Unions Act, 1965, if properly scrutinised in their true context, guarantee to workers' and employers' organisations the rights laid down in this Article. Since Article 2 of the Convention provides for freedom of association and protection of the right to organise in respect of workers only, there is no bar in the above sections to all the officers of a registered trade union being selected from among the workers. Since, however, the trade union movement in the country is nascent, outsiders may still hold executive positions in trade unions provided that the workers elect them.

Article 11. Section 19, read in conjunction with sections 6 and 5 (4) of the East Pakistan Labour Disputes Act, 1965, and section 24, read in conjunction with section 6 (7) and (8) of the West Pakistan Industrial Disputes Ordinance, 1968, give scope to persons engaged in public utility services to go on strike.

PARAGUAY

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

Section 302 of the Labour Code, which prohibits trade unions from discussing or taking part in political matters, cannot prevent a trade union from engaging in activities intended to further and defend the interests of its members. No such prohibition has ever been imposed.

PHILIPPINES

Republic Act No. 5241.

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

Subparagraph (2) of section 23 (*b*) of Republic Act No. 875 concerning the non-subversive affidavit requirement for the registration of labour unions has finally been repealed.

The legislative committee set up to look into the visitatorial powers of the Secretary of Labor under section 23 (*e*) of the same Act, as amended by Republic Act No. 1941, has been abolished in deference to a ruling of the Supreme Court validating the exercise of such powers. The judgment states that no conflict is seen with Conventions Nos. 87 and 98, since the authority under the said Act is limited to an inquiry into the financial activities of any legitimate labour organisation and to the examination of its book of accounts and other financial records to determine compliance or non-compliance with the law and to aid in the prosecution for any violation of the law. Should the powers be used in such an arbitrary or oppressive manner as to impair the rights of the workers or their organisations, then the remedy would be to challenge the action thus taken, not to invalidate the law.

RUMANIA

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

Even though section 21 of Act No. 52 of 1945, which stipulates that a member of the executive committee of a trade union must have been engaged in the occupation in question for at least a year, is still in force, in practice no occasion has ever arisen requiring its application. The only criteria taken into account in connection with the election of trade union representatives relate to their aptitude for the performance of the duties to be assigned to them in as satisfactory a manner as possible. The present by-laws of the General Confederation of Trade Unions, which constitute the basic rules governing all trade union activities throughout the country, impose no restrictions in this respect. The relevant provision reads as follows: "Every member of a trade union has the right to take part in elections and be elected to union office."

There is no legal restriction on the founding of trade unions. Following the repeal of section 6 (2) to (4) and section 7 (*e*) of Act No. 52 of 1945 by Decree No. 263 of 15 June 1967, trade unions, as bodies corporate, may be formed simply by being recognised as soon as the court has satisfied itself that their foundation, freely assented to by their founder members, is in conformity with the statutory requirements for such foundation.

The by-laws of the General Confederation of Trade Unions provide that it is to be left to the discretion of each union to decide whether it wishes to join the single organised trade union movement by becoming affiliated to the trade union federation for the branch of activity to which it belongs. Clause 7 of the preamble to these by-laws stipulates: "If they freely consent so to do, trade unions shall become affiliated to the trade union federation for their branch of production, and the latter to the General Confederation of Trade Unions of Rumania." Here the founding of a trade union as a body corporate constitutes a different problem from that of the affiliation of a trade union to a hierarchically superior trade union organisation, the said union being entirely free to become affiliated or not to the trade union federation for its branch of activity.

No regulations have been issued for the administration of Act No. 52 of 1945.

SYRIAN ARAB REPUBLIC

Legislative Decree No. 84 of 26 June 1968 respecting the organisation of trade unions, to repeal Legislative Decree No. 31 of 29 February 1964.

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

With regard to the Committee's request for copies of the legislative texts whereby the Convention is made applicable to employers, the Ministry of Labour is working on a new legislative decree which will apply to craftsmen and the self-employed; this will be consonant with the principles of freedom of association.

Legislative Decree No. 31 (section 2 of which restricted the freedom of association of employees of the Ministry of Defence and its subordinate administrations) has been cancelled: in the legislative decree superseding it there is no restriction on freedom to join a trade union.

The new legislative decree allows foreigners to join a union provided that they have been employed in Syria for at least a year and subject to reciprocity.

Concerning the restriction by ministerial decision of the list of occupations in which trade unions may be set up, the new Trade Union Code empowers the General Federation to draw up this list of occupations without any interference on the part of the authorities.

With regard to the restriction to one union per occupation per administrative department, in the drafting of the new legislation the workers were consulted about the desirability of authorising multiple unions but their view was that this would lead

to confusion and dispersion of effort. Hence the new legislation empowers the trade union committee for each occupation to set up a trade union for that occupation in each province; such unions enjoy official recognition as independent legal entities. Any group comprising 50 or more workers is entitled to set up a trade union committee.

The aim of section 29 of Legislative Decree No. 31, requiring every member of a trade union secretariat to have been active for at least six months in the occupation concerned, was to ensure a proper level of experience among trade union officials.

The aim of the obligation on a union to deposit a proportion of its funds decided upon by the Minister, which the Committee of Experts considers as running counter to Article 3 of the Convention, was to safeguard union funds and to eliminate abuses.

The obligation in paragraphs 1 and 2 of section 43 of Legislative Decree No. 31 on trade unions to model their statutes on specimen texts drawn up by the Federation is not contained in the new decree.

With regard to the observations made by the Committee on financial supervision, under section 35 of the new decree this is the responsibility of the Minister of Social Affairs and Labour. The Minister is empowered to undertake an audit of accounts and to prepare a detailed report thereon, together with any suitable recommendations. The audited accounts are then forwarded to the magistrate, who gives them official clearance.

In respect of the obligation under section 40 of Legislative Decree No. 31 for occupational organisations to form federations, and under section 49 for occupational federations to form a confederation, which the Committee of Experts feels runs counter to Articles 2, 5 and 6 of the Convention, the new legislative decree contains nothing which would oblige unions to join a general federation or occupational federations.

The Ministry's power to oppose the creation of a union does not exist under the new legislation.

The aim of section 17 of Legislative Decree No. 31, preventing a union from accepting gifts, donations or legacies from non-members, except with prior approval from the General Federation and ratification by the Ministry, was to exercise supervision over such donations, in case the donors might intend to exercise an unwarranted influence over the recipients and restrict their freedom of action.

UKRAINE

On 3 September 1966, by an ordinance issued by the Council of Ministers, approval was given to the statutes of the Ukrainian Workers' and Employees' Horticultural and Viticultural Association. This is a recognised legal entity which can conclude agreements with regard to the activities provided for in the statutes, acquire plant and equipment, etc., initiate legal proceedings and take part in arbitration proceedings.

UNITED KINGDOM

In reply to a direct request made by the Committee of Experts concerning the presentation of legislation to the Northern Ireland Parliament corresponding to the Trade Disputes Act, 1965, in Great Britain, the Government has stated that this has been delayed pending the publication of the Westminster Government's White Paper setting out its proposals on the Report of the Royal Commission on Trade Unions and Employers' Associations in June 1968. The recommendations contained in the latter are detailed and far reaching and the Government has initiated urgent consultations with both sides of industry.

The Court of Inquiry appointed in May 1966 to look into the terms and conditions of sea-going employment reported in February 1967, recommending, *inter alia*, that the Merchant Shipping Act, 1894, should be revised. Consultations are now proceeding with the industry and consideration is also being given in the light of this report and that of the Royal Commission on Trade Unions to the special position of seamen and shipowners with regard to strikes.

UPPER VOLTA

Ordinance No. 043/PRES/TFP of 2 November 1968.

In reply to a direct request made by the Committee of Experts the Government has stated that Act No. 1/AN of 24 April 1964 to prohibit the affiliation of national trade unions to international trade union confederations has been repealed by the above-mentioned ordinance.

URUGUAY

Decree No. 93 of 3 February 1968.

In reply to an observation made by the Committee of Experts the Government supplied the text of the above-mentioned decree, the text of which reproduces, *mutatis mutandis*, the provisions of Articles 2, 3, 5 and 8, paragraph 1, of the Convention. Section 5 of this decree provides that sections 2 and 3 thereof (equivalent to Articles 2 and 3 of the Convention, respectively) shall apply to federations and confederations.

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Kenya	13. 1. 1964
Argentina	24. 9. 1956	Libya	20. 6. 1962
Australia	24. 12. 1949	Luxembourg	3. 3. 1958
Belgium	16. 3. 1953	Malta	4. 1. 1965
Brazil	25. 4. 1957	Netherlands	7. 3. 1950
Bulgaria ¹	29. 12. 1949	New Zealand	3. 12. 1949
Canada	24. 8. 1950	Nigeria	16. 6. 1961
Central African Republic	9. 6. 1964	Norway	4. 7. 1949
Colombia	31. 10. 1967	Peru	6. 4. 1962
Costa Rica	2. 6. 1960	Philippines	29. 12. 1953
Cuba	29. 4. 1952	Sierra Leone	13. 6. 1961
Cyprus	23. 9. 1960	Singapore	25. 10. 1965
Czechoslovakia	12. 6. 1950	Spain	30. 5. 1960
Dominican Republic	22. 9. 1953	Sweden	25. 11. 1949
Ethiopia	4. 6. 1963	Switzerland	19. 1. 1952
France	15. 10. 1952	Syrian Arab Republic	26. 7. 1960
Federal Republic of Germany	22. 6. 1954	Tanzania (Tanganyika)	30. 1. 1962
Ghana	4. 4. 1961	Thailand	26. 2. 1969
Greece	16. 6. 1955	Tunisia	11. 10. 1968
Guatemala	13. 2. 1952	Turkey	14. 7. 1950
India	24. 6. 1959	United Arab Republic	3. 7. 1954
Iraq	22. 6. 1951	United Kingdom	10. 8. 1949
Israel	21. 8. 1959	Venezuela	16. 11. 1964
Italy	22. 10. 1952	Yugoslavia	23. 7. 1958
Japan	20. 10. 1953		

¹ Has denounced this Convention.

CENTRAL AFRICAN REPUBLIC

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

Article 3 of the Convention. Since 1964 the National Manpower Office and the local employment offices have been conducting systematic surveys of the economically active population. The establishment of additional offices will be based on the results of these surveys.

Article 6, clause (b). One of the functions of the National Labour Advisory Committee is to study problems relating to employment, vocational training and placement. The results of such study permit measures to be taken in vocational training centres to retrain and improve the skills of workers with a view to meeting the demand for labour and thus to facilitate mobility on an occupational as well as a geographical basis.

Article 9. The majority of the officials attached to the National Manpower Office are trained at the International Civil Service Institute in Paris and in other institutions in Africa. In addition, officials also take part in seminars and study courses on manpower and employment problems.

GUATEMALA

In reply to an observation made in 1968 by the Committee of Experts the Government has supplied the following information.

Article 3 of the Convention. The Ministry of Labour and Social Welfare had been requesting, in vain, in its annual budget proposals for funds to establish additional regional and local employment offices. However, a study of the matter made by an ILO expert acting in collaboration with the National Employment Service and the technical adviser of the Ministry has been completed and the establishment of these offices may be expected in the near future.

Article 4. Employers' and workers' members of the tripartite advisory committees have already been nominated and the first session of the committee was due to be held in November 1968.

Article 9. A new Civil Service Act entered into force on 1 January 1969 setting out the terms and conditions of service of civil servants.

Article 11. The municipality of Pueblo Nuevo Tiquisate has been authorised to set up an office provided that it reports periodically to the National Employment Service.

PHILIPPINES

Labor Department Order No. 5, 1968 Series, to return control of all local employment offices to the Commissioner, Office of Manpower Services.

In reply to an observation made in 1968 by the Committee of Experts the Government has stated that the budget for the fiscal year 1968-69 of the Department of Labor provides for the establishment and organisation of regional employment offices. Seven of these offices are being set up throughout the country. In addition the organisation of provincial and city employment offices is also being encouraged; technical assistance on the organisation and operation of such offices is being provided by the Department of Labor and the Office of Manpower Services.

TURKEY

Regulation No. 6/8697 of 29 August 1967 respecting the direction of activities of the local advisory committees in relation to the general management of the placement service.
See also under Convention No. 45.

Two bulletins entitled respectively *Employment Seekers* and *Vacancies* have begun to be published. They are intended to eliminate difficulties which arise in the supply of and demand for labour by aiding employers and employment seekers, including skilled and non-manual workers, in their choice on a national scale. The curriculum vitae of highly qualified persons seeking employment suitable to their occupation or profession is presented to undertakings in all regions of the country.

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

BELGIUM

Royal Order No. 40 of 24 October 1967 respecting the employment of women (*Moniteur Belge* (M.B.), 24 Oct. 1967, No. 207, p. 11210) (L.S. 1967—Bel. 3).

Royal Order of 22 December 1967 to authorise a temporary exception to the prohibition of night work for certain categories of women workers (M.B., 30 Dec. 1967).

In pursuance of the Act of 31 March 1967 conferring certain powers on the Crown with a view to improving the state of the economy, an acceleration of the regional reconversion scheme and the stabilisation of the budget, Royal Order No. 40 of 24 October 1967 has established new regulations having the force of law in respect of the employment of women. The former provisions relating to night work contained in the legislation respecting the employment of women and children as consolidated on 28 February 1919 remain applicable only to the work of boys.

Royal Order No. 40 of 1967 was issued after consultation with the employers' and workers' representatives on the National Labour Council. It defines night work as work performed between 8 p.m. and 6 a.m. These limits are changed to 10 p.m. and 5 a.m. or 11 p.m. and 6 a.m. in the case of women employees performing work which cannot, on account of its nature, be interrupted or delayed, or on work organised in successive shifts.

The last paragraph of section 3 of the order stipulates that, where shift work is carried on in an undertaking where the five-day week is observed and where each shift works more than an eight-hour day apart from the statutory breaks, the time-limits shall be fixed at 11 p.m. to 5 a.m. or midnight to 6 a.m.

Night work by women is authorised only to ward off a threatened accident, or to perform work in connection with an accident which has already occurred, or to do urgent work on machinery or materials or to do work made necessary by unforeseen events, in so far as the performance of such work outside normal working hours is indispensable to avoid serious disruption of the normal running of the undertaking.

The Crown may, in certain branches of activity, undertakings or occupations, authorise night work either purely and simply or subject to certain conditions, for the performance of certain work or for certain categories of women employees. In this case section 15 of Royal Order No. 40 provides that the Crown shall consult the competent joint committee or the joint body concerned, eventually the National Labour Council, all of which are composed of employers' and workers' representatives.

The interval between the cessation and resumption of work shall be at least 11 consecutive hours.

Royal Order No. 40 came into force on 1 January 1968.

The royal orders relating to the Convention which were made during the period covered by the report included the above-mentioned royal order of 22 December 1967.

CEYLON (First Report)

Factories Ordinance, No. 45 of 1942 (Ceylon Ordinances, 1941-44).

Employment of Women, Young Persons and Children Act, No. 47 of 1956 (*L.S.* 1956—Cey. 2).

Regulations respecting the line of division separating industry from agriculture, commerce and other non-industrial occupations (*Ceylon Government Gazette*, 25 Apr. 1958, No. 11302).

Employment of Women, Young Persons and Children (Amendment) Act, No. 43 of 1964.

Article 1 of the Convention. The term "industrial undertaking" has been defined in section 34 (1) of Act No. 47 of 1956. Further definitions are contained in the above-mentioned regulations.

Article 2. The term "night" has been defined in section 4, read in conjunction with section 2, of Act No. 43 of 1964. The different intervals have been prescribed.

Article 3. The requirements of this Article are met by section 3 (1) (c) of Act No. 47 of 1956 and also by the Factories Ordinance.

Article 4, clause (a). The requirements of this clause are met by section 3 (1) (d) of Act No. 47 of 1956, which requires that such an occurrence should be reported to the Commissioner of Labour within seven days of its occurrence.

Clause (b). There are no processes to which the exception referred to in this clause has been applied.

Article 5. The requirements of this Article are met by section 3 (2) of Act No. 47 of 1956.

Article 6. It has not been found necessary to prescribe by legislation any conditions subject to which employers may take advantage of this provision.

Article 7. No provision has been made in the legislation, as this Article has not been considered applicable to Ceylon.

Article 8. The requirements of this Article are met by section 3 (1) (a) and (b) of Act No. 47 of 1956.

The Ministry of Labour and Employment has been entrusted with the application of the above-mentioned legislation. The Commissioner of Labour, or any person acting with his approval, can prosecute for contravention of any provision of the legislation.

The Commissioner of Labour, by a notification published in the *Ceylon Government Gazette*, No. 11,479 of 22 August 1956, has indicated that the labour medical

officer, the chief inspector of factories, the inspectors of factories, the labour statistician and the labour officers are the competent authorities for the purposes of the application of the legislation.

In view of the importance attached to the requirements of this Convention, a special unit has been created in the Department of Labour to receive and investigate complaints made in respect of contraventions of the provisions of the relevant legislation.

KENYA (First Report)

Employment of Women, Young Persons and Children Ordinance (*Laws of Kenya*, Revised Edition 1962, Vol. IV, Chapter 227).

Article 2 of the Convention. Subject to section 8, section 7 (1) of the above-mentioned ordinance provides that no woman shall be employed between the hours of 6.30 p.m. and 6.30 a.m. in any industrial undertaking. However, section 7 (2) of the ordinance states that, the Minister may, after consulting the Labour Advisory Board, authorise an employer in writing to employ women up to midnight or from 5 a.m., subject to such conditions as the Minister may determine, but in such a way that they shall not be employed during a night break of at least 11 consecutive hours, including at least seven consecutive hours falling between the hours of 10 p.m. and 7 a.m., provided that such night break may be reduced to ten consecutive hours on not more than 60 days in any year in respect of industrial undertakings influenced by the seasons, and in all cases where exceptional circumstances demand it.

Section 8 of the ordinance prescribes that in case of serious emergency, when the public interest demands it, the Minister may by notice in the *Gazette* suspend the operation of section 7 with respect to women workers, but makes no provision for prior consultation before invoking this section. There has so far been no cause for the suspension of this section of the ordinance.

The Labour Advisory Board, a statutory body set up under section 4 of the Employment Act, comprises employers' representatives, including one government representative, and employees' representatives, including one government employees' representative.

Article 3. The term "women" is interpreted as covering all women employed in industrial undertakings other than the exceptions permitted under section 7 (1) (iii) of the ordinance, viz. women holding responsible positions of a managerial or technical nature, or employed in health or welfare services, and not normally engaged in manual labour.

Article 4, clause (a). Section 7 (1) (i) of the ordinance provides that women may be so employed in cases of emergencies which could not have been controlled or foreseen, which interfere with the normal working of the industrial undertaking and which are not of a periodical nature. The application of this section is governed by section 7 (2) of the ordinance (see under Article 2 above).

Clause (b). Section 7 (1) (ii) of the ordinance states that women may be so employed in cases where their work is connected with raw materials or materials in the course of treatment subject to rapid deterioration, and where their work during such hours is necessary to preserve any such materials from certain loss.

Article 5. These provisions have not been made use of by the Government.

Article 6. Provision for such a contingency is contained in section 7 (2) of the ordinance (see under Article 2 above). The exception provided for by this Article has never been applied.

Article 7. No use has been made of the exception provided for under this Article.

Article 8. The provisions of this Article are embodied in their entirety in section 7 (1) (iii) of the ordinance (see under Article 3 above).

PARAGUAY (First Report)

See under Convention No. 60.

The Convention is applied by the Labour Code.

Article 1 of the Convention. Only the line of division concerning agriculture has so far been defined under section 4 of Decision No. 36 of 8 April 1964.

Article 2. During the period under review no intervals different from those laid down in the Convention were established.

Article 3. The term "women" in relation to this Article covers women in general, without distinction as to the nature of their duties.

Article 4. Clauses (a) and (b) correspond to section 127 (a) and (b) of the Labour Code.

Article 5. No use has been made of paragraph 1.

Articles 6 and 7. No use has been made of these Articles.

Article 8. This Article corresponds to section 127 (c) of the Labour Code.

The application of the labour legislation is the responsibility of the Labour Administrative Authority acting through its inspectorate and enforcement service.

PHILIPPINES

In reply to an observation made in 1968 by the Committee of Experts the Government has supplied the following information.

The Convention provides for 11 consecutive hours of rest, whereas Republic Act No. 679, as amended, provides for eight consecutive hours of rest. The two provisions at least agree in principle and a difference of three hours may be of little if any consequence.

Regarding the provision for consultation with employers' and workers' organisations before suspension of the prohibition of night work for women, as embodied in Article 5, paragraph 1, of the Convention, the reasons that may be advanced for the impracticability of strict compliance with this requirement are as follows: (a) not all workers are unionised and, in particular, a great number of women workers have not organised themselves into a union; and (b) consultation with the employers' and workers' organisations, which by nature have conflicting interests even in case of serious emergency, before suspending the prohibition, would be more disastrous than beneficial.

In case of serious emergency and when the national interest demands suspension of the prohibition, the time element is so important that consultation with the two groups, which have different interests, might unnecessarily delay and/or nullify the solution needed by the situation. Bearing in mind the foregoing observations it is believed that the safeguards embodied in Republic Act No. 679, as amended, are more practical and realistic, not to say logical, than the provisions of the Convention in ensuring the necessary protection for women workers.

VIET-NAM (First Report)

Labour Code, Ordinance No. 15 of 8 July 1952 (L.S. 1956—V.N.1 C) (Chapter X, Division V).

Article 1 of the Convention. Section 168 of the Labour Code prohibits the employment of women on any night work in any factories, works, mines, open-cast mines, quarries, worksites, workshops or dependencies thereof, of any kind, public or private, of a religious nature or not, even where such establishments exist for charitable or vocational training purposes. This enumeration largely covers all the industrial undertakings defined by paragraph 1 of this Article of the Convention. Agricultural and commercial undertakings, as well as all other types of non-industrial undertakings, are excluded from the scope of section 168. The Labour Code in any case does not apply to agricultural workers except where expressly provided.

Article 2. Under section 169 of the Labour Code all work performed between 10 p.m. and 5 a.m. is deemed to be night work.

Article 3. The prohibition applies to all women, without distinction of employment, and no exception is permitted under section 168 of the Code. Nevertheless, under section 5 of the Code women who work for a craftsman and are directly related to him are not subject to the provisions of the Code.

Article 4, clause (a). Section 172 of the Code provides for the possibility of exceptions to the prohibition in case of urgent work that is necessary to prevent imminent accidents, organise safety measures or repair accidents to materials, installations or buildings of undertakings. The head of an undertaking which benefits from an exception is required to submit a report to the labour inspector as soon as possible.

Clause (b). Section 171 of the Code empowers the Minister of Labour, by means of an order and after consultation with the National Labour Advisory Board, to authorise certain industries using raw materials or materials in course of treatment that are subject to rapid deterioration, when night work is necessary to preserve the said materials from certain loss, temporarily to waive the provision respecting the prohibition of night work, after notice has been given to the competent labour inspector.

Decree No. 56-XL/ND of 8 August 1953, defining the industries authorised to waive temporarily the prohibition respecting night work for women and children, has been repealed by Decree No. 6-BLD/LD/ND of 4 January 1962.

Article 5. The possibility of making use of the provisions of paragraph 1 of this Article as regards the suspension of the prohibition of night work for women in the textile undertakings is envisaged. The Ministry of Labour will not fail to inform the ILO about this in due course.

Articles 6 and 7. It is not intended to make use of the exceptions permitted by these Articles.

Article 8. Apart from the two exemptions provided for by sections 171 and 172 of the Code, the prohibition laid down by section 168 is of a general character. Up to the present the Ministry of Labour has not received any request for authorisation of an exception in respect of the categories of women mentioned in this Article.

Article 9. Viet-Nam does not belong to this group of countries.

The prefectural inspectorate of labour in Saigon and the provincial inspectorates of labour in the different provinces are charged with the supervision of the application of the Labour Code in their respective areas of competence. The labour inspectors can visit during the day or at night, for purposes of inspection, all the undertakings under their supervision.

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	Poland	26. 6. 1968
Guinea	12. 12. 1966	Tunisia	26. 4. 1961
Haiti	12. 4. 1957	Ukraine	14. 9. 1956
India	27. 2. 1950	U.S.S.R.	10. 8. 1956
Israel	23. 12. 1953	Uruguay	18. 3. 1954
Italy	22. 10. 1952	Yugoslavia	20. 2. 1957

PAKISTAN

In reply to an observation made in 1968 by the Committee of Experts the Government has supplied the following information.

The provisions of the Factories Act and the Employment of Children Rules are fully in conformity with Article 2, paragraph 2, of the Convention. Action is being taken to amend the Mines Act and the Consolidated Mines Rules. The Mines Act, when amended, will fulfil the requirements of the Convention.

The provisions of the Factories Act are also fully in conformity with the requirements of Article 3, paragraph 1. The existing provision of the Consolidated Mines Act which prescribes at least 12 consecutive hours of rest will soon be amended to prescribe 13 hours.

Section 56 of the Factories Act, 1934 (applicable to West Pakistan), and section 72 of the East Pakistan Factories Act, 1965, as well as section 28 of the Mines Act, 1923, comply with Article 6, paragraph 1 (e), of the Convention.

PARAGUAY (First Report)

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

See also under Convention No. 14.

The Convention is applied by the Labour Code.

It was not necessary to amend any laws or regulations to permit the ratification of the Convention, nor has it been necessary, as a result of ratification, to envisage modification of the Convention, since the national legislation is not in conflict with any of the provisions of the Convention.

Article 1 of the Convention. Only the line of division with regard to agriculture has so far been defined under section 4 of Decision No. 36 of 8 April 1964. No exception has been allowed under paragraph 3.

Article 2. In no case has the Labour Administrative Authority established intervals different from those laid down in paragraph 3.

Article 3. During the period under review no use was made of the exception provided for in paragraph 2. With regard to the substitution of the night period referred to in paragraph 4 for the normal period laid down in Article 2, paragraph 3, reference should be made to the reply given under Article 2.

Article 4. No use has been made of the exception permitted under paragraph 1. The national legislation does not provide for the exception referred to in paragraph 2.

Article 5. During the period under review the Labour Administrative Authority has not suspended the prohibition laid down in this Article.

The application of the labour legislation is the responsibility of the Labour Administrative Authority acting through its inspectorate and enforcement service.

PHILIPPINES

In reply to an observation made in 1968 by the Committee of Experts the Government has supplied the following information.

Form No. 10 of the Bureau of Women and Minors is the exemption permit granted to establishments employing women at night, specifically between 10 p.m. and 5 a.m. The permit stipulates that women employees assigned in any industry to work after 10 p.m. shall be over 21 years of age. Section 6 of the general provisions of the Standards Operating Procedures of the Bureau of Women and Minors specifies that such permits shall be issued provided that (a) the exemption shall apply only to a specific group of women workers directly handling the raw materials concerned; (b) the women assigned to work after 10 p.m. are not nursing mothers and are at least 21 years of age.

91. Paid Vacations (Seafarers) Convention (Revised), 1949

This Convention came into force on 14 September 1967

Countries	Ratification registered on	Countries	Ratification registered on
Algeria	19. 10. 1962	Israel	30. 3. 1953
Belgium	30. 8. 1962	Mauritania	8. 11. 1963
Brazil	18. 6. 1965	Netherlands	22. 12. 1961
China	14. 3. 1967	Norway	29. 6. 1950
Cuba	29. 4. 1952	Poland	8. 10. 1956
Finland	22. 12. 1951	Portugal	29. 7. 1952
France	26. 10. 1951	Yugoslavia	11. 8. 1967
Iceland	15. 7. 1952		

BRAZIL (First Report)

Legislative Decree No. 20 of 1967.

Although the Convention was approved by the above-mentioned legislative decree, the process of ratification has not yet been completed. The Convention is to be promulgated by a decree of the Executive, and this text is still being worked out.

CUBA (First Report)

Decision No. 111 of 13 July 1965 of the Ministry of Labour.

Article 1 of the Convention. The national legislation makes no provision for the exception envisaged in paragraph 4 of this Article.

Article 2. The legislation respecting holidays with pay applies also to ships' masters.

Article 3. There is no provision in the legislation for the substitution of an allowance for holidays with pay. Holidays may, however, be postponed, in accordance with paragraph 1 (G) of the above-mentioned decision, for a period of 18 months.

Article 5. The provisions concerning holidays with pay are contained in paragraph 1 (D), (K), (L), (M), and (N) of the decision.

FINLAND (First Report)

Act respecting holidays with pay for seamen, No. 164 of 2 June 1939 (*Suomen Asetuskokoelma—Finlands Författningssamling (S.A.—F.F.)*, 3 June 1939, p. 334) (*L.S.* 1939—Fin. 2), as amended by Acts No. 247 of 3 April 1947 (*S.A.—F.F.*, 9 Apr. 1947, p. 445) (*L.S.* 1947—Fin. 1) and No. 64 of 16 January 1948 (*S.A.—F.F.*, 1948, p. 89).

Collective Agreement of 7 February 1968.

State Council Order No. 394 of 27 July 1950 respecting the free board and lodging allowance in seamen's holiday pay, as amended by State Council Order No. 533 of 1 September 1968.

Article 1 of the Convention. Section 1 of the above-mentioned Act makes the Act applicable to any person engaged for employment on board any Finnish vessel, irrespective of its purpose or ownership.

Article 2. Exceptions are authorised by section 3 (1) of the Act in respect of crew members where the crew consists solely of members of the family of the shipowner. Other excepted persons, under section 3 (2) of the Act, are those who are not paid, are paid a nominal wage or are paid solely by profit-sharing, or persons working wholly on their own account. Persons on board a vessel, other than those engaged by the shipowner or master, come within the scope of other similar Acts respecting paid holidays, the provisions of which are no less favourable than those of the Convention.

Article 3, paragraph 1. Under sections 4 to 6 of the above-mentioned Act persons employed continuously for more than a year on the same ship, or by the same company or companies under joint management, are entitled to annual holidays with pay at a rate of 18 working days after one year and 26 working days after five years or more. These amounts have been increased respectively to 24 days and 30 days under the collective agreement of 7 February 1968.

Paragraphs 2 and 3. If employment ends because the employee leaves or is discharged through no fault of his own before 12 months' service is completed, he is entitled to one-and-a-half days' holiday compensation for each month's service. Under certain conditions, stipulated in the collective agreement, this compensation may be raised to two days per month of service. Such compensation is not due under the Act if the seaman is discharged for disciplinary reasons.

Paragraph 4. Continuous leave-earning service is not broken by reason of transfer to other vessels in the same company, or by reason of illness or other reasons over which the seaman has no control, or by interruptions of service made with the master's consent, provided that such discontinuities do not exceed six weeks in any one year.

Paragraph 5. Under the Act Sundays, public holidays and festivals, or absence due to sickness, are not included in annual holidays with pay, and absence due to injury is also not counted under the collective agreement.

Paragraphs 6 and 7. By mutual arrangement the annual holiday may be divided into parts, postponed or accumulated, and in exceptional cases it may be replaced by a cash equivalent. In practice the rule is that only the annual holiday due after one year's service may be combined with a subsequent holiday, the remainder being compensated by an equivalent cash payment.

Article 4, paragraph 1. The annual holiday shall be granted as soon as the requirements of the service allow, and by mutual consent it may also be granted at a subsequent date.

Paragraph 2. The annual holiday shall be granted either in the Finnish port where the vessel is registered, where the person concerned was engaged or where the voyage terminated. If so agreed, the annual holiday may be granted at another port.

Article 5. Payment due for any earned annual holiday period is due before the holiday begins and is paid at the rate prevailing at the commencement of the holiday. If free board and lodging is included in the remuneration, then a cash payment in lieu thereof shall also be made. Payment is made for Sundays and customary holidays falling within the paid holiday period.

Article 6. Section 12 of the Act stipulates that any agreement to relinquish the right to an annual holiday prescribed by law, or to the remuneration or compensation due, shall be void.

Article 7. Any person who leaves his employment or is discharged from service before taking his annual paid holiday is entitled for each day to compensation at the same rate as if he had taken the leave due to him.

Article 8. To ensure the effective application of the Convention, a master, or other officer or person to whom the master delegates this responsibility, is required to maintain a roster of annual holidays in a form approved by the Ministry of Social Affairs and Health. It is also mandatory that, to ensure respect of his rights, any person may have access to such lists, which are required to be preserved for at least three years by the shipowner. The text of the Act is also required to be posted in an accessible place on board ship.

The National Board of Navigation Inspectorate supervises the application of the Act, which prescribes penalties for violations of its provisions.

Questions relating to the application of the Act are referred to the Ministry of Social Affairs and Health.

FRANCE (First Report)

Seamen's Code, Act of 13 December 1926 (*Journal officiel (J.O.)*, 1926, No. 291, p. 13018; errata: *J.O.*, 1926, No. 297, p. 13346; *J.O.*, 1927, No. 14, p. 698) (*L.S.* 1926—Fr. 13), as amended and supplemented, in particular by Decree No. 1037 of 22 October 1954 (*J.O.*, 23 Oct. 1954, No. 248, p. 10057) (*L.S.* 1954—Fr. 1).

Collective agreements and protocols of agreement ensuring more favourable conditions than those provided for by the Seamen's Code.

Article 1 of the Convention. The provisions of the Seamen's Code govern every contract of employment concluded by a shipowner with a seaman respecting service on board ship. A ship is deemed to be a seagoing vessel if it is intended for navigation at sea within the meaning of Decree No. 54668 of 11 June 1954.

Article 2. The Code applies to all members of the crew. No provision has been made for the exemption of masters, chief navigating officers and chief engineers.

Article 3. Under section 92 A of the Code every seaman employed on board a merchant vessel being used for distant trade or a merchant vessel (other than a tug) being used for off-shore coastal trade is entitled to two-and-a-half days of leave for every month of service on board ship, with pay from the shipowner. Seamen employed on board merchant vessels engaged in other types of trade (including tugs) are entitled to two days' leave for every month of service on board ship.

The collective agreements provide for longer holidays for officers (eleven days in the case of tramp steamers, ten days in the case of vessels being used for distant trade and nine-and-a-half days in the case of those being used for off-shore coastal trade) and ratings (five days). These flat-rate figures include compensatory leave in respect of weekly rest days and public holidays.

Leave is calculated in proportion to the length of service on board without any minimum length-of-service requirement.

Every person discharged, whatever the reason for his discharge and whatever the length of his service on board ship, is entitled to leave calculated in proportion to the length of his service on board.

There is no legal enactment laying down rules as to when leave should be due.

The stipulations as to leave in the Code do not take account of 1 May. Any seaman who has to work on that day is entitled to an extra day's leave. Interruptions of service due to sickness or injury are not deemed to be leave.

There is nothing in the law to prohibit a seaman who has taken paid leave from returning to work on board ship before his leave ends. However, the shipping authorities have been instructed in a circular dated 12 August 1936 to verify the date when a seaman's leave is due to end as stated in his service book with a view to preventing resumption of work during leave.

Article 4. Provision is made in collective agreements and protocols of agreement for the possibility of leave being granted with entitlement to travel expenses

after five months' service on the high seas as a general rule, or four months' service in the case of long-distance tankers. The period in question is extended to eight and six months in the case of tramp steamers.

Section 90 of the Code provides that, in default of any stipulation to the contrary, a discharged seaman is entitled to conveyance to the port where he was shipped.

Article 5. Under the collective agreements remuneration in respect of leave must comprise the seaman's pay plus a subsistence allowance.

Article 6. The right to leave is a matter of public policy and may not be waived.

Article 7. Leave is due whatever the reason for the seaman's discharge.

NETHERLANDS (First Report)

Act of 14 July 1966 to provide for the legal regulation of leave with pay (*Staatsblad*, 1966, No. 290) (L.S. 1966—Neth. 1).

General Holidays with Pay Regulations have been issued with the above-mentioned Act. According to the Act holiday rights cannot be commuted into a lump-sum payment as long as the employment lasts. Provisions concerning holidays with pay for seafarers are also contained in several collective agreements for the merchant navy. Where the provisions of the collective agreements have not been brought into line with the provisions of the Act, the latter prevails.

The regulations concerning holidays with pay apply to ships of more than 500 gross tons in the case of ocean shipping, and to ships of less than 500 gross tons in the case of coastal shipping.

The regulations are established following consultations between the workers' and the employers' organisations within the framework of the Governing Board for Seafaring Questions. The regulations, being part of a collective agreement, are subject to the approval of the Foundation of Labour. In accordance with the regulations wages of seafarers are normally paid during holidays.

The enforcement of the above-mentioned regulations is entrusted to the officials of the wages technical service.

POLAND (First Report)

Act of 28 April 1952 respecting service on board Polish merchant ships in the foreign trade (*Dziennik Ustaw*, 22 May 1952, No. 25, Text 171, p. 264) (L.S. 1952—Pol. 2), as amended.
Seafarers' collective agreement of 8 August 1966.

Articles 1 and 2 of the Convention. Under the above-mentioned Act and collective agreement the provisions of the Convention are applicable to all persons employed on, and included in the crew list of, every sea-going cargo and passenger vessel.

Article 3. While the above-mentioned Act applies the provisions of this Article in respect of paid holidays, the terms of the collective agreement of 1966 are more favourable in that (a) crew members other than officers have the right to an annual holiday of 12 working days after one year's service, of 18 working days after three years' service, and of 30 calendar days after ten years' service; (b) stokers and trimmers are entitled to an annual holiday of 30 calendar days after five years' sea-going service, including one year on a coal-burning vessel; (c) tanker crew members are entitled to an annual holiday of 30 calendar days; and (d) officers also are entitled to an annual holiday of 30 calendar days. Entitlement to leave is earned, in the first year, after 11 months' service, and in subsequent years of service at the beginning of each calendar year. Officers are allowed, after six months' continuous service, to take 14 days of their annual entitlement.

Under both the Act and the collective agreement, where employment is terminated before the end of one year, leave is earned at a monthly rate of one-twelfth of the annual entitlement applicable. Discontinuities in service with different employers, where these are not caused by the fault of the employee or come about after due notice has been given by the employee, do not affect leave-earning, provided that such breaks at any one time do not exceed three months. Changes in the ownership or management of the vessel on which the employee is serving do not affect his leave entitlement.

As regards Sundays and public holidays, these are counted only when leave is granted on the basis of a 30 calendar day entitlement, and interruptions of service due to sickness or injury are not included in the annual holiday. The employee is entitled to his holiday without break, but may opt for it to be divided if he so wishes. The right to substitute a cash payment for the earned entitlement to leave may be exercised only when the labour contract concerned is abrogated before holidays are taken, and the amount paid is based on the sum that would have been paid had leave been taken.

Article 4. Under the collective agreement leave rosters, taking into account the wishes of the employees, are maintained by the shipowners concerned and should be agreed with the Council of Trade Unions. In the adverse weather conditions prevalent in March and November holidays may be given to an employee only at his specific request. All holidays are given in Polish ports, except that crew members who are not Polish shall take leave in the port where the collective agreement was made, unless otherwise stipulated.

Article 5. The collective agreement establishes the rate of holiday remuneration, in the case of employees earning leave on the basis of a working day entitlement, according to the previous three months' total wages divided by the number of days actually worked, and, in the case of employees earning leave on the basis of a calendar day entitlement, according to the average monthly wage for the preceding three months. In both cases a subsistence allowance of 10 zloty per day is paid for the period of leave earned.

Article 6. No possibility of any relinquishment (voluntary or otherwise) of the right to paid holidays is envisaged under the national legislation.

Article 7. Both the Act and the collective agreement, as outlined in the information provided under Article 3 above, cover this requirement.

Shipping is a state enterprise under the comprehensive control and direction of the Ministry of Shipping, and the application of the provisions of the labour legislation respecting inspections is supervised by the trade unions.

PORTUGAL (First Report)

Collective agreement of 6 July 1963 concluded between the Mercantile Marine Shipowners' Association and the Federation of Mercantile Marine Officers', Petty Officers' and Seamen's Unions. Scale of remuneration of mercantile marine personnel (for certain categories).

Article 1 of the Convention. The term "sea-going ship", as defined by section 48 of Legislative Decree No. 45968 of 15 October 1964 and section 188 of the regulations approved by Decree No. 45969 of the same date, includes, "for the purposes of the Conventions of the International Labour Organisation, all ships that go to sea for commercial purposes".

The collective agreement of 1963 applies only to ships of more than 200 tons' gross tonnage, but it grants half the minimum annual holiday to persons employed on board ships of under 200 tons.

Article 2. The Convention applies to all members of the crew without exception.

Article 3. This Article is applied by clause 62 of the collective agreement of 1963. Clause 60 provides that the holiday may be replaced by a cash payment equivalent to the pay of the person concerned when an absolute exigency of the service so requires.

Article 4. This Article is applied by paragraph 4 of clause 62 of the collective agreement.

Article 5. In accordance with clause 59 of the collective agreement remuneration during the holiday is that which the person concerned would receive if he were working.

Article 7. This Article is applied by paragraph 6 of clause 62 of the collective agreement.

The Marine Authority is responsible for the application of these provisions.

92. Accommodation of Crews Convention (Revised), 1949

This Convention came into force on 29 January 1953

Countries	Ratification registered on
Algeria	19. 10. 1962
Belgium	30. 8. 1962
Brazil	8. 6. 1954
Costa Rica	2. 6. 1960
Cuba	29. 4. 1952
Denmark	30. 9. 1950
Finland	22. 12. 1951
France	26. 10. 1951
Ghana	18. 3. 1965

Countries	Ratification registered on
Ireland	21. 7. 1952
Netherlands	17. 6. 1958
Norway	29. 6. 1950
Poland	13. 4. 1954
Portugal	29. 7. 1952
Sweden	18. 7. 1950
United Kingdom	6. 8. 1953
Yugoslavia	25. 11. 1966

PORTUGAL

Decree No. 48529 (*Diário do Governo*, No. 193, Series I, 16 Aug. 1968).

The above-mentioned decree gives effect to the provisions of the Convention.

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		

MAURITANIA

Articles 1 and 2 of the Convention. In reply to a request made by the Committee of Experts the Government has stated that it will take steps to bring section 4-31 of Decree No. 65049 into line with the Convention, perhaps by making provision for the inclusion of clauses in the specifications; the employers' and workers' organisations have not been consulted.

Article 4. Notices are posted. The ministers are responsible for the enforcement of Decree No. 65049.

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		

ALGERIA

Article 4 of the Convention. In reply to a request made by the Committee of Experts the Government has stated that the ordinance of 29 November 1960 prohibits the allocation to wage earners of benefits in kind in the form of alcoholic beverages and that the value of benefits in kind is fixed by regulations or, within the industrial relations system, by collective agreements or wages agreements.

GREECE

In reply to an observation made by the Committee of Experts the Government has stated that, with regard to Article 4 of the Convention, the royal decree provided for by section 3 (2) of Act No. 3428 of 1955 to ratify the Convention will be promulgated with a view to regulating the method of wage payment.

LIBYA

In reply to a request made by the Committee of Experts the Government has stated that no measure is under consideration to extend the scope of the Labour Act to agricultural workers, but that when this Act is reviewed the other observations made by the Committee will be taken into consideration.

PARAGUAY (First Report)

See under Convention No. 60.

Article 2 of the Convention. Domestic workers are the only workers excluded from the application of the Convention, in accordance with paragraph 2 of this Article.

Article 4. Section 232 (2) of the Labour Code has recourse to the provisions of this Article.

Article 7. Section 242 of the Code, which is strictly enforced in practice, corresponds to this Article.

Article 8. Section 243 of the Code stipulates that the amount to be deducted from wages may in no case exceed 30 per cent.

Article 10. Section 246 of the Code establishes the limits up to which remuneration is liable to seizure.

Article 11. All moneys which have fallen due for payment to a worker in the course of the last six months, and all cash compensation or benefits to which he is entitled when his contract of employment comes to an end, are deemed to be privileged debts (section 248 of the Code).

Article 12. Section 233 of the Code gives effect to this Article.

Article 14. Section 234 of the Code gives effect to this Article.

Article 15. To inform those concerned of legislation relating to the application of the Convention, the legislation in question is published in the official gazette (*Gaceta Oficial*) and in leaflet form, and publicised on the radio and on television and in the press, as well as through lectures and seminars for trade union officials.

The application of the Convention is the responsibility of the Labour Administrative Authority acting through its inspectorate and enforcement service.

96. Fee-Charging Employment Agencies Convention (Revised), 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on
Algeria ¹	19. 10. 1962
Belgium ¹	4. 7. 1958
Bolivia ¹	19. 7. 1954
Brazil ¹	21. 6. 1957
Ceylon ²	1. 5. 1958
Costa Rica ¹	2. 6. 1960
Cuba ¹	3. 2. 1953
Finland ¹	22. 12. 1951
France ¹	10. 3. 1953
Gabon ¹	13. 6. 1961
Federal Republic of Germany ¹	8. 9. 1954
Guatemala ¹	3. 1. 1953
Israel ²	19. 6. 1961
Italy ¹	9. 1. 1953
Ivory Coast ¹	22. 5. 1961
Japan ²	11. 6. 1956

Countries	Ratification registered on
Libya ¹	20. 6. 1962
Luxembourg ¹	15. 12. 1958
Mauritania ¹	31. 3. 1964
Netherlands ¹	20. 5. 1952
Norway ¹	29. 6. 1950
Pakistan ¹	26. 5. 1952
Poland ¹	25. 10. 1954
Senegal ²	22. 10. 1962
Sweden ¹	18. 7. 1950
Syrian Arab Republic ¹	7. 6. 1957
Turkey ²	23. 1. 1952
United Arab Republic ¹	26. 7. 1960

¹ Has accepted the provisions of Part II.

² Has accepted the provisions of Part III.

BRAZIL

Legislative Decree No. 62756 of 22 May 1968.

Legislative Decree No. 62859 of 17 June 1968.

Ministerial Ordinance No. 105 of 20 June 1968.

The National Manpower Department, acting in pursuance of Decree No. 62756 and with a view to implementing the National Unemployment Relief Scheme, has begun setting up a system of employment offices. The activities of both public and private employment offices are co-ordinated and supervised by the Department. The regulations made under Decree No. 62756 include Ministerial Ordinance No. 105, which provides for a register of employment agencies and sets out the procedure for the granting of licences.

MAURITANIA

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 1 of the Convention. The ban on opening a private placement office contained in section 42 of Book V of the Labour Code also covers recruiting agents.

Articles 7 and 8. No order has been made up to now authorising trade unions to open non-fee-charging placement offices, as provided for in section 42 of Book V of the Labour Code. The conditions under which placement operations are to be carried on and the arrangements for their supervision will be specified in the orders in question.

PAKISTAN

In reply to an observation made in 1968 by the Committee of Experts the Government has stated that a recent survey has revealed that there is no person, company,

institution, agency or other organisation which acts as an intermediary for the purpose of any pecuniary or other material advantage or levies any charge on either employer or worker. With regard to the supply of labour by private recruiters, contractors make payment of advances as an inducement for the recruitment of workers not available locally, and adjustments are later made to the wages of these workers. The Government does not consider this practice as fee charging but rather as an inducement for workers to go to areas where there is an acute shortage of labour.

SENEGAL

Act No. 55 of 19 July 1965.

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the above-mentioned Act amended section 199 of the Labour Code. It is now forbidden to all persons to establish or maintain an employment office, whether fee charging or free of charge.

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	Netherlands	20. 5. 1952
Barbados	8. 5. 1967	New Zealand ²	10. 11. 1950
Belgium	27. 7. 1953	Nigeria ³	17. 10. 1960
Brazil	18. 6. 1965	Norway	17. 2. 1955
Cameroon (Western Cameroon) ²	3. 9. 1962	Spain	21. 3. 1967
Cuba	29. 4. 1952	Tanzania (Zanzibar) ²	22. 6. 1964
Cyprus ⁴	23. 9. 1960	Trinidad and Tobago ²	24. 5. 1963
France ¹	29. 3. 1954	United Kingdom ⁴	22. 1. 1951
Federal Republic of Germany	22. 6. 1959	Upper Volta	9. 6. 1961
Guatemala	13. 2. 1952	Uruguay	18. 3. 1954
Guyana ²	8. 6. 1966	Yugoslavia ⁵	4. 12. 1968
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		
Malaysia (Sabah ²)	3. 3. 1964		

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.

⁵ Has excluded the provisions of Annex III.

BARBADOS

Exchange Control Act, No. 53 of 28 August 1967.

Article 1, clause (c), of the Convention. An agreement has been concluded with Canada providing for the temporary migration of farmworkers to that country.

Article 6, paragraph 1 (b). The National Insurance Scheme grants maternity, sickness, invalidity, old-age and survivors' benefits without distinction as to nationality, race, religion or sex.

Article 9. The export and import of currency to and from places outside the sterling area are now regulated by the above-mentioned Act.

BRAZIL

Article 2 of the Convention. Protection is offered to immigrants in accordance with bilateral agreements or through the Intergovernmental Committee for European Migration (ICEM).

Article 3. The provisions governing the supervision of employment agencies by the Placement and Vocational Training Division may be considered as offering protection against misleading propaganda.

Article 5. The Ministry of Health provides services at places where migrants enter and leave the country.

Article 8. Accidents or diseases occurring after a migrant has landed in Brazil can in no circumstances lead to his repatriation unless he should decide of his own accord to go home.

ANNEX I

Article 2. No specific provision is made in the national legislation for this particular kind of individual recruitment.

ANNEX II

Recruitment covered by this annex is undertaken in accordance with bilateral agreements and under agreements entered into with ICEM.

FEDERAL REPUBLIC OF GERMANY

General Administrative Regulations for the implementation of the Foreign Subjects Act of 7 July 1967 (*Gemeinsames Ministerialblatt*, Series A, 14 July 1967, No. 3191A).

In a judgment rendered on 4 April 1967 the Federal Constitutional Court declared null and void the relevant provisions of the Placement and Unemployment Insurance Act.

For nationals of countries which are members of the European Economic Community the limitation to certain specified frontier areas becomes null and void.

ITALY

During the period under review several agreements were concluded between Italy and various immigration countries.

KENYA (First Report)

Immigration Act, 1967 (*Kenya Gazette*, Supplement, 25 Aug. 1967, No. 68).

Immigration Regulations, 1967, Legal Notice No. 235 (*ibid.*, 10 Nov. 1967, No. 88).

Legal Notice No. 244 requiring certain non-citizens to apply for entry permits (*ibid.*, 30 Nov. 1967, No. 94).

Article 1 of the Convention. The policy of the Government is to ensure that guaranteed employment is available for immigrants before their entry into the country; that this employment is not prejudicial or detrimental to the employment prospects of local residents; and that the practical skill of an immigrant will be passed on to and benefit the local residents. Statutory control of immigration into Kenya is exercised through the Immigration Act and Regulations. There is no distinction between migrants and local residents as to conditions of work and livelihood.

Article 2. Each application from a prospective employer to the Immigration Department is scrutinised by the Ministry of Labour to ensure that the wages and conditions offered are not less favourable than those obtained locally for work of a similar nature. The facilities of the public employment service are freely available to migrants in the same way as to local residents, although migrants do not normally make use of them.

Article 3. There are no national laws prescribing measures to be taken against misleading propaganda relating to immigration and emigration, but such measures are taken administratively through the embassies of Kenya when necessary. Intending immigrants who write for information are appropriately advised by the public employment service.

Article 4. The immigration authorities ensure that individual employers accept responsibility for providing facilities for the departure, journey and reception of migrants for employment through the appropriate agencies. The provision of these facilities is verified by the Immigration Department; where they are found not to have been provided migration permits or passports are refused. The Labour Department ensures that the employer provides proper facilities in the case of Kenya workers engaged for foreign service at wages up to £(K)20 per month.

Article 5. It is ensured that individual employers accept responsibility for the provision of medical services. In the case of workers engaged under foreign contracts of service for wages up to £(K)20 per month the Labour Department requires them to undergo a medical examination prior to departure and ensures that other medical services provided are satisfactory. The provision, *inter alia*, of medical facilities for the wives of emigrants for employment under foreign contracts of service is required. Adequate medical facilities and health inspection are provided by the Government to immigrants in the same way as to local residents.

Article 6. There is no discrimination in respect of these matters. With regard to social security the National Social Security Fund is a contributory scheme which includes immigrants in non-pensionable jobs. Similarly the Workmen's Compensation Act applies equally to migrants and residents.

Article 7. The Immigration Department co-operates with the corresponding services in other countries before authorising emigration or immigration. The employment services of the Labour Department do not charge fees.

Article 8. Immigrants are not admitted on a permanent basis in the first instance. However, after five years of lawful residence in Kenya they are eligible for residents' certificates and they, together with the members of their families who have been authorised to accompany or join them, cannot then be returned to their country of origin on account of inability to follow an occupation by reason of illness contracted or injury sustained subsequent to entry.

Article 9. Any immigrant may remit up to 50 per cent of his earnings through a bank in Kenya to his country of origin. Large savings may only be transferred elsewhere with the authority of the Government's exchange control.

Article 10. There are no large numbers of migrants moving into and outside the country.

Article 11. There are no frontier workers. "Short-term entry" related to employment is granted by a temporary pass valid for any specified period up to a maximum of four years.

In reply to a direct request made by the Committee of Experts the Government has stated that the question of equality of treatment in respect of apprenticeship and vocational training does not arise, as work permits are issued to qualified or specialised migrants for a specified period up to a maximum of five years.

MALAWI

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

Article 5 of the Convention. Contract workers employed in neighbouring States are invariably unaccompanied by their families.

Article 7. Services to migrant workers are rendered free of charge.

Article 8. Migrants are not accepted for employment on a permanent basis. A number of non-Malawians with special skills or experience are granted temporary work permits, but these are merely filling in a gap until nationals are trained.

Article 10. In May 1967 the Governments of Malawi and the Republic of South Africa entered into an agreement regulating the terms to be included in contracts of employment concluded in regard to Malawi nationals employed in the Republic of South Africa.

Article 11. There are no persons classed as "frontier workers".

ANNEX III

Articles 1 and 2. The used personal effects of non-Malawian migrants or persons returning from neighbouring States would not be subject to customs duties on arrival.

Very few people entering or returning to Malawi have in their possession the tools and equipment referred to and therefore the requirements mentioned have little, if any, application.

NETHERLANDS

Aliens Act of 13 January 1965 (*Staatsblad*, 1965, No. 40).

Aliens Decree of 19 September 1966 (*ibid.*, 1966, No. 387).

Aliens Regulations of 22 September 1966 (*Nederlandse Staatscourant*, 28 Sep. 1966, No. 188).

UNITED KINGDOM

As from 1 March 1968 some restrictions were introduced as regards the issue of employment vouchers in order to take into account national economic and social requirements and to assist dependent territories. The restrictions do not apply to Malta and the dependent territories.

Following evidence of discrimination, measures have been taken to extend the Race Relations Bill. The Government stated that the Bill was likely to be enacted in October 1968 and to become operative in November 1968. The Bill is in accordance with the employment provisions of Article 6 of the Convention except that it does not cover discrimination on grounds of religion and sex and allows certain exceptions which might be thought to affect the no less favourable treatment required in respect of paragraph 1, clause (a) (iii), of that Article.

A supplementary social security agreement with Jersey and Guernsey came into force on 1 June 1967.

URUGUAY

Act No. 13549 of 26 October 1966 respecting the social security agreement concluded with the Argentine Republic (*Diario Oficial*, 11 Nov. 1966, No. 17469, p. 214 A).

Decree No. 104 of 21 February 1967 to establish rules for the planning of national migration policy as regards selective migration (*ibid.*, 7 Mar. 1967, No. 17545, p. 500 A).

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Countries	Ratification registered on	Countries	Ratification registered on
Albania	3. 6. 1957	Kenya	13. 1. 1964
Algeria	19. 10. 1962	Lesotho	31. 10. 1966
Argentina	24. 9. 1956	Liberia	25. 5. 1962
Austria	10. 11. 1951	Libya	20. 6. 1962
Barbados	8. 5. 1967	Luxembourg	3. 3. 1958
Belgium	10. 12. 1953	Malawi	22. 3. 1965
Brazil	18. 11. 1952	Malaysia:	
Bulgaria	8. 6. 1959	States of Malaya	5. 6. 1961
Byelorussia	6. 11. 1956	Sabah, Sarawak	3. 3. 1964
Cameroon:		Mali	2. 3. 1964
Eastern Cameroon	29. 1. 1963	Malta	4. 1. 1965
Western Cameroon	3. 9. 1962	Morocco	20. 5. 1957
Central African Republic	9. 6. 1964	Nicaragua	31. 10. 1967
Chad	8. 6. 1961	Niger	23. 3. 1962
China	11. 10. 1962	Nigeria	17. 10. 1960
Costa Rica	2. 6. 1960	Norway	17. 2. 1955
Cuba	29. 4. 1952	Pakistan	26. 5. 1952
Cyprus	24. 5. 1966	Panama	16. 5. 1966
Czechoslovakia	21. 1. 1964	Paraguay	21. 3. 1966
Dahomey	16. 5. 1968	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	Venezuela	19. 12. 1968
Japan	20. 10. 1953	Viet-Nam	6. 1. 1964
Jordan	12. 12. 1968	Yugoslavia	23. 7. 1958

BARBADOS

See under Convention No. 87.

In reply to a direct request made by the Committee of Experts the Government has stated that the question of formulating legislation with a view to the avoidance and settlement of disputes in certain essential services is still under consideration.

BRAZIL

Administrative Reform Act, Legislative Decree No. 200 of 25 February 1967 (*Diário Oficial*, Supplement, 27 Feb. 1967).

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

The Administrative Reform Act defines the organisation of the State in the following terms:

Section 4. The Federal Administration shall comprise—

- I. the direct administration, made up of the services within the administrative structure of the Presidency and Ministries;
- II. the indirect administration, comprising the following categories of entity, endowed with their own legal personality:
 - (a) autonomous services;
 - (b) public undertakings; and
 - (c) joint companies.

1. The entities considered as part of the indirect administration shall be attached to the ministries whose terms of reference cover the principal activities of such entities.

Section 5. For the purposes of this Act, the following definitions shall apply:

- I. autonomous services, set up by law, with their own legal personality and budget, are services performing activities typical of public administration when such activities, for the sake of efficiency, demand decentralised administrative and financial management;
- II. a public undertaking is a body recognised as a legal entity under private law, with its own budget and capital provided only by the Union or by the entities created by it as part of the system of indirect administration; such bodies are set up by law to undertake activities of an entrepreneurial kind which the Government would have to engage in for reasons of suitability or in response to some administrative eventuality. Such entities may take any of the forms provided for by law;
- III. a joint company is a body enjoying recognition as a legal entity under private law, created by law to carry on activities of a commercial kind in the form of a joint-stock company, the shares of which (carrying the right to vote) belong in their majority to the Union or to an organ of indirect administration.

1. When the activities thus undertaken are those with regard to which the State exercises a monopoly, the majority of the shares shall permanently belong to the Union.

2. The existing organs of indirect administration shall be classified by the Government into one of the categories provided for in this section.

Accordingly, an autonomous service performs “activities typical of public administration”. In Brazilian terminology an “autonomous service” and a “semi-state organ” mean one and the same thing. The staff of such autonomous services are subject to the same system as civil servants, in accordance with section 252, item II, of Act No. 1711 of 1952 respecting the status of Union civil servants.

It thus appears that the conditions of employment in the various kinds of public body or organ are clearly enough defined, the staff of ministries (direct administration) and of autonomous services (indirect administration) being engaged in typical civil service activities and the staff of public undertakings and of joint companies carrying on activities of an industrial or commercial kind.

The first of these two categories are subject to the basic legislation applicable to civil servants and are covered by section 566 of the Consolidation of Labour Laws. The Convention is not applicable to them.

The second are subject to the legislation applicable to private enterprise. They are not bound by the restrictions imposed by the above-mentioned section 566, and the Convention is applicable to them.

There is, however, a transitional system in force at present, under which a number of persons employed by state undertakings can continue to enjoy the status of civil servants. The restrictions set forth in section 566 apply to them, since they

maintain all the characteristics of civil servants as defined in section 2 of Act No. 1711 of 1952. They exercise or represent a part of the authority of the State, by virtue of the powers bestowed on them by law, no matter what job they may be doing. This is recognised even by the provisions of the Criminal Code (sections 329 to 331), which make it an offence to resist, disobey, or express contempt for, a civil servant, no matter what his duties may be.

In most cases, incidentally, it is the person concerned who has freely decided to maintain his status in this manner, since he is thus assured of better safeguards than within the framework of private enterprise.

CAMEROON

Decree No. DF/252 of 10 July 1968 to prescribe conditions regarding the substance and form of collective agreements.

See also under Convention No. 11.

CHINA

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Articles 1 and 2 of the Convention. While there are no specific legislative provisions implementing these Articles, the Ministry of the Interior has cabled instructions to the Ministry of Economic Affairs, the Ministry of Communications, the provincial government of Taiwan, the Taipei municipal government, the Chinese Federation of Labour, the National Association of the Chambers of Commerce and the National Association of Industries to notify individually their subordinate organisations, schools, companies, shops, factories, mines and other units concerned to observe the provisions of the Convention.

CUBA

In reply to an observation made by the Committee of Experts the Government has stated that section 36 of Act No. 1022 refers specifically to the settlement of disputes arising in the voluntary negotiation of collective agreements governing conditions of work.

CYPRUS (First Report)

Constitution (Article 21).

Trade Unions Act, No. 71 of 1965 (*Episemos Ephemeris*, 7 Dec. 1965, No. 457, First Supplement) to amend and consolidate the Act respecting the registration and supervision of trade unions.

Act No. 18 of 1966 to ratify the Convention (*ibid.*, 12 May 1966, No. 494).

Public Service Act, No. 33 of 1967 (section 59 (1)) (*ibid.*, 30 June 1967, No. 583).

Police Act (sections 51 and 52).

Article 1 of the Convention. Article 21 of the Constitution and section 50 of the Trade Unions Act of 1965 ensure adequate protection against acts of anti-union discrimination in respect of workers' employment.

Article 2. No such acts have been reported up to the present, and so there has been no need for the enactment of legislation in this respect.

Articles 3 and 4. Effect is given to these Articles under article 21 of the Constitution and section 50 of the Trade Unions Act, through the policy of the Ministry of Labour as enunciated in the public statements of the Minister and in the annual reports of the Ministry, as well as through the basic agreement on standard rules for the negotiation of agreements and for the settlement of disputes and/or grievances, which has been signed by the Cyprus Employers' Consultative Association and the four major trade union federations and is faithfully observed by both parties.

Articles 5 and 6. As regards the rights of the armed forces, the police and the gendarmerie, see under Convention No. 87. The rights of public servants are governed by the relevant sections of the Public Service Act of 1967.

No decisions have been given by courts of law or other tribunals involving questions of principle relating to the application of the Convention. A few cases have arisen since the enactment of the Trade Unions Act but these were settled through the mediation of the Industrial Relations Section of the Ministry. The Government referred in this connection to the case concerning the Cyprus Mines Corporation submitted to the Committee on Freedom of Association at the 170th Session of the ILO Governing Body (November 1967) (Case No. 512 (Cyprus)).

CZECHOSLOVAKIA

Notifications Nos. 3 of 1967 and 61 of 1968 respecting collective agreements.

Notification No. 3 of 1967, which authorised the Central Council of Trade Unions to issue rules for the conclusion, registration and enforcement of collective agreements, has been replaced by Notification No. 61 of 1968. The latter instrument provides for the conclusion of agreements in the different branches of economic activity to cover not only wages and conditions of work but also other aspects such as the development of undertakings, the allocation of funds belonging to undertakings and the social implications of decisions taken in respect of economic matters. Collective agreements are concluded between the competent bodies of the Revolutionary Trade Union Movement and the manager of each economic establishment.

ETHIOPIA

In reply to a direct request made by the Committee of Experts the Government has stated that the Committee is correct in its understanding that the protection afforded to workers under section 30 of the Labour Relations Proclamation of 1963, against discrimination in employment because of their union activities, also applies as regards activities undertaken by them with a view to forming trade unions or activities undertaken by union representatives in relation to collective bargaining, in proceedings before the Labour Relations Board, etc.

FRANCE

Ordinance No. 581 of 13 July 1967 respecting certain measures applicable in case of dismissal (*Journal officiel*, 19 July 1967) and Decree No. 582 of 13 July 1967 for the application of sections 2 and 4 of the ordinance.

See also under Convention No. 33.

A new legislative text has been promulgated the main effect of which has been to add a provision concerning compensation for dismissal to the list of provisions that must be included in collective agreements if these agreements are to be eligible for extension (Ordinance No. 581 of 1967).

Ordinance No. 830 of 1967 empowers the Minister of Labour to extend the coverage of collective agreements negotiated by all the most representative workers' trade unions but not signed by all of them, agreements signed on behalf of the employers by associations established under the 1901 Act and meeting the conditions of representativeness, and agreements containing general provisions applying to all occupational groups but lacking specific provisions applying to some of them.

To counteract the impossibility of negotiating or signing a collective agreement covering more than one branch of economic activity for certain geographical sectors, the Minister of Labour is empowered to apply in a specific geographical sector a collective agreement that has been signed and extended in the same branch for a different geographical sector where economic conditions are similar.

Provision is made for the repeal of the ministerial order when a collective agreement eligible for extension has been signed and extended in the sector to which it applies.

Lastly, the ordinance in question contains a provision under which collective agreements eligible for extension need not conform to the regulations concerning the working out and allocation of work schedules, or, where there are no regulations, they may determine the relevant procedure. It is laid down that in the event of denunciation or non-renewal of the agreement, the regulations shall be respected. Where the extension of the collective agreements in question is cancelled this also applies to employers who are not members of the occupational associations that have signed them.

GHANA

In reply to a direct request made by the Committee of Experts concerning the application of section 3 (1) and (4) of the Industrial Relations Act, 1965, the Government has stated that no rules have been laid down to determine the degree of representativeness which shall entitle a union to the issue of a certificate under section 3 (1). However, the Labour Advisory Committee established under the Act, and consisting of government representatives and an equal number of representatives of employers and workers, has discussed and approved amendments to the Trade Unions Ordinance which, if they became law, would require applicants wishing to register a new union to satisfy the Registrar of Trade Unions that they have been duly authorised to do so by a majority of the persons they represent in the particular industry. The effect of this would be that the union organising a larger number of employees in the industry concerned would be the one to receive a certificate. If the Registrar refuses to register a union, the applicants still have the right under section 12 (3) of the Trade Unions Ordinance to appeal to the High Court.

See also under Convention No. 87.

LIBERIA

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

The proposed text of the new Labour Law provides in section 51.5 (b) of Part V (Labour Relations) that an employer shall not, by discrimination in regard to the hire or tenure of employment or any term or condition of employment, encourage or discourage membership in any labour organisation. Should this proposed legislation receive the approval of the Legislature and Executive, the provision will satisfy the requirements of Article 1 of the Convention, since it applies to all workers and not only to those who qualify as employees.

Government employees are not prohibited from belonging to labour organisations, except that they may not belong to organisations which assert the right to strike against the Government, and the Government itself may neither indulge in anti-union discrimination against its employees nor inhibit the right of public sector employees to organise. Since it also positively prohibits by law anti-union discrimination by private employers, the Government considers itself to be acting in full compliance with Article 1 of the Convention.

MALAWI

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

Article 2 of the Convention. There has been no evidence of interference by employers' and employees' associations with each other, and the need for legislation to guard against such interference has not arisen.

Article 3. Freedom of association is ensured by the provisions of the relevant legislation.

MALAYSIA

States of Malaya

Industrial Relations (Amendment) Act, No. 50 of 26 September 1967 (*Government Gazette*, Act Supplement, 30 Sep. 1967, No. 9, p. 727).

In reply to direct requests made by the Committee of Experts concerning the protection of government workers from anti-union discrimination, the Government has supplied the following information.

It is the Government's policy to accord all public servants, including those engaged in the administration of the State, the full right to organise and to bargain collectively. The National Whitley Council, composed of the staff side representing staff associations and trade unions and the official side representing the Government, together with other joint councils, have included among their functions the task of safeguarding the right of public servants to organise and to bargain collectively. Discrimination grievances may be referred to these councils so that difficulties may be resolved or redress or a remedy provided. A public servant is also afforded protection under the relevant Public Officers Regulations pertaining to conduct and discipline, in pursuance of which he has the right to appeal against any decision affecting him to the appropriate public services commission or appeal board. He may also seek the advice of his staff association, which is entitled to raise directly with the Government any general issue of principle arising out of any individual case. The safeguards mentioned above are considered adequate to protect public servants against anti-union discrimination in accordance with the Convention.

As regards specifying the scope and meaning of the term "managerial position" as used in section 5 (2) of the Industrial Relations Act, 1967, the term is not defined in that Act or in any other relevant law, but in a recent award by the Industrial Court the Court referred to the definition, quoted by the Government, appearing in the collective agreement between the parties in dispute and in a number of other collective agreements in Malaysia.

Sabah

Industrial Relations Act, No. 35 of 20 July 1967 (*Government Gazette*, Act Supplement, 3 Aug. 1967, No. 6, p. 273) (*L.S.* 1967—Mal. 1 A).

The above-mentioned Act having come into force throughout Malaysia, the Government referred to its report for 1967 in respect of the states of Malaya, indicating that it was applicable also to Sabah.

Sarawak

Modification of Laws (Trade Unions) (Sarawak) (Modification and Extension) Order, 1965.
See also under Sabah.

The above-mentioned order repeals the Sarawak Trade Unions and Trade Disputes Ordinance and extends the Trade Unions Ordinance, 1959, with the exception of section 79, to Sarawak. Accordingly the requests made by the Committee of Experts concerning section 19 of the Sarawak Trade Unions and Trade Disputes Ordinance and the amending ordinance of 1962 are not now relevant. With regard to anti-union discrimination and interference the Government referred to information previously supplied in respect of the states of Malaya.

PAKISTAN

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

Article 1, paragraph 2 (a), of the Convention. Section 40 of the East Pakistan Trade Unions Act, 1965, is a reproduction of section 28-I of the Trade Unions Ordinance, 1961, providing for full protection of workers at the time of their engagement from any interference or coercion either by employers or any other person. There is no closed shop system in existence and membership of a trade union is a purely voluntary act on the part of a worker and he is free to join any union of his choice. It is also not compulsory for a worker to join a trade union at the time of his engagement, as freedom of association equally implies freedom from association. The existing provisions of the Trade Unions Act covering the two provinces therefore meet adequately the requirements of the Convention.

PARAGUAY (First Report)

Constitution.

See also under Convention No. 60.

Article 1 of the Convention. Section 282 of the Labour Code provides that every worker shall have the right to join or withdraw from the appropriate trade union and that he cannot be compelled by violence or intimidation to join or withdraw from any industrial association.

Article 2. This provision of the Convention is covered by section 284 of the Labour Code.

Articles 3 and 4. The application of these provisions is the responsibility of the Directorate of Labour of the Ministry of Justice and Labour, under Decree No. 3286 of 4 March 1964.

Article 5. The provisions of the Convention do not apply to the armed forces or the police, these institutions being governed by their own regulations and not by the Labour Code.

PERU

In reply to a request made by the Committee of Experts the Government has stated that special procedures exist for bringing to the notice of the labour authorities cases of violation of trade union privilege and acts that might limit or restrict the workers' right to organise. The labour authorities take the appropriate measures.

SINGAPORE

Industrial Relations (Recognition of a Trade Union of Employees) Regulations, 1966.
Trade Unions Ordinance, as amended by the Trade Unions (Amendment) Act, 1967.

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

The term "managerial position" is not defined in the Industrial Relations Ordinance in order to avoid rigidity and bearing in mind that this term will differ with different organisations. Also the terminology used to describe an employee's position cannot be considered the ultimate criterion as regards whether a post is managerial, and nor can the fact that he earns a substantial salary. More important

factors to be taken into account include the actual duties and responsibilities attaching to a position. Therefore, it is felt more practical to leave it to the parties concerned to agree among themselves as to what constitutes a managerial or non-bargainable position. The Industrial Arbitration Court has ruled that this should be the case.

The conditions for recognition of a trade union of employees by employers are laid down in the above-mentioned regulations.

SUDAN

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

Article 1, paragraph 2, of the Convention. The committee set up to review and amend all labour laws, in which workers' and employers' representatives are participating, will consider the provisions of the Article when amending the Trade Disputes Act. The ILO will be informed of any measures taken in this connection.

SYRIAN ARAB REPUBLIC

Legislative Decree No. 84 of 1968.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

As regards the enactment of legislation to make it unlawful to require a worker, before he is accepted for employment, to belong, or not belong, to a union, section 76 of the above-mentioned legislative decree lays down that "any provision limiting the right to work to trade union members shall be considered null and void". It is clear from this that such discrimination is illegal.

Concerning the legislation which might be invoked in the event of interference by one union in the affairs of another, subsection (c) of section 49 of the legislative decree authorises the assembly of the federation to dissolve the bureau of any union persistently going beyond its terms of reference and to appoint a temporary bureau from among the union members, giving notice at least three months beforehand that a new bureau is to be elected. Further, section 71 of the decree empowers the Minister of Social Affairs and Labour to appoint officials to investigate alleged infringements of the decree and to report thereon to the magistrate (section 72). Also, the statutes of all employers' organisations contain a clause recognising the Minister's right to supervise the affairs of the organisation. Should the latter not be managed satisfactorily, the Minister can send the organisation a written warning. Thus any organisation can complain to the Ministry of interference in its affairs by another organisation and this complaint will be investigated and appropriate action taken. Should the shortcomings not be put right, the Minister may depose all or some of the officers of the employers' organisation at fault.

On the question whether the authorities cannot draw the attention of the parties concerned to any clauses in a collective employment contract which might be deemed null and void under section 98 of the Labour Act as being damaging to the national economy, or conducive to disturbance or contrary to laws and regulations, section 92 of Act No. 91, now in force, states that a party refusing to register a contract shall within 30 days of being requested to do so give notice of this refusal with reasons for the same. Failure to do so will entail registration of the contract at the end of the period in question.

With respect to the promotion of the use of collective bargaining procedures section 4 of the legislative decree empowers a union to negotiate and to conclude

agreements with employers. Paragraph 2 of this same section empowers the union, the occupational federation and the General Federation to defend the interests of the union and its members in dealings with employers and all government agencies. Although this section gives every opportunity to unions to undertake collective bargaining on the widest possible scale, its practical application, together with the question of increasing the number of collective agreements concluded, is left to the individual union to settle in the light of its own particular programme and the interests of production and of the parties concerned.

UGANDA

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

Article 2 of the Convention. It is not the Government's policy to amend any Act of Parliament piecemeal unless the application thereof has encountered certain problems. There has been no interference by employers in the leadership of any trade union which would justify the proposed amendment, nor is it the practice for employers to question such leadership. It is therefore intended to take the Committee's proposal into detailed account as and when the Act comes under general review. If, however, unforeseen action amounting to interference by employers in the leadership of trade unions occurs before this, appropriate measures will be taken under section 1 of the Trade Disputes (Arbitration and Settlement) Act and section 47 of the Trade Unions Act.

A Bill to amend the Public Service (Negotiating Machinery) Act has been published. A copy of the original Act and of the amending Act will be sent when the latter becomes law.

UNITED KINGDOM

In reply to an observation made by the Committee of Experts concerning industrial relations in the banking industry, the Government has stated that national negotiating machinery has now been established and that the first meeting of the Joint Negotiating Council was held on 22 May 1968.

URUGUAY

Decree No. 93 of 3 February 1968.

In reply to an observation made by the Committee of Experts the Government supplied the text of the above-mentioned decree, section 7 of which prohibits acts of discrimination in respect of employment due to the trade union membership or activities of the workers, these being the acts referred to in Article 1, paragraph 2, of the Convention. Section 8 of the decree prohibits acts of interference by employers' or workers' organisations in other organisations, and for the purposes of the decree the principal acts considered to be acts of interference are those listed in Article 2, paragraph 2, of the Convention. Section 9 of the decree prescribes the fines for infringements of these provisions to be imposed by the General Inspectorate of Labour and Social Security.

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	Ivory Coast	5. 5. 1961
Austria	29. 10. 1953	Malawi	22. 3. 1965
Belgium	17. 10. 1968	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
Colombia	4. 3. 1969	Paraguay	24. 6. 1964
Costa Rica	2. 6. 1960	Peru	1. 2. 1960
Cuba	13. 1. 1954	Philippines	29. 12. 1953
Czechoslovakia	21. 1. 1964	Senegal	22. 10. 1962
France	29. 3. 1954	Sierra Leone	13. 6. 1961
Gabon	13. 6. 1961	Syrian Arab Republic	10. 8. 1965
Federal Republic of Germany	25. 2. 1954	Tunisia	12. 1. 1959
Guatemala	4. 8. 1961	United Kingdom	9. 6. 1953
Guinea	12. 12. 1966	Uruguay	18. 3. 1954

BRAZIL

See under Convention No. 26.

CEYLON

Wages Boards (Amendment) Acts, Nos. 23 and 24 of 11 October 1966.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 26 of 11 October 1966.

Holidays Regulations, No. 1 of 1966.

CUBA

In reply to a request made by the Committee of Experts the Government has stated that, under the present system for the fixing of wage scales, no provision is made for the possibility of paying wages in kind, nor is any deduction permitted from wages to offset payments in kind.

CZECHOSLOVAKIA

In reply to a direct request made by the Committee of Experts the Government has stated that no instructions concerning the granting of allowances in kind to agricultural workers have yet been issued under section 121 (1) of the Labour Code. Such allowances are not considered to be part of the remuneration of the workers.

The national instructions intended to govern allowances in kind received by wage earners employed in agricultural co-operatives have not yet been adopted. However, section 19 of the model by-laws for unified agricultural co-operatives, issued by Notification No. 169 of 1964, authorises the granting to workers in these co-operatives of a specified quantity of agricultural produce for their personal use.

GUATEMALA

See under Convention No. 26.

GUINEA (First Report)

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

Article 1 of the Convention. Minimum wages are fixed by order of the Minister of Labour, made after receiving the recommendations of the Labour Advisory Board (section 127 of the Labour Code).

The wage fixing machinery applies to all agricultural undertakings and to all categories of persons working in the agricultural sector.

Article 2. Under section 127 of the Code the cases in which housing and a daily food ration must be supplied by the employer and the maximum amount to be charged therefor are prescribed by order of the Minister of Labour, made after receiving the recommendations of the Labour Advisory Board.

Article 3. The guaranteed minimum inter-occupational wage (SMIG) and the minimum wages payable in each occupational group are fixed by order of the Minister of Labour, made after receiving the recommendations of the Labour Advisory Board. Eight employers' representatives and an equal number of workers' representatives sit on this Board.

Article 4. The minimum wage rates must be posted up in the employers' offices and in the places where the workers are paid. The enforcement of the provisions of the Labour Code is the responsibility of the labour and social legislation inspection services. Any worker who has been paid wages at less than the minimum rates is entitled to bring the matter to the attention of the labour inspector or the labour court within six months with a view to the recovery of the amount by which he has been underpaid.

MEXICO

See under Convention No. 26.

SYRIAN ARAB REPUBLIC

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

It is contrary to national practice for the total amount of wages to be paid in kind, and the draft Bill on agricultural relations contains a provision to the effect that only a part of wages shall be in the form of allowances in kind.

The Committee's opinion that the evaluation of allowances in kind on the basis of the wholesale prices prevailing in the region where the worker is employed is an infringement of the provisions of Article 2, paragraph 2, of the Convention, will be borne in mind when further wage fixing decisions are being taken.

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	Israel	9. 6. 1965
Algeria	19. 10. 1962	Italy	8. 6. 1956
Argentina	24. 9. 1956	Ivory Coast	5. 5. 1961
Austria	29. 10. 1953	Japan	24. 8. 1967
Belgium	23. 5. 1952	Jordan	22. 9. 1966
Brazil	25. 4. 1957	Libya	20. 6. 1962
Bulgaria	7. 11. 1955	Luxembourg	23. 8. 1967
Byelorussia	21. 8. 1956	Malagasy Republic	10. 8. 1962
Central African Republic	9. 6. 1964	Malawi	22. 3. 1965
Chad	29. 3. 1966	Mali	12. 7. 1968
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
Dahomey	16. 5. 1968	Paraguay	24. 6. 1964
Denmark	22. 6. 1960	Peru	1. 2. 1960
Dominican Republic	22. 9. 1953	Philippines	29. 12. 1953
Ecuador	11. 3. 1957	Poland	25. 10. 1954
Finland	14. 1. 1963	Portugal	20. 2. 1967
France	10. 3. 1953	Rumania	28. 5. 1957
Gabon	13. 6. 1961	Senegal	22. 10. 1962
Federal Republic of Germany	8. 6. 1956	Sierra Leone	15. 11. 1968
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	Tunisia	11. 10. 1968
Honduras	9. 8. 1956	Turkey	19. 7. 1967
Hungary	8. 6. 1956	Ukraine	10. 8. 1956
Iceland	17. 2. 1958	U.S.S.R.	30. 4. 1956
India	25. 9. 1958	United Arab Republic	26. 7. 1960
Indonesia	11. 8. 1958	Yugoslavia	21. 5. 1952
Iraq	28. 8. 1963		

AUSTRIA

In reply to observations made in 1967 by the Committee of Experts the Government has supplied the following information.

On the occasion of the renewal of the collective agreements for certain branches of economic activity the workers' and employers' representatives continued their efforts to eliminate wage inequalities between men and women that were not justified by the nature of the work carried out. Progress, however, has been less marked than during the preceding period, because the most important branches of economic activity have no longer been concerned and there have been no appreciable changes in wages during the period under consideration.

Certain differences in the rates of family allowances paid to federal civil servants and employees of the federal railways on the basis of sex derive from the principle stated by section 91 of the Civil Code, to the effect that a husband is obliged to provide

his wife with the means of subsistence befitting her condition (even if she is in a position to provide for her own needs), an obligation that is not mutual. The allowance is thus paid only to the spouse who is legally responsible for meeting, at least in part, the household expenses. Women civil servants who are single, divorced or widowed receive the same treatment as their male colleagues in the same situation.

The texts of the collective agreements applying to the clothing and food industries were enclosed with the Government's report.

The Government also communicated the observations of the Congress of the Chamber of Workers and Employees. According to these observations the positive trend noted in 1964-66 was not continued at the same rate during 1966-68 and, despite the efforts of the trade unions, the Convention cannot be regarded as fully applied.

BRAZIL

Constitution of 24 January 1967 (*Diário Oficial*, 24 Jan. 1967, No. 17, p. 953).

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Under existing law and practice it is not basic wage scales but the percentage increases granted that are mentioned in collective agreements.

Equal pay is guaranteed by article 158 (III) of the Constitution and by sections 5, 377 and 461 of the Consolidation of Labour Laws. The negligible number of infringements notified throughout the country proves that these provisions are observed.

CHAD (First Report)

See under Convention No. 5.

Section 141 of the Labour Code provides that "in equal conditions as regards work, occupational skill and output, the same wage shall be payable to all workers, irrespective of origin, nationality, sex and age".

The amount of the guaranteed interoccupational minimum wage is fixed by decree.

CHINA

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

The remuneration of employees in accordance with a basic wage scale issued by the provincial government is provided for under a new collective agreement applying to the Taipei Tobacco Factory of the Taiwan Tobacco and Liquor Sales Commission, all of whose factories have begun job classification.

The Temporary Basic Wage Regulations were approved by the Executive Yuan on 16 March 1968. Section 24 of the Factories Act provides for equal remuneration also in respect of wage rates above the statutory minimum.

COLOMBIA

Act No. 6 of 19 February 1945 to issue provisions respecting contracts of employment, industrial associations, collective disputes and special labour courts (*Diário Oficial*, 14 Mar. 1945, Year LXXX, No. 25790, pp. 953-959) (L.S. 1945—Col. 1).

Decree No. 3739 of 1954.

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

Workers in public undertakings and public works, as well as state employees, are covered by Act No. 6 of 1945, section 5 of which prohibits any difference in wages based on grounds of nationality, sex, age, religion, political opinion or trade union activities.

Under section 1 of the above-mentioned decree the Labour Code applies to railwaymen employed in state railway undertakings, who are thus covered by the same legislation as workers in the private sector.

With regard to differences occurring in the wages of male and female agricultural workers, the National Department of Statistics has stated that these were due to differences in the nature of the work performed. The inquiry form used by this Department does not refer to the nature of the work performed, and these wage differences are in line with those permitted by Article 3, paragraph 3, of the Convention. In any case female labour in agriculture is disappearing, and in certain provinces it has disappeared completely.

CUBA

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

Under the new system of organising employment and wages, compulsory wage scales are in force for the whole country and for every type of activity in which no distinction between workers on the basis of sex is provided for or permitted.

CZECHOSLOVAKIA

See under Convention No. 26.

FINLAND

Act of 9 April 1968 to promote economic development in 1968-69 (*Suomen Asetuskokoelma—Finlands Författningssamling*, 1968, No. 207).

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

During the period under review women's average hourly earnings rose by 1 per cent more than men's average hourly earnings.

The Finnish Employers' Confederation considers that the claim that there has been a tendency to place women knowingly in lower wage categories is not correct. In its view the large number of women workers in lower wage categories results from the nature of the jobs performed by them and the responsibilities and the skills these jobs involve. The Employers' Confederation considers that both men and women have equal opportunities to be placed in the same wage categories.

The Confederation of Finnish Trade Unions (SAK) considers that the main reason for the slow progress in the elimination of the differential in earnings levels is to be found in inadequate job appraisals and in the tendency to classify jobs, irrespective of their requirements, according to sex. The SAK is of the opinion that, with a view to promoting equal remuneration, an objective job classification based on the requirements of the work to be performed is of key importance, both as regards timework and piecework.

The Finnish Trade Union Federation (SAJ) believes that, although there are no longer "men's" and "women's" wage categories, the majority of women employed in industry are still placed in the lowest wage categories. With a view to the implementation of the principle of equal remuneration the SAJ recommends that the pre-

sent number of wage categories should be reduced, and that a working party should be set up on the basis of equal representation in all places of employment for the classification of the work to be performed on the basis of an objective appraisal (Article 3 of the Convention).

The principle of equal remuneration has been accepted in all the existing collective agreements to which the State is a party and in those collective agreements for the private sectors which are applicable to state undertakings. Efforts are being made to carry out job classification in co-operation with employees' representatives.

The Finnish Employers' Confederation has stated that, within the branches of activity in which its members operate, all workers are covered either by collective agreements or by the Act respecting minimum wages in forestry and logging. However, a considerable part of the total labour force is not covered by the collective agreements concluded by the Finnish Employers' Confederation, the Confederation of Commercial Employers, the Federation of Rural Employers and the Federation for Conditions of Employment. In practice a great number of private employers who are not members of these organisations apply the provisions of the respective collective agreements to their own employees.

According to the Confederation of Salaried Employees (TVK) rates of remuneration for salaried employees have been determined without any distinction being made on the basis of sex. The only exception concerns office staff employed in industry, in whose case, however, the collective agreement for 1969 includes provision for the setting up of a joint committee to examine problems relating to equal remuneration. The TVK states that, in general, uniformity of rates of remuneration does not as such imply the achievement of equality between men and women in respect of conditions of employment. Men are placed from the very beginning in higher wage categories and there is a certain amount of discrimination against women as regards the granting of personal bonuses (e.g. the so-called "good man's bonus").

According to the Finnish Employers' Confederation the principle of equal remuneration has been applied in respect of technicians, and common guiding figures have been adopted gradually in the determination of male and female technicians' salaries.

The Government has the power to control wages and salaries under the above-mentioned Act of 9 April 1968. According to section 8 (2) of the Act the Government is also entitled to decide that, if the conditions of remuneration are not agreed upon within a reasonable time through collective bargaining, both parties shall have the right to refer the matter for decision to the Prices and Wages Board mentioned in section 9 of the Act.

In reply to a request made by the Committee of Experts copies of collective agreements and tables of wages were supplied with the Government's report.

FRANCE

Orders of 29 September 1965 (*Journal officiel*, 3 Oct. 1965, No. 230) and of 11 March 1966 (*ibid.*, 18 Mar. 1966, No. 65) to establish a study and liaison committee for problems of women's work.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

As regards the fixing of minimum wages, there is no discrimination against women in France, either in principle or in practice. No proceedings in this respect have ever been brought in the competent courts.

The disparity in the wage rates for men and for women derives not from discrimination on the basis of the sex of the workers but from differences in output, length of service, competence, qualifications and in some cases also working conditions. Moreover, the gap has tended gradually to become narrower in recent years.

FEDERAL REPUBLIC OF GERMANY

In reply to an observation made in 1967 by the Committee of Experts the Government has supplied the following information.

There are still some sections of the leather industry in which the principle of equal pay is not applied, but the consultations which the Government has held with the organisations concerned show that the problem is being solved.

With regard to a possible resumption of work by the committee set up to study the application of the principle of equal pay, the Government has consulted the German Confederation of Trade Unions (DGB), but negotiations have not yet been concluded because union members have not yet formed an opinion on the matter. The DGB has stated its intention of proposing to the appropriate minister that the work of the committee in question should be resumed, although the study within the Confederation itself of the problems that still exist as regards the payment of women workers was not expected to be finished until towards the end of 1968.

With regard to the "light wage" groups, the Government refers to its survey covering, *inter alia*, the situation of women employed in certain types of work, a copy of which was enclosed with the Government's report. The DGB has stated in connection with the "light wage" groups that job analysis systems have been established by agreement between the organisations concerned in certain branches of the iron and steel industry, with a view to eliminating every form of discrimination and to increasing the remuneration received at present by women workers. In the paper industry the wages of the "light wage" groups have been brought into line with those of unskilled workers. In the chemical industry the situation of the "light wage" groups will be modified in the light of the findings of a technical committee. As regards certain branches of the food industry where "light wage" groups exist, there are plans and instructions from the Food and Hotel Industries Union on a modification or a re-definition of the present wage groups. These plans and instructions provide for the introducing of new criteria and new qualifications in the various wage groups, with a view to achieving equal pay for equal work not only in theory but also in practice.

GUATEMALA

See under Convention No. 87.

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

The Civil Service Act reaffirms in respect of employment in the civil service the principle of equality of remuneration embodied in the Convention, "under equal conditions as regards efficiency and length of service" (section 3 (5)), and provides for the establishment of a National Public Service Bureau to draw up and implement a plan for the classification of posts on the basis of an objective evaluation of the tasks and responsibilities involved. The Government promises to keep the Committee informed as to the steps taken for the actual setting up of this institution and the action it will take. The Government has also taken note of the disparities in wages pointed out by the Committee in one of the collective agreements appended to its previous report.

INDIA

In reply to an observation made in 1967 by the Committee of Experts the Government has supplied the following information.

The number of employments in which differential rates based on sex exist is being progressively reduced. On 26 December 1967 the Minimum Wages (Central) Advisory Board recommended that there should be no discrimination between men and women on grounds of sex and that work of equal value should be rewarded in the same manner. The Board's recommendations have been brought to the notice of all state governments and union territories and they have been requested to take the action necessary for the elimination of differences in the wages of men and women workers.

Differential rates of wages for men and women workers are being allowed only in cases where the output of women workers is lower than that of men workers or where for certain traditional reasons women are assigned lighter types of work; this is not made clear in the orders fixing wages, which lump together the different types of work under one heading such as "unskilled" or "semi-skilled."

ITALY

Presidential Decree No. 1480 of 18 November 1965 respecting the new occupational and economic classification and the legal status of the staff of establishments and arsenals belonging to the Ministry of Defence.

Act No. 249 of 18 March 1968 empowering the Government to reorganise the civil service, to decentralise responsibilities and to reclassify the posts and remuneration of state employees.

In reply to an observation made in 1967 by the Committee of Experts the Government has supplied the following information.

The principle of equal remuneration for men and women workers is fully applied in practically all sections of production as a result of the agreements concluded since 1960 between the various confederations. Wage differentials have been maintained in respect of male and female workers employed in storage and distribution services under the collective agreements of 27 May and 24 October 1967 respectively, but this is due to the insignificant number of women employed in these sectors and the kind of duties that they carry out. With regard to wage differentials still existing in respect of women workers employed by undertakings responsible for the cleaning of shops and offices, no agreement has been reached between the employers and workers, the employers being of the opinion that the more arduous and more dangerous jobs are carried out by men. The Government will take action with a view to eliminating the wage differentials in question when a new collective agreement is concluded.

In the plastics industry all discrimination between male and female staff has been eliminated by the agreement of 16 July 1965.

The above-mentioned decree has eliminated all discrimination between men and women workers in establishments and arsenals belonging to the Ministry of Defence. Female state employees still classed in category 5 (*b*) (workers employed on typically feminine jobs of a general nature) under Act No. 90 of 5 March 1961 will be reclassified under Act No. 249 of 1968.

The texts of two collective agreements for the agricultural sector were enclosed with the Government's report.

MALAWI

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

The Government's policy decision regarding equal remuneration for men and women for work of equal value includes all emoluments. All trades and industries

are covered by minimum wages orders. Certain wages orders referred to by the Committee have been replaced. At present all wages orders abide by the Government's above-mentioned policy, which has been endorsed by the employers' and workers' representatives on the wages advisory councils.

A copy of Appendix I to the Estimates of Expenditure for 1968, showing the scales of remuneration applicable in the civil service, was communicated with the Government's report.

NIGER (First Report)

Labour Code, Act No. 12 of 13 July 1962 (*Journal officiel*, 25 Aug. 1962, Extraordinary, No. 4).
See also under Convention No. 5.

Section 90 of the Labour Code provides that "where conditions of work, occupational skill and output are equal, the wage shall be equal for all workers of whatever origin, sex, age and status, subject to the provisions of this Title". Section 73 of the Labour Code provides that collective agreements shall necessarily contain provisions regarding methods of applying the principle of equal pay for equal work to women and young people.

In pursuance of section 158 of the Labour Code a labour advisory committee has been established, which meets under the chairmanship of the Minister of Labour or his representative and is composed of equal numbers of employers and workers nominated by their respective organisations, or by the Minister of Labour where there is no organisation that may be regarded as representative. This committee, whose functioning is governed by sections 22 to 36 of Decree No. 126 of 1967, is empowered to express its opinion on all matters concerning labour and in particular on the fixing of the guaranteed interoccupational minimum wage.

In no official text, collective agreement or contract of employment, is any distinction made between the wages of men and women workers. In every collective agreement jobs are classified in accordance with the duties attaching to them. In all cases the joint committee responsible for working out the agreement establishes the job classification, the categories and the abilities called for.

NORWAY

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

The Council for Equal Remuneration is preparing an investigation into wages arrangements not covered by the equal pay agreement concluded in 1961 between the main employers' and workers' organisations.

The principle of equality of remuneration had by the end of 1967 been implemented in all wages agreements.

The investigations of the Council for Equal Remuneration concerning certain branches of industry do, however, indicate that it has proved difficult to apply the principle of equality of remuneration to wages arrangements made outside the framework of wages agreements, such as those relating to personal increments for individual employees.

The Council has, in its wages reports, pointed out that, because of the way in which the placement in wages groups is effected under the equal pay agreement, a large number of the jobs performed by women are classified in the lowest group.

PARAGUAY

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

A comparative study of the Labour Code and the Conventions ratified by the Government is being carried out in the Ministry of Labour, with a view to submitting to the legislature the amendments that are necessary in order to bring the national legislation into line with the provisions of the various Conventions.

The principle of equal remuneration, provided for by section 230 of the Labour Code, applies also to workers who receive remuneration at rates above the minimum, provided that they are employed in the same undertaking.

The classification of jobs and the wage rates laid down in collective agreements are negotiated between the employers' and workers' representatives.

The texts of various minimum wage decisions, as well as copies of several collective agreements, were communicated with the Government's report.

PHILIPPINES

A Bill now pending in Congress, S.B. No. 194, and an Act to prohibit discrimination in any form in the employment of persons by any person, corporation, firm or association, will give further effect to the provisions of the Convention.

Moreover, the Department of Labor has arranged for the preparation of a Bill to strengthen the established wage policy in the Philippine civil service by reiterating the need for the implementation of the principle of equal remuneration for work of equal value and by repealing all special remuneration laws. This Bill will shortly be sent to Congress.

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
Colombia	4. 3. 1969	Poland	8. 10. 1956
Cuba	7. 9. 1954	Senegal	22. 10. 1962
France	29. 3. 1954	Sierra Leone	15. 6. 1961
Gabon	13. 6. 1961	Sweden	12. 8. 1953
Federal Republic of Germany	5. 1. 1955	Syrian Arab Republic	26. 7. 1960
Guatemala	4. 8. 1961	Tanzania (Tanganyika)	30. 1. 1962
Hungary	8. 6. 1956	United Arab Republic	9. 4. 1956
Israel	14. 7. 1953	United Kingdom	25. 6. 1956
Italy	8. 6. 1956	Uruguay	18. 3. 1954
Malagasy Republic	10. 8. 1962	Yugoslavia	30. 4. 1955
Mauritania	8. 11. 1963		

PARAGUAY (First Report)

See under Convention No. 60.

Articles 1 and 4 of the Convention. See under Convention No. 52, Article 1.

Article 3. This Article is applied by section 219 of the Labour Code.

Article 5. Young workers under 18 years of age are entitled to paid annual leave of at least 20 working days (section 126 of the Code).

Article 6. See under Convention No. 52, Article 2.

Article 7. The method of calculating the wage payable for the holiday period is set forth in section 221 of the Code.

Article 9. The Article is applied by section 222 of the Code.

See also under Convention No. 52.

SENEGAL

See under Convention No. 52.

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 ¹	15. 8. 1955
Federal Republic of Germany ¹	21. 2. 1958
Greece ³	16. 6. 1955
Iceland ⁴	20. 2. 1961
Ireland ⁵	17. 6. 1968
Israel ⁶	16. 12. 1955
Italy ⁷	8. 6. 1956
Luxembourg ¹	31. 8. 1964
Mauritania ⁸	15. 7. 1968

¹ Parts II to X.

² Parts II, IV to VI and IX.

³ Parts II to VI and VIII to X.

⁴ Parts V, VII and IX.

⁵ Parts III, IV and X.

⁶ Parts V, VI and X.

⁷ Parts V, VII and VIII.

⁸ Parts V, VI, VII, IX and X.

⁹ Parts II, III, V, VI and VIII to X.

¹⁰ Parts V to VIII.

¹¹ Parts II to VII.

Countries	Ratification registered on
Mexico ⁹	12. 10. 1961
Netherlands ¹¹ *	11. 10. 1962
Niger ¹⁰	9. 8. 1966
Norway ¹¹ †	30. 9. 1954
Peru ¹²	23. 8. 1961
Senegal ¹³ *	22. 10. 1962
Sweden ¹⁴	12. 8. 1953
United Kingdom ¹⁵	27. 4. 1954
Yugoslavia ¹⁶	20. 12. 1954

¹² Parts II, III, V, VIII and IX.

¹³ Parts VI to VIII.

¹⁴ Parts II to IV and VI to VIII.

¹⁵ Parts II to V, VII and X.

¹⁶ Parts II to VI, VIII and X.

* Part VI is no longer applicable as a result of the ratification of Convention No. 121.

† Part V is no longer applicable as a result of the ratification of Convention No. 128 and the acceptance of Part III thereof.

DENMARK

Part II. Medical Care.

Public Sickness Insurance Act, No. 239 of 10 June 1960 (*Lovtidende A (L.A.)*, 1960, No. XIX, p. 758) (*L.S.* 1960—Den. 3), as amended by Act No. 96 of 29 March 1968 (*L.A.*, 1968, No. XII).

Part IV. Unemployment Benefit.

Notification of the Placement and Unemployment Insurance Act, No. 53 of 28 February 1967 (*L.A.*, 1967, No. VIII, p. 361) (*L.S.* 1967—Den. 1).

Part V. Old-Age Benefit.

Act No. 443 of 6 December 1967 (*L.A.*, 1968, No. XLVII, p. 1359) to amend the Act respecting national pensions.

Part IX. Invalidity Benefit.

Act No. 444 of 6 December 1967 (*L.A.*, 1967, No. XLVII, p. 1360) to amend the Act respecting invalidity pensions.

PART IV. UNEMPLOYMENT BENEFIT

PART XIII. COMMON PROVISIONS

In reply to a direct request made by the Committee of Experts in connection with Article 69 (*i*) of the Convention the Government has supplied the following information.

The majority of the employment exchanges have been unable to give practical examples of cases where the payment of benefits to members of an unemployment insurance fund not involved in a labour dispute were suspended because the number of workers participating in the dispute exceeded 65 per cent of the total number of members of the fund who were working at the time the dispute occurred. However, six employment exchanges have reported that, in connection with a strike declared by the Danish Waiters' Union from 30 May to 1 June 1968, payment of benefit was suspended for members of the union who were unemployed when the conflict started.

FEDERAL REPUBLIC OF GERMANY

Financial Planning Act of 23 December 1966 (*Bundesgesetzblatt*, Part I, 1966, p. 697), as amended by the Act of 21 December 1967 (*ibid.*, p. 1259).

Placement and Unemployment Insurance (Amendment) Act, No. 7 of 10 March 1967 (*ibid.*, 16 Mar. 1967, No. 14, p. 266).

PART II. MEDICAL CARE

Article 10 of the Convention. Care in the case of pregnancy and confinement and their consequences has been improved.

Article 12. In reply to requests and observations made by the Committee of Experts the Government has stated that in the Bills previously introduced it had intended to make hospitalisation compulsory instead of leaving the decision to the judgment of the sickness funds, but this object has not yet been achieved. The Government will continue its efforts to amend the national legislation. However, the discretionary power of the sickness funds has already been reduced, particularly through jurisprudence, so that there is no longer any difference between the law in force and the provisions that the Government has been endeavouring to introduce.

PART IV. UNEMPLOYMENT BENEFIT

Article 21. The coverage of unemployment insurance has been extended.

Article 24. The rules concerning the suspension of unemployment benefit have been revised in certain cases.

PART V. OLD-AGE BENEFIT

Article 27. The salary ceiling for insurance membership that existed formerly in the salaried employees' pensions scheme has been eliminated.

PART VII. FAMILY BENEFIT

Article 40. The definition of children aged between 18 and 25 years giving entitlement to family benefit has been revised.

PART VIII. MATERNITY BENEFIT

Article 51. The conditions of entitlement to maternity benefit, in particular the conditions concerning the qualifying period, have been made less strict.

PART XIII. COMMON PROVISIONS

Article 69, clauses (e) and (j). In reply to requests and observations made by the Committee of Experts the Government has stated that the new regulations on sickness insurance which it wishes to introduce ought to provide the occasion for bringing section 192 (2) of the Federal Social Insurance Code into conformity with this Article. No Bill for the purpose had been tabled in Parliament at the time of submission of the Government's report.

Clause (i). The Parliamentary debates on the recasting of the Placement and Unemployment Insurance Act are not yet sufficiently advanced to enable details to be provided on the future terms of the provisions concerning the granting of unemployment benefit in the event of labour disputes.

Article 71. The legal provisions concerning the granting of a training allowance (within the framework of family benefit) have been repealed.

GREECE

Act No. 87 of 1967 respecting the affiliation to the Social Insurance Institution of certain social insurance funds (*Ephemeris tēs Kyvernesseos*, 7 Aug. 1967, Vol. I, No. 136).

Order No. 55773 of 1967 of the Minister of Labour to approve the regulations respecting voluntary insurance for aliens with the Social Insurance Institution (*ibid.*, 7 Sep. 1967, Vol. II, No. 555).

Royal Decree No. 504 of 1967 respecting the award of invalidity pensions to persons insured under the agricultural insurance scheme (*ibid.*, 8 Sep. 1967, Vol. I, No. 155).

Act No. 213 of 1967 to supplement the legislation respecting the agricultural insurance scheme (*ibid.*, 5 Dec. 1967, Vol. I, No. 217).

Act No. 234 of 1968 (*ibid.*, 16 Mar. 1968, Vol. I, No. 56) to amend and supplement Act No. 29 of 1967 respecting the increasing and extension of old-age pensions for farmers, the setting up of a social assistance fund for farmers and the amendment of certain provisions of the legislation respecting the agricultural insurance scheme.

ITALY

Act No. 369 of 29 May 1967.

Act No. 585 of 14 July 1967.

Legislative Decree No. 1211 of 21 December 1967.

PART VII. FAMILY BENEFIT

Family allowances have been extended to self-employed farmers, share-croppers and settlers, and members of their families.

PART VIII. MATERNITY BENEFIT

Medical benefit under the sickness and maternity insurance scheme has been extended to settlers and share-croppers drawing pensions under the compulsory sickness, old-age and survivors' insurance scheme.

PART XIII. COMMON PROVISIONS

Article 71 of the Convention. As from 1 January 1967, liability for the "solidarity contribution" to the agricultural workers' assistance fund was transferred from the State to the employers in non-agricultural sectors.

The Government's report contained the required statistical data relevant to the various Parts accepted.

LUXEMBOURG

Act of 16 February 1967 (*Mémorial*, Series A, 23 Feb. 1967, No. 10, p. 98) to amend the comprehensive Act of 13 May 1964 to improve and co-ordinate the various contributory pension schemes, and to adjust pensions payable under the Social Insurance Code and the legislation governing the pension insurance of salaried employees in the private sector on the basis of the average wage level for 1960.

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

PART II. MEDICAL CARE

Article 10, paragraph 2, of the Convention. With regard to the participation of beneficiaries in the cost of the medical care benefits granted in respect of pregnancy and confinement and their consequences, see under Convention No. 3.

PART VIII. MATERNITY BENEFIT

Article 49, paragraph 2. See under Part II.

PART IX. INVALIDITY BENEFIT

Article 57. See under Part XII.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Since one of the principles underlying every international instrument dealing with social security is the treatment of foreigners on the same footing as nationals, the provision of section 187 of the Social Insurance Code laying down a double qualifying period for foreign insured persons in the field of invalidity insurance cannot be invoked against nationals of a country with which Luxembourg is linked by a social security convention.

Consequently non-national residents who are citizens of member States of the ILO that have accepted the obligations deriving from Part IX of the Convention are entitled to invalidity benefit on the same conditions as residents who are nationals. A note to this effect appears, moreover, opposite section 187 of the Social Insurance Code in the social security compendium published in 1967 by the Ministry of Labour and Social Security.

PART XIII. COMMON PROVISIONS

Article 69. The provisions of section 11, paragraph 1 (*a*), of the Social Insurance Code authorising insurance funds, where they have taken over these provisions in their by-laws, to refuse to pay cash benefits to insured persons who have caused harm to the fund by an action liable to result in loss of civic rights have, according to information obtained from the regional sickness fund, which covers nearly half of those persons covered by workers' sickness insurance, been applied only once during the past 35 years, and then against an insured person who had broken into the premises of the fund. This amounts to saying that the provision is not applied in practice.

To understand the full meaning of the word "harm", it would be necessary to refer to the *Reichversicherungsordnung*, since the provision of the above-mentioned section 11 was taken from the German text during the drafting of the Social Insurance Code of 17 December 1925. The German text covers in particular offences committed against the resources of insurance funds, such as theft, embezzlement and fraud, or acts leading to the fraudulent procuring of benefits, such as perjury, forgery or the simulation of a disease.

With regard to the provisions of paragraph 1 (*b*) of the same section, they are of current application. Cash benefits are suspended in case of participation in fights or brawls, but they are not refused definitively unless the guilt of the insured person has been proved by a judgment.

The sickness funds, moreover, make a careful choice among the possibilities available to them under the above-mentioned texts of refusing benefits as a whole or only in part.

NORWAY

National Insurance Act, No. 12 of 17 June 1966 (*Norsk Lovtidend (N.L.)*, 26 July 1966, No. 23, p. 830) (*L.S.* 1966—Nor. 3), as amended by Acts No. 5 of 7 July 1967 (*N.L.*, 4 Aug. 1967, No. 27, p. 1339) (*L.S.* 1967—Nor. 1 B) and No. 6 of 15 December 1967 (*N.L.*, 16 Jan. 1968, No. 1, p. 43) (*L.S.* 1967—Nor. 1 A).

Acts No. 8 of 16 December 1966 (*N.L.*, 26 Jan. 1967, No. 1), No. 1 of 8 June 1967 (*N.L.*, 1967, No. 23) and of 8 December 1967 (*N.L.*, 1967, No. 43) to amend the Family Allowances Act.

Acts No. 10 of 16 December 1966 (*N.L.*, 26 Jan. 1967, No. 1) and No. 2 of 28 April 1967 (*N.L.*, 1967, No. 2) to amend the Sickness Insurance Act.

Act No. 11 of 16 December 1966 (*N.L.*, 26 Jan. 1967, No. 1, p. 154) (*L.S.* 1966—Nor. 4) to amend the Industrial Accident and Occupational Disease Insurance Act.

PART V. OLD-AGE BENEFIT

The National Insurance Act, which came into force as from 1 January 1967, repealed and superseded the previous basic insurance schemes and revised all premiums and allowances. The Government's report contained detailed information on the subject.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

In reply to a request made by the Committee of Experts as to whether the minimum rate prescribed under Article 66 of the Convention is guaranteed in the case of sickness benefit, unemployment benefit and employment injury benefit (for temporary incapacity), calculated in accordance with Article 66, the Government supplied the following information.

As regards sickness benefit an insured married beneficiary with two children, earning an annual wage of Kr. 14,018, is entitled to receive sickness benefit payments amounting to Kr. 7,500 per year. With the addition of the children's benefit payments made in respect of one child the total amount payable per annum during the third quarter of 1967 was Kr. 7,950. The annual wage of a standard beneficiary, including children's benefit payments for one child, thus amounted to Kr. 14,468. The relative periodical cash payment for the third quarter of 1967 was therefore 54.9 per cent of that wage, in accordance with Article 66, paragraph 4 (a), of the Convention. Sickness benefit payments are comparatively lower the higher the income. The relative periodical cash payments amount to more than 45 per cent of annual earnings below Kr. 17,277.

Unemployment benefit is calculated according to the same rules as apply in the case of sickness benefit.

As regards employment injury benefit for temporary incapacity, this is paid in accordance with the sickness insurance provisions and amounts to 54.9 per cent of the type of wages mentioned in Article 66, paragraph 4 (a). As sickness benefit payments are comparatively lower the higher the income, the periodical cash payment due in respect of an employment injury (including children's allowances) is less than 50 per cent of annual earnings amounting to more than Kr. 15,500. Annual earnings of Kr. 15,500 were about 10 per cent above the wage of a standard beneficiary for the third quarter of 1967. If the wage of a standard beneficiary rises by more than 10 per cent the employment injury benefit payments for temporary incapacity will not comply with the requirements of the Convention concerning the periodical cash payments due to an average protected person under Article 66, paragraph 4 (a).

The relative periodical cash payment due in respect of an employment injury causing temporary incapacity for work is about 55.2 per cent of annual earnings ranging from Kr. 14,000 to 18,000, and below 50 per cent of higher annual earnings if the calculation is based on the provisions of Article 65, paragraph 2. The annual wage payable to a standard beneficiary in accordance with Article 65, paragraph 6 (a), was Kr. 15,593 in the third quarter of 1967. If this wage rises to more than Kr. 18,000, i.e. by more than 15 per cent, the employment injury benefit payments will not comply with the requirements in respect of temporary incapacity for work, even if Article 65, paragraph 2, is applied and the wage is based on Article 65, paragraph 6 (a).

The Government stated that a request for the abolition of the waiting period in respect of unemployment insurance benefit had been received from the General Confederation of Trade Unions in Norway, and that the matter was being dealt with.

PERU

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

PART II. MEDICAL CARE

Articles 8 and 9 of the Convention. The proposed revision of the workers' social insurance scheme provides for the extension of the scheme to cover medical care necessitated by employment injuries and occupational diseases as well as medical care for members of insured persons' families.

PART III. SICKNESS BENEFIT

Article 16. Sickness benefit amounts to 70 per cent of an insured person's wages (reduced to 35 per cent when he has no dependants) for a period of 26 weeks, which may be prolonged up to 52 weeks.

PART V. OLD-AGE BENEFIT

Article 28. Old-age benefit amounts to 40 per cent of the average wages of the insured person for the five years before reaching the age of 60, with increments of 2 per cent for each dependant and for each 100 weekly contributions after the first 200, up to a maximum of a further 40 per cent. Retirement pensions may reach 80 per cent of pre-retirement earnings.

PART VIII. MATERNITY BENEFIT

Articles 50 and 51. Maternity benefit amounts to 70 per cent of the average wages of the insured person for the 36 days preceding and the 36 days following confinement. It does not cover members of an insured person's family.

PART IX. INVALIDITY BENEFIT

Article 56. Invalidity benefit takes the form of a basic pension amounting to 40 per cent of the average wages of the insured person for the two years preceding his becoming incapacitated for work, with increments as in the case of old-age benefit.

PART XIII. COMMON PROVISIONS

Article 69. Benefits may be suspended in the following circumstances:

- (a) when an insured person does not comply with medical instructions;
- (b) when he takes on paid employment during a period when he has been ordered to rest;
- (c) when he receives benefits from another social security body or public funds or a private insurance scheme;
- (d) when the origin of the incapacity is occupational;
- (e) in case of a voluntary act or a criminal offence;
- (f) in case of voluntary abortion;
- (g) in case of fraud;
- (h) when a widow remarries, etc.

Old-age and invalidity pensions of non-nationals paid abroad are reduced in proportion to the extent to which they are paid out of public funds.

Article 70. Insured persons have two forms of appeal for reconsideration and for revision of their claims. Both are brought before the general management and the governing board of the insurance institution. For the workers' retirement pension scheme an arbitration tribunal has been set up as a court of final instance for the hearing of disputes relating to pensions.

Article 71. The workers' social insurance scheme is financed by contributions from workers, employers and the State. The workers' retirement pension fund is financed by contributions from workers and employers only.

SENEGAL

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

PART VII. FAMILY BENEFIT

Article 43 of the Convention. The draft has been prepared of an amendment to Order No. 7083 of 5 December 1955 to establish a family benefit scheme, reducing to three consecutive months the period of active service required in order to become eligible for such benefit.

PART VIII. MATERNITY BENEFIT

The medical care during pregnancy and confinement provided for insured women and the wives of insured men comprises the types of care stipulated by the Convention.

UNITED KINGDOM

National Insurance Act, 1967.

PART III. SICKNESS BENEFIT

PART IV. UNEMPLOYMENT BENEFIT

Rates of flat-rate sickness and unemployment benefit were increased with effect from 26 October 1967. An earnings-related supplement to these flat-rate benefits was introduced with effect from 6 October 1966, payable from the 13th day of a period of interruption of employment.

As from October 1966 the duration of entitlement to flat-rate unemployment benefit no longer depends on a claimant's insurance record but is fixed at a standard period of 312 days' benefit (one year excluding Sundays) in one period of interruption of employment. The earnings-related supplement is payable for up to 156 days (not counting Sundays).

PART V. OLD-AGE BENEFIT

The level of net weekly earnings allowed before a pension begins to be reduced was raised to £6 10s. 0d. in 1967.

The standard weekly rate of retirement pensions was increased with effect from 30 October 1967.

PART VII. FAMILY BENEFIT

The weekly rates of family allowances were increased with effect from 9 April 1968.

PART X. SURVIVORS' BENEFIT

Widows' benefits were increased with effect from 30 October 1967 and there were increases in children's and guardians' allowances with effect from 9 April 1968.

103. Maternity Protection Convention (Revised), 1952

This Convention came into force on 7 September 1955

Countries	Ratification registered on
Brazil ¹	18. 6. 1965
Byelorussia	6. 11. 1956
Cuba	7. 9. 1954
Ecuador	5. 2. 1962
Hungary	8. 6. 1956
Spain ²	17. 8. 1965
Ukraine.	14. 9. 1956

Countries	Ratification registered on
U.S.S.R.	10. 8. 1956
Uruguay	18. 3. 1954
Yugoslavia	30. 4. 1955

¹ With the exception of the occupations and work specified in Article 7, paragraph 1 (b) and (c).

² With the exception of persons specified in Article 7, paragraph 1 (d).

BRAZIL

Legislative Decree No. 276 of 28 February 1967 to amend Act No. 4214 of 2 March 1963 (*Diário Oficial*, 28 Feb. 1967, No. 40, p. 2423).

Ministerial Order No. 1275 of 8 December 1967.

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

Article 3, paragraph 4, of the Convention. The new section 392 of the Consolidation of Labour Laws specifically provides that a woman shall always be entitled to eight weeks' leave following confinement.

Article 4, paragraph 5. Legislative Decree No. 66 of 21 November 1966 has amended section 45 of the Social Insurance Act to delete the reference to the requirement of a qualifying period for the obtention of medical benefits. In the case of rural workers such benefits are not conditional upon any qualifying period and are provided under a non-contributory scheme.

Paragraph 8. The above-mentioned ministerial order appointed a working party to draft a Bill whereby the employer would no longer be liable for the cost of benefits due to women in his employ. The conclusions of this working party have been submitted to the Ministry for consideration.

Article 5. The Consolidation of Labour Laws is not applicable to civil servants, but special provisions afford them greater protection; for instance, women civil servants are entitled to four months' maternity leave.

Article 6. A woman may not be dismissed while on maternity leave in view of the fact that such a period is counted as a period of interruption of the contract of employment during which the contract may not be terminated or altered.

Article 7, paragraph 4.¹ In the case of occupations carried on in agricultural undertakings medical assistance in connection with maternity is provided, on a non-contributory basis, out of the Rural Workers' Assistance and Provident Fund (section 2 (b) of the above-mentioned Legislative Decree of 28 February 1967 amended sections 158 and 160 of Act No. 4214 of 2 March 1963), while as regards domestic work for wages in private households, Bills are now before the National Congress with a view to extending the labour legislation to this sector.

¹ By a declaration accompanying its ratification, Brazil has provided for exceptions from the application of the Convention in respect of (1) occupations carried on in agricultural undertakings, other than plantations, and (2) domestic work for wages in private households, in accordance with Article 7, paragraph 1 (b) and (c), of the Convention.

CUBA

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

Article 3, paragraph 4, and Article 4, paragraph 1, of the Convention. The Committee of Experts expressed the view that, owing to the phrase "but she shall receive no payment or allowance for the period in excess of the 12 weeks" which appears at the end of section 23 of Act No. 1100 of 1963, if there is a "medical error" concerning the probable date of confinement, the woman will not receive any social security cash benefit during the period of extension, which is contrary to the provisions of the Convention. However, this is not so. Act No. 1100 of 1963, in giving system and uniformity to the hotchpotch of legal provisions that existed before the Revolution and turned social security into a breeding-ground for every kind of malpractice, was intended to put an end to the illegal practices that arose out of and sheltered behind "medical error" in the case of maternity insurance.

The explanation is contained in sections 12, 22 and 23 of Act No. 1100. Read together, these sections show that, in every case without exception, every beneficiary of maternity insurance is granted the whole of her wages for the 12 weeks of her leave, and that it is never necessary to establish the existence of a "medical error".

According to these provisions a woman worker whose average monthly wage was, for example, 100 pesos would receive at the commencement of her maternity leave a cash benefit of 300 pesos for the 12 weeks of rest.

This sum is equivalent to a cash benefit paid for a period of 18 weeks if calculated in accordance with the provisions of the Convention. That is to say, it amply covers the possibility of "medical error". Hence, the final phrase of section 23 of Act No. 1100 of 1963 refers exclusively to the receipt of a cash benefit that has already been received as a lump sum paid at the beginning of the period.

Article 4, paragraph 6. There are women wage earners and salaried employees receiving 12 pesos or more per day, in accordance with their technical qualifications and occupational skills, but their number is so small as to have practically no quantitative meaning in relation to the total number of women receiving wages at present.

Act No. 1100 has set up a new system of social security entirely different from the previous one. It has given uniformity to social security and established a limit of eight pesos per day for the maternity leave cash benefit, which is payable out of state social security funds with no contribution from the workers, for it is considered that this social security benefit should correspond to the real needs of maternity and not to the nominal cash wage received by the beneficiary where this exceeds the stated limit of eight pesos per day. Account is also taken of the fact that the real needs of the beneficiary are met to a great extent by freedom from all contribution to social security funds and by the enjoyment of free housing and the other social benefits provided by the State.

HUNGARY

Government Ordinance No. 3 of 29 January 1967 to institute a children's care allowances scheme.

In reply to observations made by the Committee of Experts concerning the application of Article 6 of the Convention to domestic workers the Government has stated that there is nothing new to report.

Under the above-mentioned ordinance a full-time women worker is now entitled to supplementary maternity leave in order to look after her child until it has reached the age of 30 months. During this period, which is taken into account in calculating seniority for entitlement to an old-age pension, the woman receives an allowance of 600 florins per month, and she cannot be dismissed from her employment.

SPAIN

Decree of 17 March 1959 to establish the National Insurance Fund for Domestic Service.

Decree No. 315 of 7 February 1964 to approve a general Act respecting government civil servants (*Boletín Oficial del Estado*, 15 Feb. 1964).

Decree No. 2342 of 21 September 1967.

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

Articles 1, 5 and 6 of the Convention. Women employed on domestic work are to be covered by a special social security scheme now being planned. In the meantime they continue to be protected by the decree of 17 March 1959.

Women civil servants are also to be covered by a special social security scheme. For the time being they are still covered, in accordance with section 13 (1) of the Civil Service Act of 7 February 1964, by the scheme operated by the National Social Welfare Institution and the Workers' Provident Funds Service.

Article 4, paragraph 2. Under Decree No. 2342 of 21 September 1967 the basis for the calculation of sickness allowances (75 per cent) was, in 1968, depending upon the category of worker, 96, 100 or 105 pesetas per day, and will, in 1969, be 102, 106 or 112 pesetas.

Paragraph 5. Since under section 128 (c) of the Social Security Act the only condition to be fulfilled in order to qualify for benefit is for the insured women to have entered the scheme nine months prior to confinement and to have paid contributions for six months, it is not deemed necessary to take other measures for the protection of persons who fail to qualify.

URUGUAY

Decree No. 385 of 11 August 1966 (*Diario Oficial*, 17 Aug. 1966).

Decree No. 662 of 28 September 1967 (*ibid.*, 3 Oct. 1967).

In reply to observations made by the Committee of Experts the Government has stated that the former system for the granting of maternity leave to women civil servants has been brought to an end and replaced by the provisions of Article 3 of the Convention.

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	Malawi	22. 3. 1965
Central African Republic	9. 6. 1964	Morocco	27. 3. 1963
China	14. 3. 1967	New Zealand	28. 6. 1956
Colombia	4. 3. 1969	Niger	23. 3. 1962
Cuba	15. 8. 1957	Nigeria	25. 10. 1962
Dominican Republic	10. 2. 1958	Portugal	12. 4. 1960
El Salvador	18. 11. 1958	Syrian Arab Republic	7. 6. 1957
Iran	13. 4. 1959	Thailand	29. 7. 1964
Liberia	25. 5. 1962	Tunisia	17. 12. 1962
Libya	20. 6. 1962	United Arab Republic	18. 12. 1958

EL SALVADOR

In reply to observations made by the Committee of Experts concerning the penalties laid down by the Labour Code the Government has stated that the Department of Labour and Social Welfare has made a report on this question to the committee of national experts, which is at present studying the possibility of amendments to the Labour Code.

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	Luxembourg	24. 7. 1964
Argentina	18. 1. 1960	Malaysia:	
Australia	7. 6. 1960	States of Malaya	13. 10. 1958
Austria	5. 3. 1958	Sabah, Sarawak	3. 3. 1964
Barbados	8. 5. 1967	Mali	28. 5. 1962
Belgium	23. 1. 1961	Malta	4. 1. 1965
Brazil	18. 6. 1965	Mexico	1. 6. 1959
Burundi	11. 3. 1963	Morocco	1. 12. 1966
Cameroon (Western Cameroon)	3. 9. 1962	Netherlands	18. 2. 1959
Canada	14. 7. 1959	New Zealand	14. 6. 1968
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	Paraguay	16. 5. 1968
Dahomey	22. 5. 1961	Peru	6. 12. 1960
Denmark	17. 1. 1958	Philippines	17. 11. 1960
Dominican Republic	23. 6. 1958	Poland	30. 7. 1958
Ecuador	5. 2. 1962	Portugal	23. 11. 1959
El Salvador	18. 11. 1958	Rwanda	18. 9. 1962
Finland	27. 5. 1960	Senegal	28. 7. 1961
Gabon	29. 5. 1961	Sierra Leone	13. 6. 1961
Federal Republic of Germany	22. 6. 1959	Singapore	25. 10. 1965
Ghana	15. 12. 1958	Somalia:	
Greece	30. 3. 1962	ex-British Somaliland	18. 11. 1960
Guatemala	9. 12. 1959	ex-Trust Territory	8. 12. 1961
Guinea	11. 7. 1961	Spain	6. 11. 1967
Guyana	8. 6. 1966	Sweden	2. 6. 1958
Haiti	4. 3. 1958	Switzerland	18. 7. 1958
Honduras	4. 8. 1958	Syrian Arab Republic	23. 10. 1958
Iceland	29. 11. 1960	Tanzania:	
Iran	13. 4. 1959	Tanganyika	30. 1. 1962
Iraq	15. 6. 1959	Zanzibar	22. 6. 1964
Ireland	11. 6. 1958	Trinidad and Tobago	24. 5. 1963
Israel	10. 4. 1958	Tunisia	12. 1. 1959
Italy	15. 3. 1968	Turkey	29. 3. 1961
Ivory Coast	5. 5. 1961	Uganda	4. 6. 1963
Jamaica	26. 12. 1962	United Arab Republic	23. 10. 1958
Jordan	31. 3. 1958	United Kingdom	30. 12. 1957
Kenya	13. 1. 1964	Uruguay	22. 11. 1968
Kuwait	21. 9. 1961	Venezuela	16. 11. 1964
Liberia	25. 5. 1962	Zambia	22. 2. 1965
Libya	13. 6. 1961		

AFGHANISTAN (First Report)

Forced labour is prohibited under the Constitution and does not exist.

CHAD

In reply to direct requests made by the Committee of Experts the Government has stated that political detainees are not required to perform forced or compulsory labour as a means of political coercion or of education or as a punishment.

FEDERAL REPUBLIC OF GERMANY

Act No. 17 of 24 June 1968 (*Bundesgesetzblatt*, Part I, 27 June 1968, No. 41, p. 709) to amend the Fundamental Law of 23 May 1949 (*ibid.*, 23 May 1949, No. 1, p. 1).

Act No. 8 of 25 June 1968 to amend the Penal Code (*ibid.*, 1968, p. 741).

Ensurance of Services Act of 9 July 1968 (*ibid.*, 1968, p. 787).

Under the provisions of Act No. 17 of 24 June 1968 and of the Ensurance of Services Act, persons may be directed to civilian services and the right to leave one's occupation or place of employment may be restricted for reasons of national defence or with the approval of Parliament. There is no provision for persons to be required to perform services for purposes prohibited under the Convention. The above-mentioned measures may not be used against labour disputes aimed at the maintenance and improvement of conditions of employment (section 9, paragraph 3, third sentence, of the Fundamental Law). They may only be taken if and to the extent that services needed for defence purposes, including the protection of the civilian population, cannot be ensured on a voluntary basis (section 1 of the Ensurance of Services Act).

In reply to an observation and a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

Section 114 of the Seamen's Act relates to the serious disruption of navigation resulting from desertion in a foreign port. As regards the practical application of certain provisions of the Penal Code, persons who have been convicted for violation of one or more of these provisions have not been sentenced on account of their political views. Provisions relating to state security have been further liberalised under Act No. 8 of 25 June 1968. Decisions by the Federal Court in cases relating to national security are regularly published in the official compilation of decisions of the Federal Court in criminal cases. In preparing its next report the Government will consider any such findings which might be of particular interest. Statistical information on the number or persons convicted under penal provisions relating to state security was supplied with the Government's report.

GUATEMALA

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

The Government has taken measures to abolish the registers of persons affiliated to the Communist Party or other Communist organs and of persons convicted of offences under Legislative Decree No. 9 of 10 April 1963, and to burn the lists of organisations of Communist tendency the compilation of which is provided for in that decree.

In accordance with Decree No. 1766 of 21 June 1966 to revise the Act respecting the redemption of penalties through work, prison labour is aimed at the readaptation and rehabilitation of prisoners.

The Act respecting public order (Decree No. 7 of the Constituent Assembly) has been brought into force whenever it has been considered necessary to restore order and security. Constitutional rights, including freedom of expression, assembly and association, have been suspended only when this has been considered necessary in order to re-establish peaceful conditions. No measures have been taken to impose forced labour.

IRAQ

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

Section 4 of the Administration of Prisons Law, No. 66 of 1936, exempts prisoners convicted of political offences from liability to penal labour. The Government intends to take action to dispel the impression that the sanctioning of hard labour, provided for in section 13 of the Baghdad Penal Code, is not in conformity with the Convention.

Measures will be taken to repeal sections 305A and 305C of the Baghdad Penal Code (which lay down penal sanctions for certain disciplinary offences).

SIERRA LEONE

In reply to a direct request made by the Committee of Experts the Government has stated that, in the light of the requirements of Article 1 (*e*) of the Convention, active steps are being taken to amend section 24 of the Summary Offences Act and section 3 of the Protectorate Vagrancy Act, under which prison sentences involving liability to compulsory labour could be imposed on persons defined in terms of race.

With the return of civilian rule, a number of constitutional guarantees which were suspended have been restored.

SINGAPORE

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. In the present circumstances there is a need for the Government to combat subversion, in the national interest. This is the main objective of the legislation respecting printing presses and undesirable publications and of sections 22, 24 and 25 of the Internal Security Act, under which the competent Minister may prohibit a particular publication.

Political detainees and persons detained under the Criminal Law (Temporary Provisions) Ordinance are not required to work during the period of their detention. The Government is unable, on grounds of security, to provide more detailed information concerning the reasons for refusing registration of or dissolving certain societies under the Societies Ordinance.

Clause (d). It is not considered advisable in the prevailing national conditions to modify sections 3 (1) and 3 B of the Trade Disputes Ordinance (punishing with imprisonment participation in a strike having any other object than the furtherance of a trade dispute in the trade or industry in which the strikers are engaged, or which is designed to coerce the Government either directly or by inflicting hardship on the community).

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
Colombia	4. 3. 1969
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 ³	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
Ukraine	19. 6. 1968
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

See under Convention No. 100.

In reply to the direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

Article 2 of the Convention. The hours of work of established public employees of the federal Union and its different services and administrations are governed by section 4 of Decree No. 51320 of 2 September 1961, which provides for a normal weekly rest period of more than 24 hours. This principle is invariably observed in the public services of the Union states and municipalities, subject to special rules in virtue of the constitutional autonomy enjoyed by them.

Sections 3 and 4 of the same decree cover autonomous bodies and industrial undertakings to which, exceptionally, the public employees' system applies. Nevertheless, as a general rule, conditions in public and semi-public undertakings are entirely governed by section 2 (c) of the regulations approved by Decree No. 27048 of 12 August 1949.

Article 7, paragraph 2. Under section 6 (2) of the regulations approved by Decree No. 27048, concerning work on Sunday, permanent exceptions to such work are authorised for all members of theatrical companies and similar establishments, without it being necessary to obtain a monthly authorisation as is the rule in other activities. Nevertheless, this provision does not exclude entitlement to a weekly rest period, which is then generally granted on a Monday.

Article 8, paragraph 3. Article 158, paragraph VII, of the 1967 Constitution guarantees, in the same way as the former constitutions, the right to weekly rest with pay.

Besides, section 67 of the Consolidation of Labour Laws, which remains in force, and section 1 of Act No. 605 of 5 January 1949 respecting paid weekly rest lays down the right of all employees to a weekly rest period.

The regulations approved by Decree No. 27048 deal with remuneration for weekly rest but in no case imply exclusion of the right to a day of rest. It is in this sense and in this legal context that the provision on which the Committee made observations should be understood.

BULGARIA

Resolution No. 2 of 28 December 1967 of the Central Committee of the Bulgarian Communist Party, the Council of Ministers and the Central Council of Industrial Associations respecting the gradual introduction of the five-day week (*D'rzhaven Vestnik*, 9 Jan. 1968, No. 2).

See under Convention No. 1.

The reduced weekly hours of work will result in an increase in the weekly rest period of workers in commerce and administrative services and the introduction of the five-day week will proceed according to the plan approved by the above-mentioned resolution.

In reply to a direct request made by the Committee of Experts the Government has stated that section 46 (a) of the Labour Code has not been applied in practice up to now, since the country is developing under peaceful conditions.

CUBA

Act No. 1120 of 19 July 1963 to prescribe the days to be observed as national anniversaries, public holidays and days of remembrance (*Gaceta Oficial*, 22 July 1963, No. 139, p. 7255 ff.).

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

The persons who are employed in the undertakings defined in Article 2 of the Convention, who are not covered by the legislation respecting weekly rest and who work less than eight hours per day and less than 44 hours in six days, are guaranteed a weekly rest period, in accordance with the Convention, of one full day of 24 consecutive hours in each period of seven days. This right is prescribed by the provisions of a general and compulsory character which are included in the above-mentioned Act respecting the execution of all the economic and social projects of the nation and the holidays to be granted in this connection. In accordance with this Act the persons concerned enjoy one day of rest each week on Sunday, as well as the holidays provided for in sections 4 and 5 of the Act, regardless of the number of hours worked by them per day and per week, within the maximum limits permitted by the constitutional and legal provisions in force.

CYPRUS (First Report)

Shop Assistants Act (*Laws of Cyprus*, Vol. IV, Ch. 185).

Employees (Hours of Employment) Order, 1961.

Act No. 15 of 1965 to amend the Hours of Work Act (*Episemos Ephemeris*, 20 Apr. 1967, No. 569).

Hotels (Conditions of Service) Regulations, 1965.

Act No. 72 of 1966 to ratify the Convention.

Catering Employees (Conditions of Service) Act and Regulations, 1968.

Article 1 of the Convention. The provisions of the Convention are applied by the above-mentioned legislation, as well as by collective agreements and in practice.

Article 2. Though the Employees (Hours of Employment) Order, 1961, does not specifically prescribe a weekly rest day, it does so by implication. Thus, a "week" is defined as the period between 6 a.m. on Monday and 6 p.m. on Saturday. The order covers clerical, executive and administrative employees and those partly engaged in such work.

Section 6 of the Shop Assistants Act expressly prohibits work on Sunday or, by order of the Council of Ministers, on another day of the week. Certain types of shops are excluded from the provisions of section 6. This does not necessarily mean that the shop assistants are actually employed on Sundays but only that the shops may be kept open.

All employees of hotels and catering establishments are granted a weekly rest period.

Article 3. The provisions of this Article are applied in practice and by collective agreements to all the establishments enumerated in clauses (a) to (d), with the exception of cinemas, where the work is part-time (from three to five hours every evening), as there is no continuous performance.

Article 4. There has been no need to define the separating line. There is little shift work; Sunday is generally regarded as a day of rest for white- and blue-collar workers alike.

Article 5. The Employees (Hours of Employment) Order, 1961, specifically exempts managers and members of the employer's family from its provisions.

Articles 6 and 7. A small number of persons covered by the Convention work on Sundays because of the special nature of their duties (e.g. persons employed in shipping, travel agencies and transport); another day of rest is often granted to them in lieu of Sunday under collective agreements. Commercial establishments are in most cases closed on Sundays.

Article 8. The provisions of paragraph 1 (a) of this Article coincide with those of paragraph 5 (a) of the Employees (Hours of Employment) Order, 1961, in so far as accidents, *force majeure* or urgent work to premises and equipment are concerned. With regard to the other matters listed in clauses (b) and (c) the order is, by implication, more restrictive, since it does not allow work on Sundays.

Article 9. This Article is applied by paragraph 6 (b) of the order.

Article 10, paragraph 1. The labour inspection service as well as the police are entrusted with the application of the above-mentioned legislation.

Paragraph 2. Fines and/or imprisonment are provided for in the legislation in the case of contravention of its provisions.

Article 11, clause (a). No special rest schemes are in force, except where provision is made in collective agreements.

Clause (b). See under Article 8.

The application of the Convention presents no difficulty. In certain cases shop-owners have been prosecuted under the Shop Assistants Act for keeping their shops open on Sundays. In practically all cases only the owner was present.

DENMARK

Occupational Safety, Health and Welfare (Commerce and Offices) (Amendment) Act, 1968.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Articles 7 and 8 of the Convention. The above-mentioned Act has amended, *inter alia*, section 16 (1) of Act No. 227 so that its provisions are now in conformity with the provisions of the Convention relating to compensatory rest for work performed on Sunday.

GHANA

In reply to an observation made in 1967 by the Committee of Experts the Government has supplied the following information.

The Labour Advisory Committee, consisting of Government representatives and an equal number of employers' and workers' representatives, has discussed and approved regulations which will give effect to the provisions of the Convention. Instructions have been issued to the Attorney-General to prepare and submit the regulations for assent, and when published, copies of them will be supplied to the ILO.

GUATEMALA

See under Convention No. 87.

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

The Civil Service Act has been promulgated.

Articles 7 and 8 of the Convention. The Ministry of Labour and Social Welfare has taken note of the observations made by the Committee and, when the opportunity arises, improvements will be made in all the legislation referred to by the Committee. The observations made by the Committee on section 128 of the Labour Code have been referred to the committee which is studying the changes that may have to be introduced in the legislation.

ITALY

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

The protection, as regards weekly rest, of state employees and employees of autonomous undertakings of the State, of territorial autonomous organisations, of public charitable and relief institutions and of other public bodies has not yet become the responsibility of the Ministry of Labour, as is evident from Act No. 370 of 22 February 1934 respecting Sunday and weekly rest.

The above-mentioned categories are in fact excluded from the scope of that Act. The Government is therefore not in a position to supply texts of the relevant regulations, as requested.

Article 3 of the Convention. As regards the specific provisions of the Act relating to weekly rest in undertakings, institutions and administrative services which provide personal services, in postal and telecommunication services, in newspaper undertakings and in places of public entertainment and amusement establishments, a distinction must be made between the public and private sectors.

The exceptions prescribed under section 1 of the Act are equally valid whether the activities mentioned in this Article are exercised by the State, as in the case of postal and telecommunication services, or by other public organs. However, private persons engaging in the activities in question are covered by the provisions of the Act.

Within the limits of what has just been stated special arrangements in respect of weekly rest are provided for under the Act and the regulations relating to such arrangements are laid down in section 5 (4) for work of public utility, list III approved by the ministerial decree of 22 June 1935 determining the activities to which the provisions of that section apply; in section 7 for work in the retail trade and similar operations; in section 12 for work in hotels; in section 13 for work in the publishing departments of newspaper undertakings; and in section 15 for sleeping car staff, commercial travellers and persons employed in public entertainment undertakings.

As regard the measures envisaged to extend the 24-hour consecutive rest period to persons employed in hotels and to bring sections 1, 6, 16 and 17 of Act No. 370 into conformity with the Convention, the studies undertaken with a view to revising the weekly rest arrangements are still in progress.

KUWAIT

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Articles 2, 7 and 8 of the Convention. The adoption of specific provisions will be considered in connection with amendments to the Labour Law, No. 38 of 1964. At present meetings are being held by a committee which has been established for the purpose of examining such amendments.

Article 11. The Government will shortly supply the ILO with the lists required by this Article.

PAKISTAN

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

The West Pakistan Shops and Establishments Act is still in the process of being enacted. After its enactment a copy of the text, together with a copy of the leave rules for government servants and local authority employees, will be supplied to the ILO.

PARAGUAY (First Report)

See under Convention No. 52.

The Articles of the Convention are applied by the Labour Code.

Articles 3 and 4 of the Convention. The provisions of the Convention are applied, in compliance with section 219 of the Labour Code, to employed persons in general in the private sector. Public officials, including employees of the postal and telecommunication services, are protected by Act No. 1506 of 31 October 1935.

Article 4, paragraph 2. No problem has arisen as regards the provisions of this paragraph.

Article 5. The persons enumerated in clauses (a) and (b) are excluded from the provisions of the Labour Code and the Convention is not applicable to them.

Article 7, paragraph 1. The categories covered by the exceptions to the weekly rest provided for by section 214 of the Labour Code are (a) watchmen's services; (b) hotels, bars, boarding-houses, restaurants and similar services; (c) public transport services; (d) cinemas, theatres, sporting establishments, radio and television services; (e) operations which, due to the nature of the work, cannot be interrupted; (f) medical services; and (g) autonomous organisations operating public services (transport, telephone, water supply, light and power). Workers employed on Sunday in the above-mentioned services or establishments are entitled to a compensatory weekly rest on any other day in the week following the Sunday in question.

Paragraph 2. The application of this paragraph is ensured by section 214 of the Labour Code.

Paragraph 4. Consultation of the organisations mentioned in this paragraph has not been necessary since all the cases envisaged are covered by the national legislation.

Article 8, paragraph 2. No measures have been adopted up to now for the consultation of employers' and workers' organisations.

Paragraph 3. The provisions of this paragraph are applied by section 214 of the Labour Code.

Article 11. See under Articles 7 and 8.

The application of the labour legislation is the responsibility of the Labour Administrative Authority acting through its inspectorate and enforcement service.

SYRIAN ARAB REPUBLIC

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that the new Labour Act has not yet been promulgated and that the observations of the Committee of Experts will be submitted for consideration to the committee appointed to draft the text.

TUNISIA

Act No. 12 of 3 June 1968 to issue regulations applying to employees of the State, local public services and public administrative establishments (*Journal officiel*, 7 and 11 June 1968, No. 24, pp. 625-633).

In reply to direct requests made by the Committee of Experts the Government has stated that section 37(1) of the above-mentioned Act contains a special provision sanctioning the established custom of weekly rest in the public service and expressly ensuring the full application of the Convention to public servants. Thus, the right to weekly rest of all the persons covered by Article 2 of the Convention is clearly guaranteed.

YUGOSLAVIA

See under Convention No. 14.

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	Haiti	4. 3. 1958
Belgium	19. 11. 1958	India	29. 9. 1958
Bolivia	12. 1. 1965	Malawi	22. 3. 1965
Brazil	18. 6. 1965	Mexico	1. 6. 1959
China	11. 10. 1962	Pakistan	15. 2. 1960
Colombia	4. 3. 1969	Paraguay	20. 2. 1969
Costa Rica	4. 5. 1959	Peru	6. 12. 1960
Cuba	2. 6. 1958	Portugal	22. 11. 1960
Dominican Republic	23. 6. 1958	Syrian Arab Republic	14. 1. 1959
El Salvador	18. 11. 1958	Tunisia	17. 12. 1962
Ghana	15. 12. 1958	United Arab Republic	14. 1. 1959

CHINA

Article 10 of the Convention. In reply to a direct request made by the Committee of Experts the Government has stated that, since highland people are guaranteed by law the same fundamental rights as other citizens, no special provision has been made to safeguard them against the improper application of preventive detention.

COSTA RICA

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

Article 8 of the Convention. Penal law is applied without any distinction whatsoever to all persons who commit a punishable offence on the national territory.

Article 10. It has not been possible to put the plans drawn up into practice, due to lack of funds.

Article 20. The mobile units attached to the Ministry of Public Health make two visits per month to the indigenous communities, dealing with about 100 indigenous patients on each visit.

Article 26. The National Apprenticeship Institute functions in a manner appropriate to the needs of the various economic and institutional sectors defined by the National Development Plan. Recently the Board of the National Apprenticeship Institute submitted to the Legislative Assembly for consideration and approval a Vocational Training Bill designed to regulate not only apprenticeship as such but all other forms of vocational training.

The National Apprenticeship Institute is making plans which cover the whole country, inclusive of the indigenous population.

EL SALVADOR

In reply to a request made by the Committee of Experts the Government has stated that the indigenous population has disappeared through inter-breeding and that the population as a whole is integrated into the life of the country without discrimination.

INDIA

The Government introduced in Parliament in 1967 the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, based on the recommendations of the Advisory Committee set up in 1965.

Certain areas in different states were declared to be scheduled areas and others ceased to be so designated.

The Government proposes to constitute an autonomous state within the state of Assam, comprising the autonomous districts of Garo Hills, Nhasi Hills and Jewai Hills. Matters affecting tribal interests, such as inheritances, marriages, social customs and the appointment and succession of chiefs would come within the purview of the autonomous state.

Article 12 of the Convention. In reply to a request made by the Committee of Experts the Government has stated that in Bihar state the number of tribal families displaced on account of the construction of the Bokaro steel plant was 1,488. As it was not possible to provide them with land, the displaced families were compensated in cash. A study concerning the displacement of tribal families due to another heavy engineering project in Bihar state showed that the compensation received by the scheduled tribes had been squandered away in practically all cases. The Commissioner for the Scheduled Castes and Scheduled Tribes has recommended that strenuous efforts should be made by state governments to acquire for the displaced families cultivable land in the neighbouring areas, and that employment should be found for displaced persons in the project areas through the organisation of service co-operatives.

Article 15. The representation of scheduled tribes in the central government services increased from 30,518 in 1959 to 52,655 in 1966. A committee was set up in June 1968 to review progress with regard to the employment of scheduled tribes and scheduled castes in services posts in the Government, the Union territory administrations and the public sector undertakings under the control of Government.

Article 16. A total of 1,990 scheduled tribe candidates have availed themselves of the training facilities provided under the craftsmen training programme.

Article 20. High priority has been accorded to the problem of the supply of drinking water in the successive five-year plans, and measures for improving this supply have been included as part of various development programmes.

Articles 21 and 22. The Government's report indicated the broad objectives of the programme of education for scheduled tribes and supplied information on the various schemes implemented for raising the educational standards of the tribal population.

Article 27. The Office of the Commissioner for the Scheduled Castes and Scheduled Tribes has been reorganised and strengthened.

PERU

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

Articles 17 and 18 of the Convention. To encourage vocational training in various fields, including handicrafts and small industries, among the indigenous population, the Peruvian Institute for Indigenous Affairs counts on the support of the National Institute for Instructor Training at Huancayo, which is situated in the central Sierra, and on the three vocational training centres established in the area skirting Lake Titicaca, or more specifically in the districts of Taraco, Chucuito and Camicachi. In addition, within the framework of the project for the development

and integration of the indigenous population, the Peruvian Institute for Indigenous Affairs has been made responsible for the administration and application of the programme concerning handicrafts and small industries in the Andean region. The programme is put into effect through the use of mobile training units. Moreover, the pre-vocational schools of the Ministry of Education in the Andean region provide primary education and, at the same time, train young people in handicrafts and small industries, taking into account the characteristics of each area.

Article 19. Measures designed to extend social security to certain agricultural workers (*colonos de hacienda*), most of whom are of indigenous origin, are being studied at present.

PORTUGAL

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

Article 3 of the Convention. Legislative Decree No. 43893 of 6 September 1961 repealed Legislative Decree No. 39666 of 20 May 1954 respecting the status of indigenous peoples. Since then the latter have been fully fledged citizens enjoying all political rights. Decree No. 43897 of 6 September 1961, for its part, recognises the validity of the private law customs and usage of certain communities whose economic, social and local development has not yet reached a stage sufficient to enable them to enjoy the benefits of the general legislation. Such recognition is only of a transitional nature, however, and the opportunity is open to the populations concerned to place themselves fully under the general legislation if they so desire.

Article 4. Decree No. 43896 of 1961 to organise administrative districts along traditional lines (*regedorias*) in the overseas provinces, and Act No. 3237 of 2 May 1962 of the general government of Angola to establish a technical committee for rural reorganisation, give effect to this Article.

Articles 11 to 14. The programme for the social promotion and organisation of the populations in the Pambangala region, in the province of Angola, was drawn up only after consultation of the populations concerned. Removal of these populations has taken place with their consent.

The Government's report gave details as to the nature and objectives of this programme.

Between 1963, when the programme was launched, and 1967, the region where the programme is being carried out developed considerably. This development has been reflected by an increase in the indigenous population, a rise in the standard of education (in 1963 there were no schools in the region, whereas by 1967 there were 13) and an improvement in economic levels.

In Mozambique there has been no removal of indigenous populations from their habitual territories by the Government, except in cases where populations have been brought together in groups (*aldeamentos*), with a view to concentrating populations scattered over a wide area. Removals of this kind have taken place in the northern regions in order to enable adequate arrangements to be made for agricultural, social, medical and health assistance. They have undoubtedly resulted in an improvement in the standard of living of the populations affected.

The Government's report gave details of the measures taken in several districts in Mozambique to facilitate the development of lands occupied by indigenous populations.

Article 21. Information was supplied in the Government's report as to the number and type of schools and the number of teachers and pupils in the different overseas provinces.

Article 24. Specimens of the primary-school syllabuses in use in the overseas provinces were furnished with the Government's report.

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

Countries	Ratification registered on	Countries	Ratification registered on
Barbados	8. 5. 1967	Italy	12. 8. 1963
Brazil	5. 11. 1963	Malta	4. 1. 1965
Canada	31. 5. 1967	Mexico	11. 9. 1961
France	8. 6. 1967	Portugal	3. 8. 1967
Ghana	19. 2. 1960	Tanzania (Tanganyika)	26. 11. 1962
Greece	9. 10. 1963	Tunisia	26. 10. 1959
Guatemala	28. 11. 1960	United Kingdom ¹	18. 2. 1964
Guyana	8. 6. 1966		
Honduras	20. 6. 1960		
Iran	13. 3. 1967		
Ireland	17. 6. 1961		

¹ In accordance with Article 1, paragraph 2, of the Convention fishermen shall not be regarded as seafarers for the purpose of this Convention.

BARBADOS

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

Article 2, paragraph 1, of the Convention. If a seafarer cannot produce evidence of his nationality, the port manager provides him with a seaman's certificate of identity, which indicates that the holder is a seafarer, but does not mention his nationality.

Article 5, paragraph 1. A seaman who holds a valid seaman's certificate of identity issued in Barbados may be readmitted to the national territory at any time before the expiry date indicated in the document, but not after that date. The necessary action is being taken in this connection to give effect to this provision of the Convention.

Article 6, paragraph 1. The crew of any ship may enter the national territory at any time while the ship is in port without being required to obtain leave to land.

BRAZIL

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

Article 3 of the Convention. The identity document remains in the seafarer's possession when he is discharged; when he is engaged, the document is placed at the disposal of the master.

Article 4, paragraph 5. A newly issued identity document is valid for one year and this is indicated in the document.

Articles 5 and 6. The Government recognises and accepts the seafarers' identity documents in the circumstances mentioned in these Articles.

GHANA

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

Article 1, paragraph 1, of the Convention. A seaman's certificate of nationality and identity is not issued under the Merchant Shipping Act, 1963, but by order of the President of the Republic. Every seafarer of Ghanaian nationality, including masters, pilots and cadets, is entitled, upon application, to a seaman's certificate.

Article 4, paragraph 2. The Government supplied a specimen copy of a seaman's certificate of nationality and identity, stating that the certificate now satisfied the requirements of the Convention.

GREECE

Act No. 373 of 1968 (*Ephemeris tēs Kyvernesseos*, 15 Apr. 1968, No. 79, Vol. A).

In reply to a direct request made by the Committee of Experts the Government has stated that under the national legislation a seaman's identity document is kept by the master during the period of the seaman's service on board. Nevertheless, whenever the seaman asks for it, the master must give the document to him, on condition that it is returned.

GUATEMALA

In reply to a direct request made in 1968 by the Committee of Experts the Government has stated that the decision of the Council of State on each of the amendments to the Labour Code proposed by the Ministry of Labour and Social Welfare is still awaited.

GUYANA

In reply to a direct request made by the Committee of Experts the Government has stated that the seafarer's identity document is still in process of revision. In the meantime seafarers continue to be issued with passports and, when the occasion arises, with certificates of identity.

ITALY

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that it has not yet taken action with regard to the formulation of a seafarer's identity document and is awaiting ratification of the Convention by highly developed maritime countries.

MALTA

Immigration (British Subjects) Ordinance, No. I of 1948.

Aliens Ordinance, No. II of 1949.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 2 of the Convention. National passports have so far been used by Maltese seamen for both nationality and identity purposes. However, steps have been initiated with a view to introducing the system of issuing seamen with identity cards.

Article 6. Seamen holding valid identity cards are allowed to land. This is laid down by the above-mentioned legislation.

MEXICO

In reply to the direct request made in 1967 by the Committee of Experts concerning the seafarer's book (*libreta de mar*), which, in order to meet the requirements of Article 4 of the Convention, ought to contain a statement to the effect that it is also

a seafarer's identity document, the Government has stated that the Department of Labour and Social Welfare has already informed the Department of Maritime Affairs of this problem, so that the question may be borne in mind when the seafarer's book is reprinted.

TUNISIA

Maritime Labour Code, Act No. 52 of 7 December 1967 (*Journal officiel*, 12 Dec. 1967, No. 52, p. 1563; errata: *ibid.*, 16 Jan. 1968, No. 2, p. 30) (*L.S.* 1967—Tun. 2).

In reply to a direct request made by the Committee of Experts the Government has stated that section 7 of the Maritime Labour Code provides that the form, pattern and period of validity of a seaman's book and the wording and form of a seaman's identity certificate, issued pending preparation of the book, if necessary, shall be prescribed by order of the Secretary of State for Merchant Shipping.

The draft seaman's service book now in course of preparation contains a statement to the effect that this document is a seafarer's identity document for the purposes of the Convention.

The provisions of Articles 5 and 6 of the Convention are complied with in practice.

UNITED KINGDOM

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 2 of the Convention. United Kingdom nationals who engage in employment on the basis of the type of articles which bring them within the terms of section 4 (a) of the British Seamen's Card Order, 1960, may be issued with a United Kingdom passport, indicating that the holder is a seaman.

Article 5. The readmission of foreign seafarers who, in conformity with the Convention, have been issued by the United Kingdom Government with identity documents, is secured by general instructions given under powers conferred on the Secretary of State by section 30 (2) of the Aliens Order, 1953.

Article 6. A foreign seafarer is allowed ashore for temporary shore leave in accordance with section 2 (1) (a) of the Aliens Order, 1953.

The entry of a foreign seafarer into the United Kingdom for any of the purposes mentioned in paragraph 2 of this Article is secured by general instructions given under powers conferred on the Secretary of State by section 30 (2) of the Aliens Order, 1953.

110. Plantations Convention, 1958

This Convention came into force on 22 January 1960

Countries	Ratification registered on
Brazil ¹	1. 3. 1965
Cuba	30. 12. 1958
Guatemala	4. 8. 1961
Ivory Coast	5. 5. 1961

Countries	Ratification registered on
Liberia	22. 7. 1959
Mexico	20. 6. 1960
Philippines	10. 10. 1968

¹ Excluding Parts II and III.

BRAZIL

Decree No. 53154 of 10 December 1963 (*Diário Oficial (D.O.)*, 12 Dec. 1963).

Legislative Decree No. 229 of 28 February 1967 (*D.O.*, 28 Feb. 1967, No. 40, p. 2423) (*L.S.* 1967—Bra. 2) to amend certain provisions of the Consolidation of Labour Laws.

Decree No. 60501 of 14 March 1967 (*D.O.*, 28 Mar. 1967, No. 58, p. 3585).

Decree No. 61554 of 17 October 1967 (*D.O.*, 19 Dec. 1967, No. 199, p. 10584).

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

Article 1 of the Convention. All the types of plantation mentioned in this Article are to be found in Brazil. There have been no consultations with representative organisations of employers and workers in this connection.

Article 2. The Constitution recognises the equality of all persons before the law.

Article 27. Section 458 of the Consolidation of Labour Laws, as amended by Legislative Decree No. 229 of 1967, prohibits the payment of wages in the form of alcoholic beverages or noxious drugs.

Article 29. Section 462 (4) of the Consolidation of Labour Laws prohibits undertakings from limiting the freedom of workers to dispose of their wages.

Article 30. Section 462 (1) to (3) of the Consolidation of Labour Laws applies this Article.

Article 34. Section 5 (a) and (b) and sections 28 to 41 of the Rural Workers' Status Act apply this Article.

Article 35. It is the responsibility of the trade unions to bring to the knowledge of their members the laws and regulations affecting them, and these laws and regulations appear in any case in an official publication available to all. Undertakings, for their part, are obliged, with a view to possible inspections to be conducted subsequently and on pain of legal penalties, to keep for five years records of the payments made by them.

Articles 36 and 41. The Rural Workers' Status Act authorises the accumulation of holidays by any rural worker for a maximum period of two years, regard being had to the requirements of the agricultural work to be performed and provided that there is no reduction in the holidays.

Article 47, paragraph 8. Section 392 (4) of the Consolidation of Labour Laws entitles a pregnant woman to request a change of job as soon as her normal activities would involve health risks on account of her condition.

Article 48, paragraph 3. The regulations approved by Decree No. 53154 of 10 December 1963 (section 46) and those approved by Decree No. 61554 of 17 October 1967 (sections 42 and 46) specify the benefits to which women are entitled.

Articles 51 to 53. Legislative Decree No. 7036 of 10 November 1944 respecting industrial accidents is applicable to plantation workers. No distinction is made in this connection between foreigners and nationals.

Article 54. The right to associate is governed by law (sections 114 to 118 of the Rural Workers' Status Act).

Article 55. Individual labour disputes come within the competence of the arbitration boards, but it is possible to appeal to the labour courts.

Article 62. Under the law the legal personality of a trade union is recognised automatically if the relevant provisions in force have been observed at the time of its formation.

Article 63. Sections 117, 127 to 130 and 132 to 134 of the Rural Workers' Status Act deal with the subject-matter of this Article.

Article 64. A trade union can be dissolved only by judicial process (article 150, paragraph 28, of the Constitution). However, the legislation provides for the suspension or cancellation for a maximum period of six months of the document recognising a trade union.

Article 65. This matter is governed by sections 131 and 140 of the Rural Workers' Status Act.

Article 66. The same provisions apply in principle to confederations as to trade unions.

Article 67. In order to conclude a collective agreement trade union bodies must be recognised in accordance with sections 119 to 121 and 131 of the Rural Workers' Status Act.

Article 68. There are constitutional provisions guaranteeing freedom of thought and freedom of assembly or association, subject, however, to the exigencies arising out of a state of emergency.

Articles 69 and 70. The right to organise is protected by the Constitution.

Article 71. There is no special body in the labour inspectorate responsible solely for the inspection of plantations.

Article 72. Provision is made in article 95, paragraph 1, of the Constitution for labour inspectors to be recruited on the basis of a competition.

Article 73. There is no restriction on freedom of communication between labour inspectors, workers and workers' representatives.

Articles 85 to 87. There is a national housing programme which is being implemented by the National Housing Bank. The Bank is managed by an executive council which includes employers' and workers' representatives. Rural workers are among the beneficiaries of the programme. Housing co-operatives run by the trade unions are being planned or are already in existence.

Article 88. The conditions governing the leasing of housing by plantation workers are the same as those applying to workers in general. A dismissed worker has 30 days in which to vacate his dwelling under section 51 of the Rural Workers' Status Act.

Articles 89 and 90. Medical assistance for rural workers is provided as far as possible through the Rural Workers' Insurance and Assistance Fund set up under a recent decree with tripartite administration.

Article 91. There is a public service specially responsible for dealing with endemic diseases in rural areas.

CUBA

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

Article 48, paragraph 1, of the Convention. See under Convention No. 103.

Article 52. All the benefits granted under Act No. 1100 of 27 March 1963 respecting social security are paid on the national territory to Cuban and foreign insured persons without distinction.

Articles 76, 78 and 79. See under Convention No. 81.

Article 84. The regional inspectors of the Ministry of Labour submit reports on their work to the office to which they are attached.

PART IX. RIGHT TO ORGANISE AND COLLECTIVE BARGAINING

PART X. FREEDOM OF ASSOCIATION

See under Convention No. 98.

GUATEMALA

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

Article 2 of the Convention. The Labour Department of the Ministry of Labour and Social Welfare is responsible, at the time when new trade union leaders are inscribed, for the application of provisions of the Constitution laying down that only Guatemalan subjects by birth may carry on activities connected with the organisation or management, or belong to the advisory bodies, of industrial associations.

Articles 5 to 19. In July 1968 the Ministry established a technical committee to study the Bill to lay down rules respecting temporary agricultural work. The General Association of Farmers has been authorised to set up placement offices. An expansion of the employment service is envisaged.

Articles 14, 15, 50, paragraph 1, 79 and 80. A Bill to amend the Labour Code is at present under consideration.

Article 16. The recommendations of the technical committee set up to study the Bill to lay down rules for temporary agricultural work have dealt with this question.

Articles 24 and 25. Six collective agreements concerning working conditions in agriculture are concluded every year on an average. Minimum wages have not yet been fixed for agriculture.

Article 48. The scheme for the protection of mothers and children has not yet been expanded owing to the lack of adequate financial resources. The entry into force of the new regulations for the sickness insurance scheme will have an effect on the scheme for the protection of mothers and children, even in agriculture.

Articles 62, 63 and 67. See under Convention No. 87.

Articles 81 and 84, paragraph 2. The general labour inspectorate lacks full information on the points covered by these Articles of the Convention.

111. Discrimination (Employment and Occupation) Convention, 1958

This Convention came into force on 15 June 1960

Countries	Ratification registered on	Countries	Ratification registered on
Argentina	18. 6. 1968	Liberia	22. 7. 1959
Brazil	26. 11. 1965	Libya	13. 6. 1961
Bulgaria	22. 7. 1960	Malagasy Republic	11. 8. 1961
Byelorussia	4. 8. 1961	Malawi	22. 3. 1965
Canada	26. 11. 1964	Mali	2. 3. 1964
Central African Republic	9. 6. 1964	Malta	1. 7. 1968
Chad	29. 3. 1966	Mauritania	8. 11. 1963
China	13. 2. 1962	Mexico	11. 9. 1961
Colombia	4. 3. 1969	Morocco	27. 3. 1963
Costa Rica	1. 3. 1962	Nicaragua	31. 10. 1967
Cuba	26. 8. 1965	Niger	23. 3. 1962
Cyprus	2. 2. 1968	Norway	24. 9. 1959
Czechoslovakia	21. 1. 1964	Pakistan	24. 1. 1961
Dahomey	22. 5. 1961	Panama	16. 5. 1966
Denmark	22. 6. 1960	Paraguay	10. 7. 1967
Dominican Republic	13. 7. 1964	Philippines	17. 11. 1960
Ecuador	10. 7. 1962	Poland	30. 5. 1961
Ethiopia	11. 6. 1966	Portugal	19. 11. 1959
Gabon	29. 5. 1961	Senegal	13. 11. 1967
Federal Republic of Germany	15. 6. 1961	Sierra Leone	14. 10. 1966
Ghana	4. 4. 1961	Somalia	8. 12. 1961
Guatemala	11. 10. 1960	Spain	6. 11. 1967
Guinea	1. 9. 1960	Sweden	20. 6. 1962
Honduras	20. 6. 1960	Switzerland	13. 7. 1961
Hungary	20. 6. 1961	Syrian Arab Republic	10. 5. 1960
Iceland	29. 7. 1963	Tunisia	14. 9. 1959
India	3. 6. 1960	Turkey	19. 7. 1967
Iran	30. 6. 1964	Ukraine	4. 8. 1961
Iraq	15. 6. 1959	U.S.S.R.	4. 5. 1961
Israel	12. 1. 1959	United Arab Republic	10. 5. 1960
Italy	12. 8. 1963	Upper Volta	16. 4. 1962
Ivory Coast	5. 5. 1961	Viet-Nam	6. 1. 1964
Jordan	4. 7. 1963	Yugoslavia	2. 2. 1961
Kuwait	1. 12. 1966		

BRAZIL (First Report)

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

Act No. 1390 of 3 July 1951.

Social Insurance Act, No. 3807 of 26 August 1960 (*D.O.*, 5 Sep. 1960, No. 204, p. 12157).

Decree No. 48959-A of 19 September 1960 to approve the General Social Insurance Regulations (*D.O.*, 29 Sep. 1960, No. 223, p. 13133; errata: *D.O.*, 29 Oct. 1960, No. 247, p. 14349).

See also under Convention No. 100.

Under the Constitution a Convention that has been approved and promulgated by special decree automatically acquires the force of national law, and repeals or modifies any legal provision that is incompatible with its terms (section 2 of the Civil Code). In the case of the present Convention the national legislation contains all the provisions necessary for its application.

Article 1 of the Convention. There is no distinction, exclusion or preference based on the grounds set forth in the Convention that can nullify or impair equality of opportunity or treatment in employment. Article 150 of the Constitution provides that “all citizens are equal before the law without distinction made on the basis of sex, race, work, religious belief or political conviction”, and article 158 prohibits any discrimination in wages and standards for access to employment based on sex, colour or civil status. There are, however, restrictions connected with the exigencies of national security (articles 165 and 166 of the Constitution) as well as provisions laying down the proportion of nationals required to be employed in public utilities and in establishments belonging to certain branches of commerce and industry (article 158, paragraph XII). Sections 352 and 358 of the Consolidation of Labour Laws deal with the proportion of Brazilian wage earners in undertakings, section 358 specifying that it shall not be lawful for any undertaking to pay to a Brazilian a wage lower than that of an alien carrying out similar duties. These measures do not discriminate against the foreign worker, but ensure the protection of the Brazilian worker. Foreigners who have lived in Brazil for more than ten years and have a Brazilian wife or child are treated as Brazilian nationals (section 353 of the Consolidation of Labour Laws).

Article 2. Brazil is, by tradition and sociologically, a political and social democracy where no spirit of discrimination is to be found. Nevertheless, Act No. 1390 of 3 July 1951 exists to punish instances of discrimination that may, exceptionally, arise out of practices based on race or colour.

Article 3. The trade union organisations may collaborate with the services of the Ministry of Labour and Social Welfare under section 513 of the Consolidation of Labour Laws, which provides that trade unions shall have the right to represent before the administrative and judicial authority the general interests of the occupational category or liberal profession in question or the individual interests of their members in connection with the activity or occupation carried on by them.

It does not seem necessary to amend the legislation in force with a view to the observance of all the provisions of the Convention.

BULGARIA

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

The “crimes against the People’s Republic”, provided for in Chapter 1 (sections 95 to 114) of the Penal Code, consist of the type of behaviour against the people referred to in section 19 (*a*) of the Education Act.

Citizens are in practice informed and educated on problems of equality of opportunity and non-discrimination through the consistent policy followed by the Ministry of Public Education in the approval of programmes for secondary and higher education establishments, through the application of these programmes and through the employment for the purpose of every means of propaganda, such as the press, radio, television and works of art.

CANADA

Provincial Legislation.

New Brunswick.

Human Rights Act of 16 May 1967 (16 Eliz. II, Ch. 13) (Acts of the Legislature of New Brunswick, 1967, p. 165).

Nova Scotia.

Human Rights Commission Act, 1967 (Statutes of Nova Scotia, ch. 12).

Human Rights (Amendment) Act, 1967, to amend Chapter 5 of the Act of 1963 (*ibid.*, Ch. 91).

Prince Edward Island.

Act to amend the Equal Pay Act, 1967 (Statutes of Prince Edward Island, Ch. 15).

Human Rights Code, 1968 (ibid., Ch. 24).

Ontario.

Human Rights Code (Amendment) Act, 1967.

Age Discrimination Act of 6 April 1966 (Statutes of the Province of Ontario, 1966, p. 7), as amended by the Age Discrimination (Amendment) Act, 1968.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

During the period 30 June 1966 to 30 June 1968 human rights legislation was passed in the provinces of New Brunswick, Nova Scotia and Prince Edward Island, and minor amendments were made to existing legislation.

The New Brunswick Human Rights Act has consolidated the Fair Employment Practices Act, 1956, and the Fair Accommodation Practices Act, 1959, and has established a Human Rights Commission to administer the Act. The Act in its consolidated form also amends the former Fair Employment Practices Act by making its provisions applicable to all employers, regardless of the size of their work force. The Ontario Human Rights Code (Amendment) Act has the same effect. The provisions in each case did not previously apply to employers with fewer than five employees.

The Ontario Age Discrimination (Amendment) Act provides that employers or their agents must not display or publish notices or advertisements that express an intention to discriminate against the employment of persons between 40 and 65 years of age.

The Nova Scotia Human Rights Commission Act has created a Human Rights Commission whose functions, apart from the co-ordination of human rights activities in the province, include research, education and information in the general field of human rights and advice to government departments on human rights problems.

The equal pay provisions of the Nova Scotia Human Rights Act were amended to make it compulsory to pay female employees the same wage as male employees "for substantially the same work" (instead of, as previously, "for the same work").

The Prince Edward Island Act to amend the Equal Pay Act makes a similar amendment and strengthens the penalties for non-compliance with the Act.

The Prince Edward Island Human Rights Code follows the pattern of other Canadian human rights legislation. Discrimination is forbidden on the grounds of race, religion, religious creed, colour or ethnic or national origin in regard to employment as well as to public accommodation and housing. Specific provisions forbid discrimination in hiring and conditions of employment, employment application forms, job interviews and advertisements, exclusion from trade union membership and the publication of notices and signs. The provisions of the Act do not apply to domestic servants in private homes, to specified types of non-profit organisations or those operated to foster the welfare of religious or ethnic groups.

To help understanding of and compliance with the principles of the Code, the Minister of Labour and Manpower Resources is directed to develop educational programmes designed to eliminate discrimination.

In December 1967 the Prime Minister declared that the International Year for Human Rights in 1968 would be observed in Canada. The subsequent increase in the general distribution of publications relating to human rights in employment has ensured a wide knowledge of national policy as expressed in the laws prohibiting discrimination and in related pamphlets and bulletins.

The result has been a continuing increase in the number of individuals making inquiries and formal complaints at both the federal and provincial levels, which reflects a growing awareness of the existence of the laws and confidence in the machinery for investigation.

A separate branch of the federal Department of Labour—the Fair Employment Practices Branch—was set up in 1967 with a director and full-time staff to administer the Fair Employment Practices Act, 1953, and to promote a national educational programme designed to secure acceptance and observance of the policy of equal opportunity.

A notable development in national policy is the promotion of the principle of affirmative action by both the federal Government and the provincial governments, as well as employers and unions, not just to eliminate discrimination *per se*, but to extend practical assistance and encouragement to historically socially disadvantaged groups, such as Indians, Eskimos and Negroes, so that they will come forward for training and employment in increasing numbers. The construction industry was chosen for an experiment in such affirmative action, involving management, organised labour and federal and provincial agencies.

During the past two years over 300,000 pamphlets and leaflets dealing with discrimination and fair employment practices legislation have been printed and widely distributed by the federal Department of Labour. Several of the provinces have also distributed many thousands of related publications.

Other activities of the federal Government include the establishment of close liaison with a large variety of agencies in the fields of human and civil rights throughout Canada, as well as with six provincial Departments of Education (with a view to having human rights as related to employment, the roots of prejudice, etc., introduced into school curricula); the acquisition during the past year of books or major papers on human rights subjects, available as a free lending service to students and others through the Department of Labour library; and the preparation of two films—one designed for employment supervisors and students on the problems of people from minority groups and the other explaining the anti-discrimination laws and the meaning of affirmative action. Provincial agencies have in similar ways undertaken to promote awareness of their laws and the need for affirmative action programmes.

Discussions are being held with government agencies to ensure that there are no administrative practices which would tend to inhibit or discourage equal opportunity for members of minority groups.

The Canada Fair Employment Practices Act does not apply to federal government employment, but, since it was intended that the spirit of the Act would also be operative in the federal public service, complaints against federal government departments and agencies were investigated by the Fair Employment Practices Branch, Department of Labour, in a manner similar to investigations carried out in respect of private employers. Several meetings were held with senior officers of key departments with a view to evolving affirmative action programmes similar to those being proposed to industry.

In addition, two federal departments and a large federal agency have agreed to undertake an experiment in staff education to bring about awareness of the problems of discrimination and minority groups. As techniques are developed, other departments will be encouraged to undertake similar staff training.

In 1967 and 1968 the staff of manpower centres throughout the country received directives reminding employees of the legal prohibition against discrimination in employment, urging vigilance in ensuring compliance with the law in the placement process and (in the latter directive) outlining a new administrative procedure for reporting suspected cases of contravention.

Indian and Negro minorities have benefited from various measures—such as training, labour mobility assistance programmes and pilot relocation schemes—undertaken by the relevant government departments to improve the employment situation of such minorities.

According to the statistics of the Department of Indian Affairs and Northern Development for the period 1 April 1967 to 31 January 1968, 11,363 Indians were enrolled in post-school training programmes (upgrading, vocational training, adult education, university, etc.), 200 received in-service and on-the-job training and a total of 12,061 are known to the Department to have been placed in regular or short-term employment.

Continuing liaison is maintained by the Department's counsellors with appropriate agencies, including trade unions and employers, to ensure that the training and employment needs of Indians are made known.

All in all there has been a growing awareness of the existence of anti-discrimination laws, enforcement agencies, the problem of disadvantaged minorities and the need for affirmative action, and considerable evidence of more interest in 1968 at both the national and community levels by management organisations and organised labour in the whole area of human rights in employment.

CHAD (First Report)

See under Convention No. 5.

The General Collective Agreement affords adequate protection against all acts of discrimination in respect of employment. Under this agreement employers undertake, in reaching decisions as regards in particular the engagement of new employees, the organisation or sharing out of work, disciplinary measures and dismissals or promotions, not to take into account the political opinions, the ideological or religious beliefs, or the social or racial origin of workers.

Section 141 of the Labour Code provides that in equal conditions as regards work, occupational skill and output, the same wage shall be payable to all workers, irrespective of origin, nationality, sex and age.

CHINA

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

China has no traditional practice of discrimination as defined in the Convention. However, various departments, organisations, schools, companies, shops, factories and mines have been instructed to observe the provisions of the Convention. Since no incident contrary to the latter's requirements is likely to occur, it will not be necessary to introduce any additional measures or procedures.

The Ministry of the Interior is the competent authority for dealing with discrimination matters.

No case has been heard in the courts concerning the application of the Convention.

CZECHOSLOVAKIA

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

The provisions governing access to employment lay down only conditions of an objective nature (relating to qualifications, aptitude of the worker for a specific employment, requirements of the economy). The people's committees are responsible for providing workers with jobs "corresponding to their legitimate interests and the needs of the national economy" (section 26 (1) of the Labour Code). Undertakings are expected to make arrangements for the training of unskilled workers and young persons who have completed their compulsory schooling and to take responsibility for

the basic and advanced training of workers in general, ensuring that they "are employed on jobs corresponding to the skills they have acquired" (sections 141 and 142 of the Labour Code). The district people's committees, which are responsible for the placement of applicants for employment, are required to organise a free vocational guidance service and recommend undertakings to engage workers "in the light of their abilities and the needs of the national economy" (Act of 17 October 1958 respecting the duties of undertakings and people's committees in making provision for manpower, section 2 (1)). An undertaking cannot refuse to conclude a contract of employment or apprenticeship with a person who has been recommended and who satisfies the requirements for a particular job unless there are serious valid grounds for such refusal (Government Ordinance No. 92 of 1958). When a request for employment is not met the committees must indicate to the worker what other measures will be taken and within what period of time (instructions of the State Planning Office respecting Ordinance No. 92 of 1958).

The above-mentioned provisions governing the procedure for access to employment apply even as regards the placement in employment of young persons still under a contract of apprenticeship (section 227 of the Labour Code). Any distinction based on sex, nationality, race, etc., is excluded. The only exception is that certain types of work are prohibited for women and adolescents in view of the danger they would involve for these persons (sections 150 and 167 of the Labour Code). With regard to access to secondary schools and higher education, the selection of pupils is carried out on the basis of objective criteria; the pupils are guided in accordance with the interests of society, due regard being had to their abilities, aptitudes and interests. Special conditions for access to certain schools are laid down in view of the nature of the future occupation (glassworks, coal mines, forestry). The conditions for admitting pupils to secondary schools have been amended for the year 1969-70, while those relating to admission to higher education establishments are on the point of being amended, but the above-mentioned basic principles will still be respected.

In 1966 women represented 45.2 per cent of the economically active population and 42.9 per cent of workers having received a secondary or higher education.

In 1966-67, 61.4 per cent of all students in vocational schools were in Bohemia and 38.6 per cent in Slovakia, including nearly 51 per cent of women in both cases (the population of Czech nationality represents 65.1 per cent and the population of Slovak nationality 28.9 per cent of the total population).

DAHOMÉY

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

In order to give suitable publicity to competitions for recruitment to the civil service, the chief of the branch concerned arranges for a decision to be taken on the opening of the competition at least three to six months before the date thereof. The decision specifies the conditions that must be fulfilled by the candidates and the papers they must produce. It is published in the *Journal officiel* and broadcast over the radio for one or two weeks, three times per day. It is also posted up in every administrative district.

ETHIOPIA (First Report)

Constitution, 1955 (articles 38 and 47).

Central Personnel Agency and Public Service Order, No. 23 of 1961, and regulations, 1962, made thereunder.

Public Employment Administration Order, 1962.

Article 1 of the Convention. There exists in law, in administrative practice or in any other arrangement no distinction, exclusion or preference which has the effect of impairing equality of opportunity or treatment in employment or occupation amongst Ethiopian nationals.

Article 2. As stipulated by the Constitution “there shall be no discrimination amongst Ethiopian subjects with respect to the enjoyment of all civil rights” (article 38) and “every Ethiopian subject has the right to engage in any occupation...”.

According to section 12 of the Public Employment Administration Order, the public employment administration shall adhere to the following general principles: (a) non-discrimination against any undertaking or person and (b) subject to Chapter VI of the order, freedom of choice of occupation by applicants and of employee by employers.

The methods of recruitment, selection and appointment of government employees are prescribed by section 10 of the Central Personnel Agency Regulations.

A draft concerning the terms and conditions of access to vocational training is under study.

So far as could be observed in practice, recruitment, selection and appointment to the management training centre were carried out without any discrimination whatsoever.

Article 3, clause (a). The Public Employment Administration Order provides for the participation of employers and employees in its implementation (section 8) and for the co-operation of the Public Employment Office with other interested bodies (section 9).

Clause (c). Since there is no contradiction between the Convention and the national legislation and practice, there is no need for any modification of existing provisions.

Clause (d). Pursuant to the Central Personnel Agency and Public Service Order of 1961, administrative regulations have been issued providing for the advertisement, by suitable means, of all vacancies and the examination of applicants by the Central Personnel Agency.

Article 5. The situation referred to under this Article does not exist.

The application of the above-mentioned legislation is entrusted to the Minister of Community Development and Social Affairs and the High Commissioner, together with the Deputy and Assistant Commissioners.

FEDERAL REPUBLIC OF GERMANY

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

The programme for the political education of adults has been maintained and expanded. During 1967 about 100 lectures were specially organised on the subject of prejudices.

With a view to opposing anti-semitism and prejudices and discrimination in general, a large number of publications were distributed during the period under review.

Study tours in Israel, begun in 1963, have become of great importance. They are organised by the federal centre, and include an average of 35 participants, among whom are teachers and lecturers in adult education, journalists, radio and television commentators, politicians and scientists.

Other similar study tours organised by the largest social and cultural communities have received considerable financial help from the federal centre.

A summary of a report prepared by the Government at the request of Parliament on the position of women, particularly as regards occupational activities, was enclosed with the Government's reply.

GHANA

Daily-Rated Workers (Minimum Remuneration) Instrument, 1966 (E.1.34).

Minimum Remuneration Instrument, 1968 (E.1.57).

See also under Convention No. 59.

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

The Constitution has been suspended and a new draft Constitution has been published which, if accepted by the people, will ensure freedom from discrimination.

From the policy pursued at the public employment centres in the registration of job seekers and the nomination of persons for notified vacancies it is quite clear to the public that the Government pursues a policy of equality of opportunity and treatment in employment and occupation. The newly established centre for civic education, a non-political organisation, and its various units throughout the whole country, educate the public along these lines.

In reply to observations made by the Committee of Experts regarding the right of appeal against dismissal of civil servants, the Government has stated that these observations have been brought to the notice of the Public Service Commission, which will deal with them and advise the Government on their implications.

GUATEMALA

See under Convention No. 87.

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

The Department of Labour and Social Welfare has taken all the necessary steps for the implementation as soon as possible, in co-operation with the ILO, the United Nations, the Food and Agriculture Organisation of the United Nations, the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation, of the programme for the full development of the high plateau. The National Economic Planning Council has given priority to this programme on account of the importance attached to the improvement of the living conditions of the whole population.

With regard to the restrictions based on race or national extraction imposed by Decrees Nos. 1813 and 1823 of 1936, the Department of Labour and Social Welfare shares the concern of the Committee about the need to bring the legislation into harmony with the Conventions in force.

First-hand information obtained by the Department of Labour and Social Welfare from various vocational guidance and training centres shows that equality of opportunity is guaranteed for all students without distinction or discrimination.

No regulations have yet been adopted in respect of the employment service to cover the case in which an employer, in notifying vacancies or selecting workers, imposes conditions or shows preferences that might have a discriminatory character.

The General Inspectorate of Labour is empowered, if it should observe any element whatsoever of discrimination during the revision of works rules, to order that the rules in question be amended.

A copy of the text of the Civil Service Act was enclosed with the Government's report.

GUINEA

Decree No. 146/PRG of 4 July 1965 respecting senior civil servants.

Decree No. 299/PRG of 18 October 1965 respecting auxiliary staff in government departments.

Decree No. 300/PRG of 18 October 1965 respecting workers in the private sector.

The distribution of income is governed by the three above-mentioned decrees. Wage rates are uniform for all occupational categories in the same sector (public or private).

The Labour Advisory Board, established under sections 209 *et seq.* of the Labour Code, and attached to the Ministry of Labour and Social Affairs, has among its members employers' and workers' representatives, appointed by order of the Minister of Labour and Social Affairs on the advice of the most representative industrial organisations.

Any person discriminated against in respect of his employment has the right to appeal to the labour inspector, his trade union or the labour court. The person responsible for the discrimination is summoned to appear before the court.

The education and information of the public about anti-discrimination policy is handled by the political party and the trade unions through meetings and seminars.

No legislative measure inconsistent with the national anti-discrimination policy may be enacted.

Conditions of advancement and employment as well as dismissals and reductions of staff may only be decided upon in specified circumstances and must be supervised by the Civil Service and Employment Department.

There is no report or study available showing the results of the measures taken under the national policy in regard to the vocational training, employment and conditions of employment of persons defined according to criteria such as those stated in Article 1.

Measures taken against individuals suspected of, or engaged in, activities prejudicial to the security of the State are not deemed to be discrimination.

The above-mentioned legislation and administrative regulations are enforced by the General Directorate for Labour and Social Affairs acting through the labour inspectors.

HUNGARY

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

The promotion of public information and education in connection with the Government's policy of equality of opportunity and treatment is ensured in various ways, and includes use of the radio, the television and the press, as well as action by the various occupational and information societies, the social organisations and the trade unions.

The public is informed about the rights of each citizen, particularly on the following occasions: Constitution Day, when the above-mentioned institutions celebrate the right to work without discrimination as an inalienable right of every citizen, and the anniversary of the adoption of the United Nations Declaration of Human Rights, when these rights are brought anew to the attention of the workers. The public was also widely informed in this respect during the preliminary discussions on the drafting of the new Labour Code, in which the occupational and information federations took part.

With a view to making everybody aware of his equality in all fields, including that of recruiting, an important programme of education in this respect has been incorporated in the curriculum of primary schools. Under this programme the school-

children consider the question of equality in the various kinds of work (intellectual and manual) and the social necessity for work. Mass information media serve not only to inform the population of its rights but also educational purposes.

One of the themes discussed is the problem of eliminating the prejudices shown against certain backward groups in the gipsy population. These lingering prejudices are not as a rule an impediment to employment, but they do represent a reactionary attitude from the social point of view and prevent the raising of the standard of living of the gipsy population as well as the education of gipsy children.

The assistance given to the gipsy population is not confined to information intended to put an end to their difficult conditions; it also covers the provision of teaching materials, clothing and food; teachers give particular care to the education and the scholastic progress of gipsy children. Better housing is being provided for those who used to live in settlements unworthy of human beings.

The various methods used by the Government to integrate this ethnic group, only a few years ago leading a nomad life, into regular work and civilised surroundings have produced important results, although there is still work to be done in this field. The Government wishes to continue to apply the provisions of the Convention.

INDIA

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

The employment of girls at all stages has further improved as a result of steps taken by the Government to encourage female education.

As regards the measures taken for the observance in practice of the principle of non-discrimination in the private sector, the Employers' Federation of India brought the relevant conclusion reached by its Standing Labour Committee at its 24th Session (February 1966) to the notice of all its constituent members for the necessary action. The Federation also stated that it was not aware of any wilful discrimination by industry in the matter of recruitment on grounds of caste, community, religion, language, etc.

At the Third Meeting of the State Committee on Employment (November 1967) the representatives of private employers of the Union territory of Pondicherry agreed to consider the question of reserving a certain percentage of posts in their establishments for members of Scheduled Castes. Subsequently, private employers employing 25 or more persons were requested to reserve at least 10 per cent of their posts for these persons.

The principle of equality between persons belonging to Scheduled Castes and Scheduled Tribes and other persons is strictly observed by the employment exchanges with regard to employment assistance and submission of applications for employment, both in the public and private sectors.

So far no case has come to the notice of the Government in which any member of these groups has been rejected by a prospective employer on any ground other than merit.

A committee has been appointed to examine the working of the Untouchability (Offences) Act, 1955, and of the various welfare measures taken for the economic and educational advancement of the Scheduled Castes. The committee's final report is expected to be submitted shortly.

The central Government takes disciplinary action against any employee found to be practising untouchability. Copies of the instructions issued in this regard were attached to the Government's report.

The Government also appended to its report extracts from the report of a seminar on the employment of Scheduled Castes and Scheduled Tribes held in January-February 1964; a statement giving the number of registrations and placements effected by the employment exchanges during the years 1966 and 1967 in respect of Scheduled Castes and Scheduled Tribes and other categories of applicants; and a copy of the Supreme Court decision in Writ Petition No. 11 of 1967.

In addition it stated that a copy of the Eighth Report of the Commissioner for Linguistic Minorities would be forwarded to the ILO after it had been presented to Parliament.

See also under Convention No. 107.

IRAN

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

In Iran the ratification of any Convention gives the force of national law to its provisions, and it is the Government's task to enforce them. The text of the ratified instrument, published in the official gazette, is immediately brought to the knowledge of the public, government departments and employers' and workers' organisations.

The regulations of 4 June 1964 respecting workers' and employers' associations, which have repealed and replaced the decree of 9 November 1955, contain no provisions which might restrict the trade union activities of individuals on grounds including membership of a political party.

The public employment service has never met with a case of an employer imposing conditions or expressing preferences in connection with a job vacancy which might be deemed to be discrimination within the meaning of the Convention (Article 3, clause (e)). It would take such action as was necessary if such a case should arise.

A growing number of women are assuming responsibilities at different levels in public administration and in the private sector. They include at present one minister (national education), two senators and seven deputies, as well as a considerable number of lawyers.

ITALY

The day-to-day implementation of the principle of equality of opportunity and treatment in respect of employment and occupation is the task of the law, and is achieved in practice thanks to the effective participation of employers' and workers' organisations in the various sectors of the economy.

The statutory provisions in respect of placement define the employment service as being a public service and entrust its operation to exchanges authorised on an ad hoc basis. Whenever the public employment service learns of irregular practices on the part of an employer which are detrimental to a worker as regards his placement it must impose the penalties prescribed by law.

According to the statistics the number of women in gainful employment fell by more than a million between 1961 and 1967. This phenomenon has recently been studied by a national conference on the problems of women's employment, which made a thorough analysis of the structural aspects of and trends in the supply of and demand for women workers.

In agriculture there is a general decline in available employment, which reflects the present phase of economic development in Italy. There is one special feature about it as far as women are concerned, however. The changes and mechanisation increasingly taking place in agriculture have resulted in the displacement of women workers due to their insufficient level of skill and lack of adequate training in the new production methods.

The measures taken to encourage the employment of women in country areas are designed to give women agricultural workers a genuine occupational status by providing training and technical assistance for them to enable them to acquire the cultural grounding essential to the running of an undertaking today.

A steady decline in the number of women workers has also been noted in the industrial sector. The causes are complex and linked with the growing concentration of industry and the disappearance of the handicraft and family type of undertaking, a large proportion of whose employees were women. In view of the low level of occupational skill of the women who have lost their jobs it has been difficult for them to be absorbed into larger undertakings. Furthermore, the large-scale migration of male workers from the southern part of the country to the north has helped to reduce the number of jobs available for women by offering a choice between male workers and female workers, to the advantage of the former. In consequence the absorption of women workers into industry continues to depend largely upon their occupational qualifications. It is a problem which is being given top priority by the public authorities. The level of basic scholastic education has been raised, and the access of women to secondary and higher studies, particularly as regards the technical or vocational sections, has been encouraged.

In order to facilitate a return to work for women who, upon marriage or upon becoming mothers, have left their jobs so as to be able to devote themselves to their families, the traditional concept of the infrastructure has been broadened to include the planning of services directly concerned with the family. An extension of the network of day nurseries is provided for in the economic development plan and state-run kindergartens have been opened to enable children to attend lessons and be looked after while their mothers are at work.

The sharp drop in employment opportunities in agriculture and in industry has led to a heavy build-up of women workers in tertiary activities, where the figure rose from slightly more than 30 per cent of all employed women in 1961 to over 40 per cent in 1967. There is less competition from male workers in these activities, and wage levels are generally lower.

KUWAIT (First Report)

Constitution of 11 November 1962.

Labour Law (Private Sector), No. 38 of 1964 (*Kuwait Al-Yawm*, 1964, No. 462).

General Assistance Law, No. 19 of 1962, as amended in October 1964.

The Convention has been approved by the National Assembly and promulgated. In accordance with article 70 of the Constitution the provisions of the Convention have acquired the force of national law.

Article 1 of the Convention. There exist no distinctions, exclusions or preferences in law or in administrative practice and in practical relationships between persons or groups of persons. There is also no discrimination whatsoever regarding the vocational training, employment and occupation of persons.

Article 2. Article 41 of the Constitution states that "Every national of Kuwait has the right to work and is free to choose his occupation". It is the State's responsibility to provide suitable jobs for every citizen. Employment and training come within the competence of the Civil Service Commission. To encourage trainees the Government grants such persons a monthly allowance. In addition, the Government referred to sections 8 and 9 of the Labour Law (Private Sector) relating to unemployment and recruitment.

Article 3. The State, the employers and the workers have full faith in the policy of equality of opportunity and treatment in respect of employment and occupation.

Article 4. Section 2 of the Labour Law (Public Sector) prohibits the engagement for employment of any person with a criminal record, provided that the sentence was final.

Article 5. The General Assistance Law provides for measures of protection and assistance for the categories of persons mentioned in paragraph 2 of this Article. Article 11 of the Constitution stipulates that the State shall provide assistance to citizens in case of old age, sickness and disability, including social security benefits, social assistance and medical care.

The application of the above-mentioned legislation is entrusted to the Inspection Division of the Ministry of Social Affairs and Labour.

No decision involving questions of principle relating to the application of the Convention has been given by a court of law.

No observations have been received from the organisations of employers or workers regarding the practical application of the Convention.

MALAWI

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

The Public Services Commission and the Police Service Commission, which are responsible for appointments to the public services, are fully aware of the requirements of the national policy. The observations made by the Committee of Experts, together with the text of the Convention, have been referred to them.

To ensure observance of the principle of equality of access to and promotion in the public services, and in pursuance of the aim of recruiting or promoting the most suitably qualified candidates available, the Public Services Commission advertises vacancies both within and outside the public services and makes appointments without distinction as to race, creed or colour, preference being given, however, to Malawi nationals.

As regards the participation of different population groups in the various kinds of educational and vocational training, any child, irrespective of race, creed, colour or sex, may be admitted to primary school, provided that the school fees are paid. Where there are limited numbers of vacancies in secondary schools, those best qualified are offered places. Malawian applicants for vocational training who have passed form II are considered for vocational training and selected by means of a procedure operated by technical institutions and the Apprenticeship Board. Any Malawian with a Cambridge School Certificate may be considered for teacher training.

Apart from preference being given to Malawi citizens, which is essential for the protection of their interests and welfare, no discrimination is exercised between persons of African, Asian, European or other descent, or of different creed or sex; there is also no discrimination against minorities.

MALI

Act No. 57/AN-RM of 15 May 1961 to establish General Civil Service Regulations (*Journal officiel*, 30 May 1961).

Act No. 2/AN-RM of 13 March 1965 to reorganise the Supreme Court (*ibid.*, 15 Apr. 1965).

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

The above-mentioned Act of 1961 provides that in applying the General Civil Service Regulations no distinction may be made between the two sexes, subject to such special arrangements as may be made under special regulations (section 8); and the individual file of each civil servant should contain no reference to his political opinions or his ideological or religious beliefs (section 17).

Under section 68 of the Labour Code it is compulsory for collective agreements to contain provisions concerning freedom of association and freedom of opinion. As a result the collective agreements in force state, *inter alia*, that the employers undertake not to take into account the political opinions, or the ideological or religious beliefs or the social or racial origin of the workers when taking decisions with respect to the engagement of new employees, remuneration, the organisation or sharing out of work, disciplinary measures, dismissals or promotions.

Any person who considers that he has been discriminated against in respect of his employment or occupation in the public sector may lodge an appeal with the administrative section of the Supreme Court (section 40 *et seq.* of the above-mentioned Act of 1965).

Workers covered by the Labour Code who consider that they have been discriminated against in respect of their employment or occupation may bring an action for damages in the labour courts (sections 42, 79 and 243 of the Labour Code).

No decision has been given either by the Supreme Court or by the labour courts relevant to the matters dealt with in the Convention.

The education and information of the public concerning the national anti-discrimination policy are handled mainly by the employers' and workers' associations through information meetings in the undertakings and at their general assemblies; the staff representatives, who collaborate in the application of the social legislation, also help to secure acceptance of the non-discrimination policy. The press and the radio are widely used.

Presidential and ministerial circulars dealing with the subject-matter of the Convention are widely distributed among the public services and occupational organisations.

The National Manpower Office, in liaison with the occupational organisations, also participates in the education and information of the public. Offers of and requests for employment are published in the press and broadcast on the radio, which eliminates any possibility of exclusion or preference in the engagement of workers.

Vocational training and apprenticeship are free from any form of discrimination on the basis of race, colour, sex, etc. Recruitment for both private and public workplaces is effected by means of entrance examinations or competitions.

The National Manpower Office is responsible for the supervision of apprenticeship and vocational training. The examination at the end of the term of apprenticeship is taken before a board composed of representatives of the public authorities and the employers' and workers' organisations.

It is laid down that all employees of government departments must attend courses at the Clerical Staff Advanced Training Centre, opened in Bamako with the assistance of the ILO; this rules out any kind of discrimination.

The operations of the placement services are governed by rules which preclude any form of discrimination. Applications for employment are dealt with strictly on the basis of the order in which they are received and the job references of the persons concerned.

The national manpower survey undertaken by the labour services has been completed and the results are now being printed; it will accordingly be possible to furnish statistical data with respect to the policy followed in connection with the Convention and to supply information on the number of women employed in the various sectors, the number of non-Malian Africans, etc., in the next report.

MAURITANIA

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

Special publicity has been given by the Government to its policy, under the Convention, of ensuring equality of opportunity and treatment in respect of employment and occupation.

Vocational training measures have been introduced at the Port-Etienne Centre.

There has been no change in the provisions establishing conditions based on sex for access to employment in certain public services.

No case has come to the Government's knowledge in which persons have considered that they have not had equal opportunity or treatment within the meaning of the Convention.

There are no statistics or reports to show the evolution in the participation of various classes of persons (within the meaning of the Convention) in various kinds of employment and occupation.

The labour courts are competent to consider the appeals of persons who may consider that they have suffered from discriminatory treatment.

NORWAY

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

In conjunction with the State Vocational Domestic School for Laplanders in Kautokeine, Finnmark, an advanced carpentry school was established in 1968, in order to extend the scope for the employment of these persons.

At the vocational school in Alta, Finnmark, an adult training centre has been established as a separate section. The head of this centre is himself a Laplander, with a university education. The teaching is conducted in Norwegian, but there is also a Lappish-speaking staff. The centre has been operating at full capacity since the beginning of October 1967. However, Lapp pupils have been in a minority at the centre, and consequently it has not yet attained its objective, which is to stimulate the interest of the Laplanders in vocational training.

Attempts are being made, in co-operation with the Bidjovagge Mines in Finnmark (where copper has been detected in quantities ensuring a basis for mining for the coming 15 to 20 years) to engage in a new recruitment policy comprising the vocational training of Laplanders. The management hopes that all persons engaged for mining and maintenance operations will attend an eight months' adult training course, as a measure of adaptation to an industrial milieu.

A post as adviser on questions of school training for Laplanders was established in 1966 in the office of the school director in Finnmark.

A special scholarship scheme for young people from Inner Finnmark, whose families engage in reindeer-breeding as their main occupation, was established for the school year 1967-68. The scheme covers vocational and general education and allowances are granted to the beneficiaries to enable them to travel between their homes and the school at the beginning and end of each half term.

It has been decided to continue the scheme during the school year 1968-69 and it is proposed to include three more municipalities in Finnmark in the scheme.

In early summer 1967 a small quota of Lapp manpower was transferred, with their families, from Finnmark to a continuous manufacturing undertaking in southern Norway. The Laplanders performed industrial work just as well as the other employees and the turn-over among them was not noticeably larger than among other employees who had come from a long distance away.

PAKISTAN

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

Detailed information is being collected on the results of the policy to promote in practice equality of opportunity for men and women in respect of access to vocational training and employment at various levels.

No case of discrimination has so far been reported warranting any special measure by the Government to secure the co-operation of employers' and workers' organisations in promoting in practice equality of opportunity and treatment in respect of employment and occupation, or to ensure the observance of the above-mentioned policy in respect of vocational guidance, vocational training and placement organised by the national authorities.

In both the private and public sectors workers are free to seek redress of their grievances through the courts. The workers, through their representatives, can also report cases of discrimination, if any, to the tripartite organisations which exist at the provincial and national levels.

PANAMA (First Report)

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

Article 21 of the Constitution provides that all Panamanian citizens and foreigners shall be equal before the law.

There are no privileges or distinctions based on race, birth, social origin, sex, religion or political opinion, but the law, for reasons connected with health, morality, public security or the national economy, may subject foreigners in general to certain special conditions or refuse to let them exercise certain specific activities. In time of war, or under international treaties, the law or the authorities may also prescribe measures applying exclusively to nationals of specific countries.

Subject to the restrictions laid down in article 192 of the Constitution, the exercise of political rights is reserved for Panamanian subjects.

The reservation of certain types of employment or occupation for nationals, which restricts the universal principle of equality of opportunity, is in conformity with the exceptions laid down in the above-mentioned article 21 of the Constitution and those laid down in Article 5 of the Convention and is due to the need to protect the national economy.

PHILIPPINES

In reply to requests made by the Committee of Experts the Government appended to its report, as an illustration of the way in which article XIV, paragraph 5, of the Constitution, regarding the development of moral character, civic conscience and the teaching of the duties of citizenship, is being implemented, an article entitled "Basic Learning in the Elementary Grades". This article had been published in *Grade School* (July, 1963), a monthly teachers' journal.

The Government also enclosed the annual report of the Commission on National Integration for 1967, containing information on the progress achieved by the national policy to promote the economic, social, moral and political advancement of religious and cultural minorities.

SIERRA LEONE (First Report)

There is no legislation, nor are there any administrative regulations or other measures, which give effect to the provisions of the Convention.

Article 1 of the Convention. There exists, in general practice, no discrimination as defined in this Article.

The immigration quota system controls the influx of foreigners who might take jobs for which suitable nationals are available.

Articles 2 and 3. There is no declared national policy designed to promote equality of treatment in respect of employment and occupation. However, the national employment exchange serves the needs of all registered unemployed persons without any distinction whatsoever, and statutory terms and conditions of employment, fixed by wages boards and joint industrial councils, are applicable without discrimination to all workers coming within the jurisdiction of these bodies.

Article 4. There are no regulations such as those referred to in this Article.

Article 5. A special section of the national employment exchange has been established to serve the particular needs of women and young workers, but there is no discrimination on the grounds specified in Article 1 against these categories.

In order to protect indigenous persons, highly skilled foreigners are issued with work permits only when indigenous persons with similar qualifications are not available.

Although no legislative provisions exist to fulfil the requirements of the Convention, no modifications have been made to the existing practice as outlined above.

The management of the national employment exchange is entrusted to the Labour Division of the Minister of Lands, Mines and Labour.

SWEDEN

Bill No. 87 of 1967 and Decision SFS 461 of 30 June 1967 to amend paragraph 34 of the Workers' Protection Act, 1949.

Bill No. 85 of 1967 respecting adult education.

There are no formal barriers in the national legislation to women exercising their civil, social or economic rights. However, women are still excluded to some extent from certain kinds of work requiring a certain degree of physical exertion—for example work underground in mines or quarries and employment in the armed forces; and, in practice, there are still obstacles to equality between the sexes in the labour market and in respect of vocational training. Intensive efforts are being made in many quarters to eliminate these forms of discrimination.

The new legislation amending paragraph 34 of the Workers' Protection Act, which came into force on 1 July 1968, enables the National Industrial Safety Board to permit the employment of women on work underground.

Following an investigation concerning the employment of female personnel in military, non-combatant posts which was completed by the Air Force in 1968, women are to have the same rights as men as regards career opportunities and remuneration and accordingly may serve as officers and non-commissioned officers in such posts. Combat appointments such as those of pilots or involving the command of units intended for ground fighting may not be occupied by women.

During recent years the Labour Market Administration has increasingly sought to foster interest among women in occupations which previously had been traditionally reserved for men. Attempts are also being made to interest men in traditionally female occupations. The National Labour Market Board (AMS) is conducting an extensive information campaign to inform women about job vacancies, available refresher courses and other labour market training, as well as about financial grants in connection with training, etc. Activation officers were appointed during 1966 to 20 of the 24 employment boards.

In order to implement in practice the accepted policy of equal rights in respect of occupational training and employment, irrespective of sex, campaigns have been launched in recent years by a number of authorities and organisations for better community services and increased construction of day nurseries. Contributions by the Government to day nurseries were raised and, as a result, the number of day nursery places has practically doubled since 1966.

The three largest workers' organisations in Sweden, the Swedish Confederation of Trade Unions (LO), the Central Organisation of Salaried Employees (TCO) and the Swedish Confederation of Professional Associations (SACO) have permanent bodies which prepare publications and programmes with a view to eliminating discrimination on the basis of sex in the labour market. In 1967 the LO adopted a labour market policy programme emphasising that the aim of labour market policy measures "must increasingly be to create employment opportunities for the whole family".

The Swedish Broadcasting Corporation prepared in 1968 a series of ten programmes dealing with the conditions for equality between men and women in today's world.

In practice there are barriers affecting persons with various types of handicaps and running counter to the equality of treatment of such persons in the labour market. Occupational rehabilitation treatment is available to them and includes various measures of a non-medical nature undertaken with a view to providing a place in the work force for persons who, for reasons of special disabilities of a physical, mental or social nature, have difficulties in obtaining or retaining work. The number of persons seeking rehabilitation help has increased continuously. During 1963, 49,633 persons sought such assistance, while in 1967 the number rose to 81,831.

As an illustration of the results of the efforts made to apply the Convention, the Government appended to its report a number of studies, reports and statistics, including, in particular, the text of a report submitted to the United Nations on the status of women in Sweden in 1968, containing an account of the measures taken with a view to attaining greater equality between the sexes.

SWITZERLAND

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

The legislation respecting employment leaves no room for discrimination, either in theory or in practice.

In general, employers' and workers' organisations fully accept the principle of non-discrimination and so far no complaint has come to the knowledge of the federal authorities.

An order to amend the ordinance of 10 November 1959 respecting the conditions of service of salaried employees in the general administration of the Confederation was adopted by the Federal Council on 27 December 1967; it provides that, when a woman marries, the competent authority may continue to employ her without modifying her conditions of service (section 76 (3)).

It has not been possible to assemble information on the results of action taken vis-à-vis the employers' and workers' organisations and the cantonal authorities with a view to promoting the practical application of the principle of equal remuneration. This information will be assembled in due course for communication in the next report.

UPPER VOLTA

Order No. 98/TFP/DTMO-FPR of 15 February 1967 to establish the conditions for recruitment by undertakings and the procedure for notifying movements of workers.

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

Although the Constitution has remained suspended since January 1966, individual guarantees remain in force.

Civil servants who consider that their situation or their rights have been affected in a way conflicting with the provisions of the Civil Service Regulations or of the special regulations for the category to which they belong may place the matter before the Administrative Chamber of the Supreme Court. Parties to collective agreements may similarly refer their grievances to the labour inspectorate and then to the labour court.

The conditions for entering the service of technical establishments, whether public or private, are identical for persons of both sexes and of all social and ethnic origins, so that genuine equality of opportunity is promoted in practice.

Public information and education are carried out through the activities of the technical services of the State and of the trade unions, whose members participate in the various tripartite or joint committees such as the classification or replacement committees provided for by collective agreements, and attend training sessions and seminars.

National policy, expressed mainly through state broadcasting, has helped to develop the ideas of the population on the role of women in society.

VIET-NAM

Decree No. 005 a/TT/SL of 9 November 1967.

Under article 24 of the Constitution the State recognises the existence of ethnic minorities within the national community and undertakes to respect their usage and customs. There exist today seven customary-law courts set up under Legislative Decree No. 6 of 27 July 1965.

The Special Commissariat for Ethnic Minority Affairs was transformed by the above-mentioned decree of 9 November 1967 into the Ministry for Ethnic Minority Development.

Ethnic minorities enjoy full electoral rights. At present there are two senators and ten deputies representing the ethnic minorities in the National Assembly.

Article 97 of the Constitution provides for the setting up of an ethnic council to advise the Government on matters relating to the ethnic minorities.

In order to promote equality of opportunity and treatment in all spheres the Government has given the ethnic minorities special assistance from the administrative, legislative, economic, social and cultural standpoints as well as in respect of employment and occupation.

Public education, free of charge and undenominational, is available to all citizens without distinction on the basis of colour, sex, religion or political opinion.

Under section 114 of the Labour Code every working woman or child performing work equal in quantity and quality to that of an adult male worker is entitled to the same wage as the latter.

In certain cases a condition as to sex or age is not deemed to be discrimination in view of the inherent requirements of a particular job.

No citizen is victimised in his employment or occupation on account of his origin, political opinions or beliefs.

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	Liberia	16. 5. 1960
Belgium	8. 5. 1963	Mauritania	8. 11. 1963
Bulgaria	2. 3. 1961	Mexico	9. 8. 1961
China	13. 2. 1962	Netherlands	15. 2. 1965
Costa Rica	29. 12. 1964	Norway	22. 1. 1963
Denmark	27. 2. 1962	Peru	4. 4. 1962
Ecuador	10. 3. 1969	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

NETHERLANDS

Decree of 27 September 1963 (*Staatsblad (Sb.)*, 1963, No. 409) to amend the royal decree of 16 November 1946 respecting the employment of young persons on board sea-going vessels (*Sb.*, 1946, No. G. 322) (*L.S.* 1946—Neth. 1).

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned decree repealed the exception in respect of "family vessels" provided for in the royal decree of 16 November 1946.

POLAND (First Report)

Act of 2 July 1958 respecting trade training instruction in a specific job, the conditions of employment of young persons in establishments and the preliminary period of employment (*Dziennik Ustaw (D.U.)*, 21 July 1958, No. 45, Text 226) (*L.S.* 1958—Pol. 2), as amended by the Act of 16 July 1961 respecting the development of the system of education and training (*D.U.*, 21 July 1961, No. 32, Text 160).

Order of 26 September 1958 of the Council of Ministers to issue a list of operations prohibited for young persons (*D.U.*, 1958, No. 64, Text 312).

Article 1 of the Convention. The above-mentioned legislation covers all economic enterprises, including sea-going fishing vessels.

Article 2. The employment of children under 15 years of age is absolutely prohibited by section 2 of the Act of 1958 and section 45 of the Act of 1961. Work on fishing vessels is prohibited for young persons under 18 years of age by the order of 1958.

Article 3. Employment as a trimmer or stoker on any vessel is specifically prohibited for young persons under 18 years of age by the order of 1958.

Article 4. The above-mentioned legislative provisions govern employment on the basis of a labour contract and are not applicable to students attending deep-sea fishing schools, who perform jobs as part of their vocational training under the supervision of their instructors.

In addition to the labour inspection duties undertaken by the trade unions, enforcement of the relevant provisions is ensured by the State Marine Office.

TUNISIA (First Report)

Order of 5 May 1954 respecting the hiring of seamen.

Order of 14 January 1955 respecting sponge fishing.

Act No. 62 of 17 December 1962 to ratify the Convention.

In accordance with the provisions of the Labour Code, and with usage and custom, seafarers' service books conferring the status of a hired fisherman are not issued to children under 17 years of age.

The order of 14 January 1955 fixes 18 years as the minimum age for the exercise of the occupation of diver.

Act. No. 62 of 1962 gives the force of national law to the provisions of the Convention.

113. Medical Examination (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Countries	Ratification registered on
Belgium	8. 5. 1963
Brazil	1. 3. 1965
Bulgaria	2. 3. 1961
China	13. 2. 1962
Costa Rica	29. 12. 1964
Ecuador	10. 3. 1969
France	8. 6. 1967

Countries	Ratification registered on
Guatemala	2. 8. 1961
Guinea	7. 11. 1960
Liberia	16. 5. 1960
Peru	4. 4. 1962
Spain	7. 8. 1961
Tunisia	14. 1. 1963
Yugoslavia	26. 5. 1961

TUNISIA (First Report)

Order of 5 May 1954 respecting the hiring of seamen.

Order of 14 January 1955 concerning sponge fishing.

Act No. 63 of 17 December 1962 to ratify the Convention.

Registration, and consequently signing on as a member of a crew, cannot take place without the presentation of a medical certificate issued by a medical practitioner appointed by the marine authority. For the occupation of diver the nature of the examinations is specified.

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		

CYPRUS (First Report)

Merchant Shipping (Masters and Crew) Act, No. 46 of 1963 (*Episemos Ephemeris*, First Supplement, 25 June 1963).

Parts IV, VI and VII of the above-mentioned Act give effect to Articles 1 to 9 of the Convention, while Part V of the Act gives effect to Articles 10 and 11.

The Director of Ports is entrusted with the application of the Convention.

TUNISIA (First Report)

Government arbitration award of 1958 in respect of trawl fishing.

Various collective agreements, Act No. 64 of 17 December 1962 to ratify the Convention.

Fishing vessels of under five tons are exempt from the application of the Convention. The matters dealt with in the Convention are regulated satisfactorily by means of collective agreements between shipowners and fishermen's organisations.

As regards Article 3 of the Convention, the administrative regulations and collective agreements are applied under the supervision of the competent shipping authority, which intervenes in the event of a dispute or of failure to comply with all or some of the clauses of the articles of agreement. The latter are as a rule made for an indefinite period, except in the case of sponge fishing in diving suits, where agreements are for three months.

In the case of agreements made for an indefinite period three months' notice must be given in writing by either of the parties to the shipping authority.

The government arbitration award in respect of trawl fishing specifies the circumstances in which a skipper or shipowner is authorised to dismiss a fisherman immediately. The same award contains provisions whereby a fisherman is authorised to ask to be put ashore immediately.

115. Radiation Protection Convention, 1960

This Convention came into force on 17 June 1962

Countries	Ratification registered on
Barbados	8. 5. 1967
Belgium	2. 7. 1965
Brazil	5. 9. 1966
Byelorussia	26. 2. 1968
Czechoslovakia	21. 1. 1964
Ghana	7. 11. 1961
Guinea	12. 12. 1966
Guyana	8. 6. 1966
Hungary	8. 6. 1968
Iraq	26. 10. 1962
Netherlands	29. 11. 1966
Norway	17. 6. 1961

Countries	Ratification registered on
Paraguay	10. 7. 1967
Poland	23. 12. 1964
Spain	17. 7. 1962
Sweden	12. 4. 1961
Switzerland	29. 5. 1963
Syrian Arab Republic	15. 1. 1964
Turkey	15. 11. 1968
Ukraine	19. 6. 1968
U.S.S.R.	22. 9. 1967
United Arab Republic	18. 3. 1964
United Kingdom	9. 3. 1962

BELGIUM (First Report)

Act of 10 June 1952 respecting the health and safety of workers and the salubrity of work and work-places (*Moniteur Belge* (*M.B.*), 19 June 1962, No. 171, p. 4610) (*L.S.* 1952—Bel. 3), as amended by the Act of 17 July 1957 (*M.B.*, 26 July 1957, No. 207, p. 5308) (*L.S.* 1957—Bel. 3).

Act of 29 March 1958 respecting the protection of the population against the dangers arising out of ionising radiations, as amended by the Act of 29 May 1963.

Royal Order of 28 February 1963 to issue general regulations for the protection of the population and of workers against the danger of ionising radiations (*M.B.*, 16 May 1963; errata: *M.B.*, 30 July 1963), as amended by the royal orders of 17 May 1966 and of 22 May 1967 (particularly Chapter III).

General Labour Protection Regulations, as amended up to 28 February 1963 (*M.B.*, 16 May 1963; errata: *M.B.*, 29 Aug. 1963).

Royal Order of 16 April 1965 to institute industrial medical services and to amend the order of the Regent of 25 September 1947 to make general regulations for the safety and health measures to be taken on behalf of workers in mines and underground quarries (*M.B.*, 4 June 1965).

Royal Order of 16 April 1965 to institute industrial medical services, reorganise the rescue and first-aid arrangements at workplaces and amend Titles II and III of the General Labour Protection Regulations (*M.B.*, 4 June 1965).

Article 1 of the Convention. The national legislation for the protection of workers against ionising radiations was formulated after consultation with the employers and the workers.

Article 2. The physical monitoring of doses and the medical examination of workers are not compulsory when the radionuclides are placed in Class IV of the classification based on toxicity recommended by the International Commission on Radiological Protection.

Article 3. The national regulations follow the rules laid down by the European Atomic Energy Community for the use of its member States. These rules are in turn based on the recommendations of the International Commission on Radiological Protection, which are amended from time to time, the changes generally being in the direction of an easing of standards.

Article 4. The requirements of this Article are met by the royal order of 28 February 1963 and by the General Labour Protection Regulations, as amended up to 28 February 1963.

Article 5. The Government's report referred to section 20 (1) of the royal order of 28 February 1963.

Article 6. No change has been made in the basic level of doses or of maximum permissible amounts.

Article 7. Physical monitoring and medical examinations are carried out whenever the dose likely to be received in a year is 1.5 rems or more. No worker under 18 years of age may be exposed to ionising radiations (section 20 (1) of the royal order of 28 February 1963).

Article 8. Permissible doses for workers who are not regularly employed in a controlled area may not exceed 1.5 rems per year.

Article 9. The requirements of this Article are met by sections 23 (1), 25 and 31 of the royal order of 28 February 1963 and by sections 41 and 163 of the General Labour Protection Regulations.

Article 10. The national regulations are based on the conception of a controlled area in which all activities likely to expose workers to radiations are centred.

Article 11. The requirements of this Article are met by the royal order of 28 February 1963, Chapter III, Divisions II and III; the General Labour Protection Regulations; and the royal orders of 16 April 1965 to institute industrial medical services.

Article 12. The medical examination comprises a full clinical examination and a haematological examination including a haemoglobin estimation, red-cell and white-cell counts and a differential white-cell count. Two examinations are normally held per year.

Article 13. This Article is applicable in the case of radioactive exposure or contamination by means of the measures prescribed in sections 67 to 69 of the royal order of 28 February 1963.

Article 14. This provision is applied by section 146 and 147*bis* of the General Labour Protection Regulations.

Article 15. The requirements of this Article are fully met by section 78 of the royal order of 28 February 1963 and by section 849 of the General Labour Protection Regulations.

BRAZIL (First Report)

Mines Code, Decree No. 1985 of 29 January 1940, and texts made thereunder.

Act No. 4118 of 27 August 1962 respecting national policy in the field of nuclear energy and Decree No. 51726 of 19 February 1963 to approve the regulations made under the Act.

Legislative Decree No. 2 of 1964 to approve the Convention.

Decree No. 62151 of 19 January 1968 to promulgate the Convention (*Diário Oficial*, 23 Jan. 1968).

See also under Convention No. 26.

In pursuance of Decree No. 62151 of 19 January 1968 the Convention is required to be implemented and all its provisions applied.

A Convention, once it has been approved and promulgated by decree, is automatically incorporated into the national legislation and acquires the force of law. When the Convention is of a standard-setting nature and the national legislation does not contain the necessary provisions, supplementary legislative measures must be taken. The provisions adopted in Brazil are in conformity with those laid down by the International Atomic Energy Agency.

A National Nuclear Energy Commission has been set up by Act No. 4118. This Commission is responsible for laying down regulations and safety standards for the use of radiations and radioactive materials. The Commission is responsible for supervising the application of the safety measures respecting installations and of the measures for the protection of the health of the persons employed in such installations. Under the Consolidation of Labour Laws the maximum permissible doses of ionising radiations are required to be fixed by regulations issued by the competent authorities.

NETHERLANDS (First Report)

Mining Act (*Staatsblad (Sb.)*, 1904, No. 73).

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

Public Nuisance Act, 1952 (*Sb.*, 1952, No. 274).

Public Nuisance Decree, 1953 (*Sb.*, 1953, No. 36).

Atomic Energy Act of 21 February 1963 (*Sb.*, 1963, No. 82).

Safety (Ionising Radiations) Decree of 18 March 1963 (*Sb.*, 1963, No. 98).

Radioactive Substances Decree, 1963 (*Sb.*, 1963, No. 233).

Ministerial Order No. 566 of 7 August 1963.

Mining Regulations, 1964 (*Sb.*, 1964, No. 538).

Continental Shelf Mining Regulations, 1967 (*Sb.*, 1967, No. 158).

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
Brazil	24. 3. 1969	Jamaica	4. 1. 1966
Central African Republic	9. 6. 1964	Jordan	7. 3. 1963
China	10. 12. 1964	Kuwait	23. 4. 1963
Congo (Kinshasa)	5. 9. 1967	Malagasy Republic	1. 6. 1964
Costa Rica	27. 1. 1966	Niger	23. 11. 1964
Ghana	18. 6. 1964	Paraguay	20. 2. 1969
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

ITALY (First Report)

Constitution of 22 December 1947 (*Gazzetta Ufficiale (G.U.)*, 27 Dec. 1947, No. 298, Extraordinary, p. 3802).

Civil Code.

Penal Code.

Act No. 264 of 29 April 1949 to make provisions for the placement of, and assistance to, involuntarily unemployed workers (*G.U.*, 1 June 1949, No. 125, Supplement, p. 1) (*L.S.* 1949—It. 2 A).

Act No. 25 of 19 January 1955 to lay down rules respecting apprenticeship (*G.U.*, 14 Feb. 1955, No. 36, p. 522) (*L.S.* 1955—It. 1).

Act No. 567 of 12 June 1962 respecting farming leases (*G.U.*, 30 June 1962, No. 163).

Act No. 756 of 15 September 1964 to establish standards in respect of land contracts (*G.U.*, 22 Sep. 1964, No. 233).

Act No. 590 of 26 May 1965 to make provisions for the development of peasant land-holding (*G.U.*, 9 June 1965, p. 2595).

Act No. 977 of 17 October 1967 respecting the protection of children and young persons in employment (*G.U.*, 6 Nov. 1967, No. 276, p. 6105) (*L.S.* 1967—It. 1).

Act No. 1146 of 14 November 1967 (*G.U.*, 12 Dec. 1967, No. 309).

Act No. 424 of 2 April 1968 (*G.U.*, 19 Apr. 1968, No. 100, pp. 2426-2427) to amend Acts No. 25 of 19 January 1955 and No. 264 of 29 April 1949.

Articles 1 to 3 of the Convention. The purpose of the Government's economic planning is to eliminate sectoral, territorial and social imbalances and to ensure full employment. Government policy is also aimed at promoting a gradual increase in the funds earmarked for social purposes, including programmes for the building of workers' housing, the improvement of medical assistance, the development of social insurance and the encouragement of scientific research. In order to limit the consequences of the vast exodus of labour, particularly unskilled labour, from the South to the North, public bodies have adopted measures intended to direct the flow of migration towards areas where there are likely to be opportunities for work.

In the South measures have been taken to establish productive activities and create new jobs. In the mountainous regions action has been initiated to make the most rational use of local resources and to provide the rural population with better living conditions.

Statistics relating to employment, unemployment and the effects of internal migration were appended to the Government's report.

Articles 4 and 5. No measures have been adopted with a view to controlling the alienation of agricultural land and the use of land and other natural resources. Legislation does exist, however, to promote the acquisition by agricultural workers of small properties and to grant them the right of pre-emption in respect of a piece of real estate when it is sold.

Act No. 567 of 12 June 1962 includes provisions to lay down fair standards for the amounts of rent payable in respect of rural properties and Act No. 756 of 15 September 1964 increases the share of the produce to be granted to the various types of share-cropper.

Article 6. Programmes for the building of housing for workers, including migrant workers, and their families have been put into operation by the Society for the Administration of Workers' Housing (GESCAL).

Articles 7 and 8. Emigration agreements have been concluded with European and non-European countries. These agreements govern conditions of work and of residence and guarantee to Italian workers protection under social security and social assistance schemes similar to that enjoyed by the workers of the country of immigration. Provisions have been made regarding the transfer of wages and savings.

Article 9. A worker moving to an area where the cost of living is higher than that of his area of origin automatically receives the wages fixed for the new area, because wages are fixed by collective agreement for the various areas with due regard to the cost of living in each one.

Article 10. Minimum wage rates are fixed mainly by collective agreement. In cases where there are no collective agreements or agreements between the parties, wages are fixed by the judges, who are required to base their decisions on the requirements of article 36 of the Constitution respecting guaranteed fair remuneration and to take into consideration the views of the trade union organisations (section 2099 of the Civil Code).

Article 11. Wages in kind are exceptional and they always supplement cash wages. Wages in kind are not paid by undertakings which have stores or shops where workers can obtain provisions, even when the price of goods purchased is counted in the pay by means of coupons.

On pay day, which may be every week, every second week, or every month, the employer must provide the worker with a pay slip on which all the data concerning his wages are inscribed for purposes of information and checking.

Methods of remuneration are governed by collective agreement.

Article 12. The question of advances on wages is dealt with by collective agreement.

Article 13. The economic plan for the period 1966-70 is intended to encourage saving among workers, either by the establishment of a pension fund which is independent of the basic social insurance scheme or by the allocation of part of future wage increases to the consolidation of equalisation funds.

The credit granted by co-operative societies is subject to supervision by the State. Usury is absolutely forbidden and is counted as an offence under the Penal Code.

Article 14. Article 3 of the Constitution prohibits all forms of discrimination. The constitutional principle of equality before the law is fully applied in the field of labour. Article 37 of the Constitution embodies the principle of equal remuneration and equal rights in general between men and women workers. The conditions of employment of women workers must, however, be such as to guarantee adequate protection for mothers and children.

Articles 15 and 16. Vocational training comes within the province of the Ministry of Labour and Social Welfare. Other government departments are responsible to a limited extent for certain extra-scholastic aspects of vocational training, and the Ministry of Education is responsible for its scholastic aspect.

The national economic plan provides for the re-organisation of the vocational training system. To begin with, Act No. 1146 of 14 November 1967 has recognised that the proficiency certificates granted at the end of vocational training courses are valid for obtaining a contract of employment.

Act No. 977 of 17 October 1967 provides among other things for a vocational guidance service for children and young persons and for the organisation of special courses aimed at giving them adequate vocational training.

Act No. 424 of 2 April 1968 organises the system of apprenticeship on a more rational basis.

Act No. 977 of 17 October 1967 contains provisions respecting the minimum age for admission to employment.

118. Equality of Treatment (Social Security) Convention, 1962

This Convention came into force on 25 April 1964

Countries	Ratification registered on
Brazil ¹	24. 3. 1969
Central African Republic ²	8. 10. 1964
China ³	4. 1. 1965
Congo (Kinshasa) ⁴	1. 11. 1967
Guatemala ⁵	4. 11. 1963
Guinea ⁶	11. 8. 1967
India ⁷	19. 8. 1964
Ireland ⁸	26. 11. 1964
Israel ⁹	9. 6. 1965
Italy ¹⁰	5. 5. 1967
Jordan ¹¹	7. 3. 1963
Malagasy Republic ¹²	22. 6. 1964
Mauritania ¹³	15. 7. 1968
Netherlands ¹⁴	3. 7. 1964
Norway ¹⁵	28. 8. 1963
Pakistan ¹⁶	27. 3. 1969
Sweden ¹⁶	26. 4. 1963

Countries	Ratification registered on
Syrian Arab Republic ¹⁷	18. 11. 1963
Tunisia ¹⁸	20. 9. 1965

¹ Branches (a) to (g).

² Branches (c), (e), (g) and (i).

³ Branches (a) and (c) to (g).

⁴ Branches (d), (e) and (g).

⁵ Branch (c).

⁶ Branches (a) to (c), (e) to (g) and (i).

⁷ Branches (a) to (c).

⁸ Branches (a), (b), (h) and (i).

⁹ Branches (c), (e) to (g) and (i).

¹⁰ Branches (a) to (i).

¹¹ Branches (c), (d), (f) and (g).

¹² Branches (b) to (d) and (g).

¹³ Branches (d) to (g) and (i).

¹⁴ Branches (f) and (i).

¹⁵ Branches (c) and (g).

¹⁶ Branches (a) to (c), (g) and (h).

¹⁷ Branches (d) to (g).

¹⁸ Branches (a) to (c), (g) and (i).

CENTRAL AFRICAN REPUBLIC (First Report)

Act No. 57 of 3 June 1965 to establish a family benefit scheme for wage-earning employees in the Central African Republic (*Journal officiel (J.O.)*, 1 July 1965, No. 13, p. 487) (*L.S.* 1965—C.A.R. 1).

Act No. 66 of 24 June 1965 to establish a scheme for the payment of compensation for, and the prevention of, employment accidents and occupational diseases (*J.O.*, 15 July 1965).

Article 3 of the Convention. Section 27 of Act No. 66 of 1965 prescribes that, in pursuance of the Convention, foreign or Central African workers who cease to reside in the national territory shall continue to receive the payments due to them in the country where they reside.

Article 6. Family allowances are paid in respect of children residing outside the national territory only to workers who are nationals of France or of the countries that were formerly under French administration.

Act No. 57 of 1965 empowers the Administrative Committee of the National Social Security Office to enter into agreements to guarantee the rights of workers employed or residing outside the national territory in a country that is a party to the Convention. No such agreement has so far been signed.

Article 7. The Central African Republic participates in a scheme for the maintenance of the acquired rights and rights in course of acquisition, under the respective legislation, of the nationals of the States referred to in Article 6 above.

Article 10. Refugees and stateless persons receive family benefits.

CHINA (First Report)

Workers' Insurance Act of 11 July 1958.

Article 3, paragraph 1, of the Convention. Under section 9 of the above-mentioned Act foreign workers may participate in the workers' insurance scheme.

Paragraph 2. Sections 74 and 75 of the Act, which provide for the granting of survivors' benefit, do not make any distinction on the basis of nationality.

Paragraph 3. No exceptional arrangements have been made under this paragraph.

Article 4, paragraph 1. The Workers' Insurance Act and the Civil Servants' Insurance Act do not prescribe any condition of residence for entitlement to benefits.

Paragraph 2. There is no condition of residence in respect of the payment of death benefit to survivors.

Paragraph 3. There are no special provisions in respect of benefits granted under transitional schemes.

Paragraph 4. No special arrangements have been made to prevent the accumulation of benefits.

Article 5, paragraph 1. Under section 13 of the Workers' Insurance Act an insured person who is on official business abroad, or on assignment in an overseas agency of an insured establishment, shall enjoy all rights under the workers' insurance scheme, if he so wishes.

Paragraph 2. No bilateral or multilateral treaties have been concluded.

Paragraph 3. No transitional scheme exists in the country.

Article 6. There is a family allowances scheme for destitute children, which applies to foreign nationals without discrimination.

Article 7. The country has not participated in any schemes of the type provided for in this Article.

Article 9. No agreement regarding a derogation under this Article has been made.

Article 10, paragraph 1. No exceptional provisions have been established in respect of refugees and stateless persons.

Paragraph 3. No exception has been made.

Article 11. No action has been taken in application of this Article.

Article 12. No multilateral or bilateral agreement has been concluded in accordance with paragraph 2 of this Article.

The authority responsible for administering the workers' insurance scheme is the Ministry of the Interior at the central level and the provincial and municipal departments of social affairs at the local level. The Ministry of Appointments is the authority responsible for administering the civil servants' insurance scheme.

TUNISIA (First Report)

Act No. 73 of 11 December 1957 respecting the system of compensation for industrial accidents and occupational diseases (*Journal officiel (J.O.)*, 20 Dec. 1957, No. 43, p. 585; errata: *J.O.*, 10 Jan. 1958, No. 3, p. 24) (*L.S.* 1957—Tun. 1).

Act No. 30 of 14 December 1960 respecting the organisation of social security schemes (*J.O.*, 13-16 Dec. 1960, No. 57, p. 1602) (*L.S.* 1960—Tun. 1 A), as supplemented and amended by Acts No. 26 of 15 July 1963 (*J.O.*, 12-16 July 1963) and No. 31 of 2 July 1964.

Order of 4 October 1965 to issue internal regulations for the National Social Security Fund.

Article 3 of the Convention. The nationals of every Member for which the Convention is in force enjoy equality of treatment with Tunisian nationals, both as regards coverage and as regards the right to benefits, in respect of the branches for which Tunisia has accepted the obligations of the Convention, namely medical care, sickness benefit, maternity benefit, employment injury benefit and family benefit.

Article 4. Equality of treatment is conditional upon residence, except where bilateral agreements provide for a more favourable arrangement.

Article 5. Provision of employment injury pensions is maintained in the event of residence abroad. Payment is effected by international money order to the home of the beneficiary.

Article 6. This provision is applied. Mention may be made of a social security agreement concluded with France on 17 December 1965 and another concluded with Morocco on 9 May 1966.

Article 7. Tunisia participates in a scheme for the maintenance of acquired rights only with France, under the agreement of 17 December 1965. This scheme provides in particular for the totalisation of periods of insurance, employment or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and for the calculation of benefits. There is no provision for the sharing of the cost of benefits.

Article 11. The agreement between France and Tunisia provides for mutual administrative assistance as between the contracting parties with a view to the application of the agreement and of the legislation involved (articles 35 and 41 of the agreement in question).

The Secretariat of State for Youth, Sport and Social Affairs is the supervisory authority for the National Social Security Fund. Technical supervision is exercised in accordance with the provisions of section 30 of the Act whereby the Fund was set up, No. 30 of 14 December 1960.

No decision has yet been given by the courts involving questions of principle relating to the application of the Convention.

119. Guarding of Machinery Convention, 1963

This Convention came into force on 21 April 1965

Countries	Ratification registered on	Countries	Ratification registered on
Central African Republic	9. 6. 1964	Jordan	4. 5. 1964
China	22. 2. 1966	Kuwait	23. 11. 1964
Congo (Brazzaville)	23. 11. 1964	Malagasy Republic	1. 6. 1964
Congo (Kinshasa)	5. 9. 1967	Niger	23. 11. 1964
Cyprus	29. 3. 1965	Paraguay	10. 7. 1967
Dominican Republic	9. 3. 1965	Sierra Leone	21. 4. 1964
Ghana	18. 3. 1965	Sweden	29. 12. 1964
Guatemala	26. 2. 1964	Syrian Arab Republic	10. 6. 1965
Guinea	12. 12. 1966	Turkey	13. 11. 1967

CYPRUS

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

Article 2, paragraph 1, of the Convention. The term “spur and other toothed or friction gearing” covers a wide enough range of gearing, including pinions, worm gears and pulleys. Cams, crank arms and slide blocks are not covered by the existing legislation.

Article 2, paragraph 2, and Article 4. Transfer in any manner other than sale and hire and the exhibition of machinery are not covered by the legislation.

Article 3, paragraph 3. There are no legal provisions covering storage, scrapping and reconditioning of machinery.

Article 17. The Government is aware of the inadequacies of the existing Safety Regulations, which need to be reconsidered.

GHANA

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

Article 1, paragraph 2, of the Convention. The provisions under sections 20 to 25 of the Factories Ordinance, No. 33 of 10 July 1952, apply to all types of machinery—power or non-power driven (manually operated).

Article 17. An amendment to the Factories (Prescribed Number) Order, 1952, has been proposed, by which the prescribed number of persons employed in premises constituting a factory would be reduced from ten to five at the most. The Government has taken note of the observations made by the Committee of Experts in this connection and will advise the Attorney-General to revise the original proposal accordingly.

GUATEMALA

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

Article 1, paragraph 2, and Article 2 of the Convention. No provisions were adopted during the period under review.

Articles 3 and 4. The appropriate services are studying these Articles in order to determine their scope and, if necessary, to issue specific provisions.

KUWAIT

Instructions respecting the conditions to be observed for the protection of workers against accidents and occupational diseases.

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

Article 1, paragraph 2, of the Convention. The initiative for consultation can be taken by any of the employers' or workers' organisations.

Paragraph 3. There are no rail vehicles or mobile agricultural machinery.

Articles 2 and 4. There is no machinery without guards.

Article 6, paragraph 2. The Government's report referred to section 40 of the Labour Law (Private Sector), No. 38 of 1964.

Article 8. This Article is not applied.

Article 10, paragraph 1. The employers instruct their workers as to the dangers arising and the precautions to be followed in the use of machinery.

Paragraph 2. The Government's report referred to sections 40 to 42 of the Labour Law (Private Sector).

Article 11. The Government referred to the above-mentioned instructions.

Article 12. The ratification and application of the Convention do not affect rights of workers under the national social security or social insurance legislation.

Article 13. The obligations laid down in Part III of the Convention are applicable to all without exception.

Article 14. The obligations incumbent upon an employer with regard to the guarding of machinery also apply to any agent that may be designated by him.

Article 16. All labour laws and regulations are formulated in consultation with the employers' and workers' organisations concerned.

Article 17. Government employees are covered by the legislation respecting the civil service (Decree No. 7 of 1960) and by the Labour Law (Public Sector), No. 18 of 1960. Temporary workers and others come within the jurisdiction of the Inspection Division of the Ministry of Social Affairs and Labour.

SIERRA LEONE

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

The Machinery (Safe Working and Inspection) Act and the regulations made thereunder will be redrafted to bring the provisions into line with the requirements of the Convention.

120. Hygiene (Commerce and Offices) Convention, 1964

This Convention came into force on 29 March 1966

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	24. 3. 1969	Mexico	18. 6. 1968
Bulgaria	29. 3. 1965	Norway	6. 6. 1966
Byelorussia	26. 2. 1968	Paraguay	10. 7. 1967
Congo (Kinshasa)	5. 9. 1967	Poland	26. 6. 1968
Costa Rica	27. 1. 1966	Senegal	25. 4. 1966
Ecuador	10. 3. 1969	Sweden	11. 6. 1965
Finland	23. 9. 1968	Switzerland	18. 2. 1966
Ghana	21. 11. 1966	Syrian Arab Republic	10. 6. 1965
Guinea	12. 12. 1966	United Kingdom	21. 4. 1967
Jordan	11. 3. 1965	Ukraine	19. 6. 1968
Malagasy Republic	21. 11. 1966	U.S.S.R.	22. 9. 1967

BULGARIA

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

Articles 8 and 10 of the Convention. The ventilation of premises used by workers must be in accordance with the standards regarding temperature, relative humidity and speed of air circulation set by Decision No. 26 of 15 February 1964, approved by the State Committee for Construction and Architecture and by the Ministry of Public Health and Social Welfare.

Article 9. Decision No. 97 of 25 April 1965 of the State Committee for Construction and Architecture deals with the standards relating to the lighting of premises used by workers.

Article 16. The matter is dealt with under Decision No. 28 of 27 November 1958 of the State Committee for Public Construction.

Article 18. The application of this Article is ensured by the use of charts indicating the maximum volume of noise allowed.

The Ministry of Public Health and Social Welfare, which is preparing detailed rules on hygiene in workplaces, is having discussions with the ministries and bodies concerned. The provisions of the Convention will be taken into consideration in these rules, which are expected to be approved soon.

COSTA RICA (First Report)

Constitution (*La Gaceta (G.)*, 7 Nov. 1949, Extraordinary, No. 251, p. 2069) (*L.S.* 1949—C.R. 3).
 Labour Code, Act No. 2 of 27 August 1943 (*G.*, 29 Aug. 1943, No. 192, p. 1169) (*L.S.* 1943—C.R. 1).
 Decree No. 3 of 11 July 1945 to promulgate Industrial Health Regulations.
 Decree No. 1 of 2 January 1967 to promulgate General Occupational Health and Safety Regulations (*G.*, 24 Jan. 1967, No. 19, p. 277) (*L.S.* 1967—C.R. 1).

Article 1 of the Convention. Part IV of the Labour Code places on the employer the obligation to adopt measures of hygiene in his undertaking in accordance with the relevant legislation. The above-mentioned legislation is of general application and is binding on all institutions and workplaces.

Article 2. No workplace has been excluded from the application of the Convention.

Article 3. No cases of doubt regarding the application of the Convention have arisen. Any questions arising in this connection would be settled by the appropriate bodies and by the labour courts.

Article 5. The Safety and Hygiene Council is the body responsible for making provisions in this field. It is tripartite—i.e. the State, the employers, and the trade unions are represented on it.

Article 6. Sections 88 and 90 of the Act to organise the Ministry of Labour and Social Welfare lay down the duties and functions of the labour inspectors and prescribe the penalties to be imposed on persons infringing the rules concerning health.

Article 7. Sections 25 to 29 of the General Occupational Health and Safety Regulations of 1967 make it obligatory for workplaces to be kept clean and tidy.

Article 8. Section 21 of the regulations refers specifically to the provision of good ventilation in workplaces.

Article 9. Section 24 of the regulations makes it obligatory for adequate lighting to be provided.

Article 10. Sections 22 and 23 of the regulations refer in detail to the maintenance of a suitable temperature in workplaces.

Article 11. Sections 10 to 12 and 14 to 19 of the regulations refer in detail to the conditions concerning safety as regards location and installation that must be met by workplaces.

Article 12. Section 36 of the Industrial Health Regulations of 1945 makes it obligatory for a sufficient supply of drinking water for the employees to be provided in all workplaces.

Article 13. Sections 85 to 92 of the General Occupational Health and Safety Regulations of 1967 refer in detail to the provision of washing and sanitary facilities for the workers.

Article 14. Section 196 of the Labour Code and sections 83 and 84 of the General Occupational Health and Safety Regulations of 1967 place on the employer the obligation to provide proper seats for the staff.

Article 15. The provisions of this Article are applied by section 93 of the General Occupational Health and Safety Regulations of 1967.

Article 16. Section 36 of the regulations meets the provisions of this Article.

Article 17. The requirements of this Article are met by section 81 of the regulations.

Article 18. This Article is applied by the provisions of sections 13 and 14 of the Industrial Health Regulations of 1945.

Article 19. This Article is applied by sections 98 to 100 of the General Occupational Health and Safety Regulations.

GHANA (First Report)

New legislation, which would have the effect of extending the scope of the Factories Ordinance so as to include commerce and offices, is pending and would entail subsequent publication of Hygiene (Commerce and Offices) Regulations.

NORWAY (First Report)

Act No. 2 of 7 December 1956 respecting the protection of workers (*Norsk Lovtidend (N.L.)*, 31 Dec. 1956, No. 45, p. 1235) (*L.S.* 1956—Nor. 2), as amended by Acts No. 1 of 28 November 1958 (*N.L.*, 20 Dec. 1958, No. 42, p. 945) (*L.S.* 1958—Nor. 2), No. 3 of 13 April 1962 (*N.L.*, 18 May 1962), No. 2 of 29 May 1964 (*N.L.*, 23 June 1964) and of 18 June 1965.

Building Act, 1965 (*N.L.*, 1965, p. 1074).

Circular No. 105 respecting constructional requirements to be fulfilled by workplaces.

Circular No. 108 respecting factories involving health risks.

Circular No. 148 respecting water closets.

Circular No. 176 respecting first-aid equipment.

Circular No. 198 respecting cleanliness and tidiness.

Circular No. 250 respecting personal protective equipment.

SENEGAL (First Report)

Constitution, as revised by Act No. 22 of 7 March 1963 (*Journal officiel (J.O.)*, 11 Mar. 1963, p. 357).
Labour Code, Act No. 34 of 15 June 1961 (*J.O.*, 3 July 1961, No. 3462, p. 1015) (*L.S.* 1962—Sen. 2 B), and the regulations made thereunder.

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 every kind (*Journal officiel de l'Afrique Occidentale Française (J.O.A.O.F.)*, 31 July 1954, No. 2722, p. 1340) (*L.S.* 1954—F.W.A. 1).

Order No. 397 IGTLs/AOF of 18 January 1955 to classify undertakings for the purposes of fixing the minimum standards to be observed by employers in connection with medical and health personnel (*J.O.A.O.F.*, 21 Jan. 1955, p. 215).

Act No. 14 of 18 January 1966 to ratify the Convention (*J.O.*, 5 Feb. 1966, p. 150).

Decree No. 388 of 31 May 1966 to promulgate the Convention (*J.O.*, 18 June 1966, p. 681).

Article 1 of the Convention. All establishments, institutions, administrations or services employing wage earners are covered by the above-mentioned legislation.

Article 2. No establishment, service, institution or administration is excluded from the scope of the Convention.

Article 3. Not applicable, in view of what is stated under Articles 1 and 2 above.

Article 4. The national legislation meets as far as possible the provisions of the supplementary Recommendation.

Article 5. Section 180 of the Labour Code provides for the establishment of a national labour and social security advisory board, which is responsible for studying problems of labour and social security. Section 181 prescribes the composition of the board, which includes 14 representatives of employers' associations and 14 representatives of workers' organisations.

Article 6. It is not the responsibility of the labour services to deal specifically with office workers, since the latter, from the point of view of social welfare, are not distinct from other workers. There are therefore no particular penalties for infringements that affect office workers.

Articles 7 to 17, and 19. The general conditions of health and safety prescribed by these Articles have been established by the above-mentioned orders.

SWEDEN

Recommendations No. 23: 3 of 1968 concerning staff facilities in shops, department stores, offices and commercial storage depots, published by the National Industrial Safety Board.

SWITZERLAND (First Report)

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

The above-mentioned Act contains provisions obliging employers to take the necessary measures to protect the life and health of all workers covered by the Act, including the staff of commercial establishments and offices.

It has not yet been possible to formulate the ordinance to be issued under the Act, prescribing in detail the obligations of employers in respect of hygiene and accident prevention, since the preparatory work in this connection, which involves in particular consultations with the cantonal authorities and the industrial associations, will occupy a certain amount of time.

SYRIAN ARAB REPUBLIC (First Report)

Labour Code, Law No. 91 of 5 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 1) (L.S. 1959—U.A.R. 1).

Social Insurance Code, Law No. 92 of 6 April 1959 (*Al-jarida al-rasmiya*, 7 Apr. 1959, No. 71bis B, p. 28) (L.S. 1959—U.A.R. 2).

Order No. 13 of 9 July 1959 to issue instructions for the protection of workers against industrial accidents (*Al-jarida al-rasmiya*, 26 July 1959).

Legislative Decree No. 93 of 16 May 1965 to ratify the Convention.

Article 1 of the Convention. The Labour Code does not distinguish between commercial and non-commercial establishments.

Article 2. No exclusion has been made.

Article 3. There has been no case in which it is doubtful whether an establishment, institution or administrative service is one to which the Convention applies.

Article 4. The principal provisions of the supplementary Recommendation are applied.

Article 5. Existing laws have been framed after consultation with representatives of employers' and workers' organisations and this practice will be continued.

Article 6. Labour and social insurance inspectors are responsible for the enforcement of the health and safety regulations. Appropriate penalties are provided for offences against these regulations.

Articles 7 to 11. Effect is given to these provisions by section 1 of Order No. 13 of 1959.

Articles 12 and 13. There is no specific provision regarding the supply of drinking water, washing facilities and sanitary conveniences in respect of commerce and offices. However, the competent technical authorities ensure that the appropriate facilities are provided before granting licences for the construction of buildings.

Articles 14 and 15. Seats as well as places for workers to keep their clothing are provided in workplaces. Section 1 (g) of Order No. 13 of 1959 makes provision for cloakrooms where workers can change and keep their clothing.

Articles 16 to 18. Effect is given to these provisions by sections 1 and 2 of Order No. 13 of 1959.

Article 19. Section 65 of the Labour Code obliges employers to take all the necessary measures to provide for medical aid in offices.

121. Employment Injury Benefits Convention, 1964

This Convention came into force on 28 July 1967

Countries	Ratification registered on
Congo (Kinshasa)	5. 9. 1967
Cyprus	28. 7. 1966
Finland	23. 9. 1968

Countries	Ratification registered on
Guinea	11. 8. 1967
Netherlands	2. 8. 1966
Senegal	25. 4. 1966

CYPRUS (First Report)

Social Insurance Act, No. 2 of 6 April 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) Acts, No. 3 of 1966 (*E.E.*, 3 Feb. 1966, First Supplement) and No. 28 of 1968. Act No. 38 of 1966 to ratify the Convention.

Article 1 of the Convention. The term “dependent child” as defined in section 2 (1) of the Social Insurance Act covers a young person who is under the age of 14 years or an unmarried young person between the ages of 14 and 18 years who is receiving full-time education or is attending a course of training approved by the Chief Insurance Officer, or an unmarried person who is over the age of 14 years and is permanently incapable of self-support.

Article 2. No temporary exceptions have been requested.

Article 3. None of the persons referred to in this Article is excluded.

Article 4. With a few exceptions the social insurance scheme covers on a compulsory basis all persons employed under a written or oral contract of service or apprenticeship. The total number of employees is 120,000. Recourse is had to the exceptions permitted under clauses (c) and (d) of this Article. The number of employees excepted under clause (c) amounts to 40,000, while the number excepted under clause (d) amounts to 1,000 (not including foreign troops stationed in Cyprus), or to 0.83 per cent of the total number of employees minus those excepted under clause (c).

Article 6. All contingencies are covered. The minimum degree of incapacity for work in respect of which compensation is paid is 10 per cent.

Article 7. An industrial accident is defined as “an accident which arises out of and in the course of the employment of persons” and includes travelling to and from work.

Article 8. A list of diseases is prescribed. The Council of Ministers is empowered to supplement the list with new diseases.

Article 9, paragraph 1, clause (a). Section 43 of the Social Insurance Act provides that a person entitled to injury or invalidity benefits shall also be entitled free of charge to such medical treatment as is considered necessary in consequence of the relevant injury, provided that the Social Insurance Fund shall not accept any application for special medical treatment and consultation outside government hospitals or institutions unless otherwise approved by the Minister.

Clause (b). Cash benefits in respect of the contingencies specified in Article 6, clauses (b) to (d) are granted. Section 44 of the Social Insurance Act provides

for suspension of benefits for any period not exceeding six weeks on the grounds of misconduct from a medical point of view.

Paragraph 2. Eligibility for benefits is not subject to length of employment, to the duration of insurance or to the payment of contributions.

Paragraph 3. The length of the waiting period is three days. The waiting period was introduced in October 1964 for administrative reasons, which were still valid at the time of preparation of the Government's report.

Article 10. Medical care and allied benefits in respect of a morbid condition comprise the benefits indicated in paragraph 1, clauses (a) to (f), provided at or in government institutions, free of charge, to the extent considered necessary in consequence of the relevant injuries. The Fund does not accept claims for specified medical treatment and consultations outside government hospitals and institutions unless otherwise authorised. The treatment envisaged in paragraph 1, clause (g), is ensured through government hospitals and certain other facilities provided by employers.

Medical treatment as defined by the Social Insurance Act comprises rehabilitation treatment and includes any course or diet or other pharmaceutical aids. A centre for the training and rehabilitation of disabled persons was due to start operating before the end of November 1968.

Article 11. Medical care is provided through government hospitals and the cost is charged to the scheme.

Article 13. Periodical payments are calculated in accordance with the requirements of Article 20.

Article 14. The minimum degree of loss of faculty for which cash benefits are payable is 10 per cent. Loss of faculty in excess of 19 per cent is compensated and the benefit is calculated in accordance with the requirements of Article 20. It is granted in the form of periodical payments ranging, in proportion to the loss sustained, from 300 mils per week for 20 per cent loss to 3,000 mils per week for 100 per cent loss.

Loss of faculty between 10 and 19 per cent is compensated by lump-sum payments ranging, in proportion to the loss sustained, from 100,000 to 190,000 mils.

Article 15. No periodical payments in respect of loss of faculty in excess of 19 per cent may be converted into lump sums.

Article 16. Section 32 (a) of the Social Insurance Act provides that the weekly rate of the invalidity pension payable for incapacity for work assessed at 100 per cent shall be increased by 1,500 mils, for a period to be determined by the insurance officer, if the beneficiary is in need of constant help or attendance, provided that such increase shall not be payable for any period during which the beneficiary is receiving free medical treatment in a hospital or similar institution.

Article 17. Section 31 of the Social Insurance Act provides that the period to be taken into account in assessing the extent of a claimant's incapacity shall be the period (beginning not earlier than the fourth day of the relevant accident and limited by either the claimant's life or by a definite date) during which the claimant has suffered and may be expected to continue to suffer from the relevant loss of faculty. The Medical Board may review its decision at any time on its own initiative or at the request of the Chief Insurance Officer.

Article 18. Periodical payments, calculated in accordance with Article 20, in respect of death of the breadwinner are made to (i) the widow of the deceased; (ii) a disabled and dependent widower; (iii) dependent children of the deceased; (iv) dependent parents of the deceased; and (v) disabled and dependent relatives.

Under section 34 of the Social Insurance Act, in the case of a widow or widower a pension is granted, commencing from the death of the breadwinner and payable at the weekly rate set out in Part I of the Eighth Schedule of the Act, which also provides for an increased rate for dependent children and for special rates for full orphans and for parents.

Article 20. An ordinary adult male labourer is defined in accordance with paragraph 4, clause (b), of this Article. Construction has been selected as the division and the major group of economic activities to which a typical ordinary adult male labourer belongs, because the largest number of economically active males are employed in this group and it had the largest number of accidents, both non-fatal and fatal, during 1967. The wage of an ordinary adult labourer and the benefit payable to him are calculated on a weekly basis, the weekly wage amounting to £6.450 mils (£1=1,000 mils).

The basic amount of weekly benefit payable is £3, increased by 900 mils for one dependant, by 1,500 mils for two dependants and by 1,800 mils for more than two dependants.

No family allowances are payable during employment, or during the contingency other than in the form of an increase in the benefit granted in respect of dependants. The benefit payable to a standard beneficiary during the contingency is 74.4 per cent of the standard wage payable during employment.

No minimum amount of benefit has been prescribed by the legislation, since the benefit payable under the scheme is not based on either length of service or the amount of contributions paid.

The maximum period for which cash benefits are payable in respect of temporary or initial incapacity is 12 months.

Article 21, paragraph 1. Section 65 of the Social Insurance Act provides that the Minister may at any time instruct the Chief Insurance Officer to review the rates and amounts of benefit in relation to the likelihood of future changes.

Paragraph 2. Statistical data in relation to changes in the cost-of-living index and the index of earnings during the period from 1964 to 1967 were communicated with the Government's report.

There was no review of the amount of periodical payments during the period 1964-67 but an actuarial survey will soon be undertaken for the period ending 31 December 1968, when the possibility of a review of the amount of periodical payments will be considered.

Article 22. Under section 44 of the Social Insurance Act there may be a suspension of benefit only in the circumstances foreseen by clause (f) of this Article. However, despite this provision, there have been no suspensions since the scheme was introduced on 5 October 1964.

Article 23, paragraph 1. Every claimant has the right to appeal in court if he is dissatisfied with the decision of the insurance officer. Section 68 of the Social Insurance Act provides that an appeal shall lie to the court from any decision of the Medical Board at the instance of an insurance officer or the claimant.

Paragraph 2. No provision is made in the Act for complaints concerning the refusal of medical care or the quality of the care received, but complaints received are investigated.

Paragraph 3. No special tribunals have been created.

Article 24. Although the administration of the scheme is entrusted to a government department, section 61 of the Social Insurance Act provides for the participation of workers' representatives on an equal footing with employers in the management of the scheme, in a consultative capacity, acting through a Committee of Management.

Article 25. Section 64 of the Social Insurance Act provides that the Minister shall request an actuary to review the operation of the Act during the period ending on 31 December in every fifth year and to make a report on the financial condition of the Fund, as well as to make an interim review of the Act if the Chief Insurance Officer is not satisfied that the Fund has sufficient resources to discharge its liabilities.

Article 26, paragraph 1, clause (a). There is an inspection service, and new legislation is being drafted to encourage workers and their organisations to take an active part in accident prevention. A safety week is organised every year by a tripartite committee composed of government, employers' and workers' representatives.

Clause (b). See under Article 10.

Clause (c). The employment exchanges have been strengthened by additional staff in charge of the rehabilitation of disabled persons.

Beneficiaries entitled to an invalidity pension for incapacity for work assessed at less than 100 per cent are deemed, when attending a vocational training or rehabilitation course, to be fully incapacitated for the purpose of benefit payments.

Paragraph 2. The Government supplied the required information.

Article 27. Non-nationals are covered by the legislation in the same way as nationals, receiving payments in respect of employment injuries both in Cyprus and abroad.

The social insurance scheme is administered by a department of the Ministry of Labour and Social Insurance. The head of the department, the Chief Insurance Officer, nominated by the Minister, appoints insurance officers and inspectors to assist him in carrying out his duties and exercising his powers under the Social Insurance Act.

SENEGAL (First Report)

Constitution, as revised by Act No. 22 of 7 March 1963 (*Journal officiel du Sénégal (J.O.S.)*, 11 Mar. 1963, p. 357).

Labour Code Act No. 34 of 15 June 1961 (*J.O.S.*, 3 July 1961, No. 3462, p. 1015) (*L.S.* 1962—Sen. 2 B), and the regulations made thereunder.

Decree No. 245 of 24 February 1957 respecting compensation for and the prevention of industrial accidents and occupational diseases in the overseas territories (*Journal officiel de la République Française (J.O.R.F.)*, 28 Feb. 1957, No. 50, p. 2305) (*Journal officiel de l'Afrique Occidentale Française* 17 Aug. 1957) (*L.S.* 1957—Fr.1).

Decision No. 070 of 20 November 1958 to make rules for the calculation and manner of payment of daily benefit, rules for the calculation and manner of payment of pensions to persons suffering from permanent incapacity or, in the event of their death, to their survivors, rules for the review of such pensions in the event of any increase or decrease in the infirmity and rules for the adjustment and redemption of such pensions (*J.O.S.*, 18 Dec. 1958, Extraordinary).

Decision No. 075 of 20 November 1958 to make rules for the medical supervision exercised over the treatment and benefits provided for the victims of industrial accidents and to prescribe measures for the rehabilitation treatment, vocational retraining and resettlement of such victims (*J.O.S.*, 18 Dec. 1958, Extraordinary).

Decree No. 133 of 23 March 1960.

Article 2 of the Convention. Recourse has not been had to the temporary exceptions provided for in this Article.

Article 6. For the award of pensions the national regulations provide for the taking into account not of loss of earnings but of reduction of physical fitness, the extent of which is assessed by a medical practitioner, irrespective of the degree of invalidity and whether or not earnings are lost.

Article 7. Every accident, irrespective of the cause, which arises out of or in the course of employment and is sustained by any worker covered by the provisions of the Labour Code is deemed to be an industrial accident. So is every accident sustained by

a worker during the journey from his residence to the workplace and vice versa (in so far as the journey has not been broken or the route changed for personal reasons or reasons independent of the worker's employment) and every accident sustained during a journey the expenses of which are borne by the employer under the Labour Code.

Article 8. The list of occupational diseases was communicated in respect of Convention No. 18.

Article 9. The benefits referred to in paragraph 1 of this Article are provided throughout the duration of the contingency. A worker becomes entitled to them as soon as he enters employment.

Article 10. Persons injured in industrial accidents are entitled to all the care they need. The regulations in force lay down rules in respect of medical supervision as well as rehabilitative treatment, vocational retraining and resettlement.

Article 13. The rate for the daily allowance payable in respect of temporary incapacity is fixed at 50 per cent of the reference wage during the first 28 days and raised to two-thirds of that wage as from the 29th day of incapacity. There is no time limit for the payment of cash benefit.

Article 14. A pension is payable whatever the degree of permanent incapacity.

Article 15. The reviewing of pensions is governed by Decision No. 070 of 1958.

Article 16. Effect is given to this Article by section 20 of Decision No. 070 of 1958.

Article 17. Decision No. 070 of 1958 governs the reviewing of pensions in the event of an aggravation of or improvement in the infirmity.

Article 18. The legislation provides for the award of pensions to the deceased's surviving spouse, children and descendants as well as to any dependent relatives in the ascending line.

Article 21. Decree No. 133 of 1960, read in conjunction with Decision No. 070 1958, establishes the procedure for the reviewing of industrial accident pensions in the light of contributions received.

Article 23. Disputes with respect to benefits are governed by Decree No. 245 of 1957.

Article 25. The industrial accident scheme is administered by the Family and Industrial Accident Benefits Equalisation Fund, which is a public body.

Article 26. Decree No. 245 of 1957 and Decision No. 075 of 1958 have made provision for the prevention of industrial accidents and occupational diseases.

Article 27. The national legislation will be brought into line with the Convention as regards non-nationals.

The enforcement of the laws and regulations is entrusted to the labour and social security services operating in the various regions of the national territory.

122. Employment Policy Convention, 1964

This Convention came into force on 15 July 1966

Countries	Ratification registered on	Countries	Ratification registered on
Brazil	24. 3. 1969	Norway	6. 6. 1966
Byelorussia	26. 2. 1968	Paraguay	20. 2. 1969
Canada	16. 9. 1966	Peru	27. 7. 1967
Chile	24. 10. 1968	Poland	24. 11. 1966
Costa Rica	27. 1. 1966	Senegal	25. 4. 1966
Cyprus	28. 7. 1966	Sweden	11. 6. 1965
Finland	23. 9. 1968	Thailand	26. 2. 1969
Guinea	12. 12. 1966	Tunisia	17. 2. 1966
Ireland	20. 6. 1967	Uganda	23. 6. 1967
Jordan	10. 3. 1966	United Kingdom	27. 6. 1966
Malagasy Republic	21. 11. 1966	Ukraine	19. 6. 1968
Netherlands	9. 1. 1967	U.S.S.R.	22. 9. 1967
New Zealand	15. 7. 1965		

CANADA (First Report)

Federal Legislation.

Agricultural and Rural Development Act, 1960 (Revised Statutes of Canada (R.S.C.), 1960-61, Ch. 30), as amended in 1966 (R.S.C., 1966-67, Ch. 11).

Atlantic Development Board Act, 1962 (R.S.C., 1962-63, Ch. 10), as amended in 1963 (R.S.C., 1963, Ch. 5) and in 1966 (R.S.C. 1966-67, Ch. 31).

Economic Council of Canada Act. Assented to 2 August 1963 (*Acts of the Parliament of Canada*, 1963, Vol. 1, p. 103) (*L.S.* 1963—Can. 1).

Area Development Incentives Act, 1965 (R.S.C., 1965, Ch. 12).

Government Organisation Act, 1966 (establishment of the Department of Manpower and Immigration) (R.S.C., 1966-67, Ch. 25).

Canada Manpower and Immigration Council Act, 1967 (R.S.C., 1967-68, Ch. 13).

Article 1, paragraph 1, of the Convention. In April 1945 the federal Government "... stated unequivocally its adoption of a high and stable level of employment and income, and thereby higher standards of living, as a major aim of government policy".¹ The means by which this aim was to be attained included not only measures directed towards the maintenance of expenditure in all sectors, but also measures for the improvement of the placement and training of workers and for the encouragement of scientific research and development. The maintenance of high levels of employment has been recognised as being dependent in part upon a wide range of interdependent economic policies. Accordingly, in 1963 the Government passed the Economic Council of Canada Act, in which it required the Council "... to advise and recommend how Canada can achieve the highest possible levels of employment and efficient production in order that the country may enjoy a high and consistent rate of economic growth and that all Canadians may share in rising living standards . . .", and to undertake other duties "... for the purpose of promoting and expediting advances in efficiency of production in all sectors of the economy . . .".

A number of programmes have been established during the 1960s for the purpose of diminishing regional disparities in the availability of employment and in the productiveness of the work offered. The Government has announced that a new

¹ Extract from a White Paper on Employment and Income presented to Parliament.

Department of Regional Development is to be formed shortly, subject to parliamentary approval.

In 1966 a new Department of Manpower and Immigration was established and charged specifically with responsibility for the development and utilisation of manpower resources, the provision of employment services and the administration of immigration policy.

The pursuit of a policy of encouraging workers to choose their employment freely is reflected in the adoption of unemployment insurance legislation which relieves workers of the necessity of accepting the first job available when they are unemployed. As regards legislation prohibiting discrimination in hiring practices, see under Convention No. 111.

Paragraph 2. The federal Government uses fiscal policy to promote full and stable employment. Changes in the fiscal structure have not been restricted to a traditional spring budget, but have been introduced when appropriate to meet changing economic and financial conditions. This flexible fiscal policy has been complemented by flexible monetary policies applied by the Bank of Canada.

Although over-all fiscal and monetary policy measures have been the basic tools in managing aggregate demand for goods and services and for labour, they have been supplemented with measures to redress regional imbalances in labour demand. Under the Area Development Programme industries have been offered financial incentives to establish themselves in areas of high unemployment. The Agricultural and Rural Development Programme has been instituted for the rehabilitation and development of certain rural areas and for upgrading the skills and productivity of workers in these areas.

Productivity gains in the economy have been substantial during the period since the Second World War. The Government has constantly emphasised the importance of reducing barriers to international trade as a means of bringing about productivity gains. Policies designed to permit full use of the labour force in a productive fashion have included measures to encourage the immigration of individuals having skills in short supply, steps to promote investment, measures to facilitate the granting of appropriate credit to farmers and the selected use of budgetary features such as depreciation regulations for industry.

The federal Government and the provincial governments have promoted research and development activities leading to increases in productivity. There is an active programme for combating restrictive trade practices that tend to impair gains in productivity.

The efficient allocation of labour is promoted by allowing market forces full play and through reliance on free collective bargaining as a preferred method for arriving at decisions concerning wage rates and working conditions. The employment of workers in unproductive work is, however, discouraged by the institution of effective minimum wage standards. Among various programmes for assisting workers to take advantage of opportunities for advancement available in a rapidly changing economy, one of the most important is that for the occupational training of adults. In 1967 more than 220,000 persons enrolled in courses under this programme. There is also a programme for grants to workers wishing to move to another locality or region to take up new employment.

These programmes are assisted by research into labour market conditions by means of which shortages and surpluses are identified, by occupational counselling and placement provided through a network of more than 220 manpower centres and by a number of other associated services. The services of the manpower centres—for counselling, placement, referral to training courses, the award of mobility grants, etc.—are available to all who wish to use them.

In some cases employees are inhibited from moving from employer to employer because this may involve loss of pension rights. The introduction of the Canada Pension Plan has lessened this restriction on mobility, as has the adoption of provincial legislation in Ontario and Quebec.

Progress has been made in recent years towards overcoming the threat to job security associated with technological change, partly through the inclusion of technological change provisions in collective agreements and partly through the institution of government-administered programmes. Workers who have exhausted or are not covered by unemployment insurance may receive financial assistance under the Canadian Assistance Plan. Special training opportunities are provided for unemployed workers to fit them for new jobs.

Special difficulties in attaining the objectives of full, productive and freely chosen employment that have arisen include those associated with continuing work of some types through the severe winters and with the high degree of sensitivity of the economy to developments abroad. Continuing efforts to provide year-round employment are being made to meet these difficulties. The strong emphasis laid on freedom of choice may also from time to time inhibit the full attainment of the other two major objectives of employment policy.

Paragraph 3. The economic and social objectives most frequently cited include full employment, a high rate of economic growth, reasonable stability of prices, a viable balance of payments and an equitable distribution of rising incomes. These goals go beyond those of the Convention in that they provide for "an equitable distribution of rising incomes" among all members of the community and not merely among those who are available for work and in a position to take advantage of opportunities for moving into highly productive employment. Nevertheless, to quote the Economic Council, "the maintenance of high employment and strong and stable economic growth is crucial" in the attack on poverty.

Article 2. At the time of the annual budget the Minister of Finance tables a White Paper in which the progress of the economy is reviewed. In the light of this document the success of the Government's policies over the year may be assessed. If the Government wishes to introduce a supplementary budget for economic reasons, a current economic review accompanies the budgetary proposals. The Economic Council of Canada, in its annual review, invariably gives considerable attention to employment policy. These matters receive wide coverage in the press and attract considerable public interest.

Article 3. Consultation with representatives of employers, workers and others with regard to employment policies takes place in a number of ways. The Economic Council of Canada, whose 25 members are selected from industry, labour, finance, agriculture and other primary industries, lists employment policy among its principal concerns.

Until recently there was a National Employment Committee, and a large number of regional and local employment committees, to advise the Government on certain aspects of employment policy. These committees are in the process of being replaced by a Canada Manpower and Immigration Council.

Usually once a year major organisations such as the Canadian Labour Congress and the Canadian Manufacturers' Association present a formal submission to the Cabinet on a wide range of policy issues, and employment policy is frequently an important consideration in these submissions.

Copies of the submissions made in 1968 by the Canadian Labour Congress, the Canadian Railway Labour Executives' Association, the Confederation of National Trade Unions and the Canadian Construction Association were appended to the Government's report.

CYPRUS (First Report)

Act No. 39 of 1966 to ratify the Convention.
Employment Service Manual of Operations, August 1968.

Article 1, paragraph 1, of the Convention. In both the First Five-Year Plan (1961-65) and the Second Five-Year Plan (1966-71) the promotion of full employment has been considered as a fundamental objective. Moreover, the latter Plan emphasises the necessity to shift from full employment to full and more productive employment.

Paragraph 2. The Second Five-Year Plan, which envisages an annual rate of growth of about 7 per cent in the gross domestic product, has been made in such a way as to permit the fulfilment of the targets of the Plan and at the same time promote the long-term objectives of diversifying and restructuring the economy. Throughout the years 1966-68 Cyprus enjoyed conditions of full employment with rising employment and declining unemployment levels. The institutions intended to help in raising labour productivity are the Cyprus Productivity Centre, which will provide extended or new services, and the Industrial Training Service, which, under the authority of the Ministry of Labour, will co-ordinate existing and future training activities (the Apprenticeship Training Scheme, the Higher Technical Institute, the Hotel Training Institute, the retraining of redundant workers, etc.).

Freedom of choice of employment is guaranteed by article 23 of the Constitution. The Employment Service Manual of Operations defines the policy of the Employment Service to be as follows: "To serve impartially all employers and job applicants legally permitted to work, without regard to race, religion, national origin, sex, age, or occupational or economic status."

Difficulties have arisen on account of the classically oriented educational system, which results in unemployment among young persons coupled with a scarcity of professional and technical personnel. The Government is making every effort to change social attitudes and to gear the educational system more closely to the needs of the economy. A special Consultative Committee on Education and Manpower was established to assist in the drafting of the Second Five-Year Plan. The Ministry of Labour is placing greater emphasis on vocational training and plans to extend its vocational guidance services to youth and to adult workers so as to assist them to adjust and readjust to the evolving circumstances of the economy.

Paragraph 3. The Second Five-Year Plan has made employment policy objectives an integral part of the State's campaign for the mobilisation of all available resources for social and economic development and relates them to such other objectives as a sound balance of payments, the improvement of social services and regional development.

Article 2. Two inter-ministerial working committees (policy and budget) meet regularly to follow up progress achieved in the attainment of the objectives of the Plan, and to ensure that the objectives fall within the over-all development policy of the State. District committees of an advisory, tripartite nature review regional development and highlight aspects which may have gone wrong so as to enable the Government to take early remedial action.

Both central and regional organs and bodies are assisted in their work by a regular stream of data and information.

Article 3. In preparing the Second Five-Year Plan the Government had the benefit of the advice of joint ad hoc consultative committees which included representatives of employers' and workers' organisations. Formal machinery on employment policies and objectives exists in the form of tripartite district employment exchange advisory committees.

The application of the above-mentioned legislation is entrusted to the Ministry of Labour and Social Insurance.

NEW ZEALAND

During the past year there has been a significant change in the employment situation. Whereas for 25 years unemployment had been negligible and the main problem had been that of a shortage of labour, there was, during the period under review, a decline in total employment in industry and a rise in unemployment (from 600 persons at the end of March 1967 to 6,500 persons at the end of March 1968). While this level of unemployment still represents less than 0.7 per cent of the labour force, it has led the Government to undertake a more intensive study of new needs in manpower policies and of the feasibility of various kinds of additional labour market programmes, as well as to give attention to such matters as improvements in analysing trends in employment, the obtaining of quick information on the current state of the labour market, forecasting labour demand in industries and assessing the effects of structural change on the demand for and supply of particular kinds of manpower.

In reply to a request made by the Committee of Experts the Government described the special assistance in the occupational sphere given to Maoris and has stated that women workers, for purposes of fitting themselves for any occupation which they may wish to enter and to advance in, enjoy exactly the same educational, vocational guidance and training facilities as men.

NORWAY (First Report)

Act respecting measures to promote employment, No. 9 of 27 June 1947 (*Norsk Lovtidend* Part I, 8 July 1947, No. 25, p. 453; *ibid.*, Part II, p. 299) (*L.S.* 1947—Nor. 2), as amended by the Act of 18 June 1965.

Act of 18 June 1965 respecting the Regional Development Fund.

Article 1, paragraph 1, of the Convention. The revised long-term programme for 1966-69 contains the following statement: "The Government will maintain full employment and promote an active manpower policy which will contribute towards economic expansion and, to the greatest possible extent, convert the country into one labour market, employing measures such as an effective employment service organisation." Importance is attached in this programme to making it easier for women to take up paid employment.

Paragraph 2. In 1967 a peak in employment growth was reached. Unemployment continued at a low level (the average unemployment rate was 0.7 per cent). By mid-1968 the labour market was less tight but still normal for the time of the year. Among the principal measures taken with a view to ensuring that there is work for all who are available for and seeking work the following may be mentioned:

- (a) the work of the employment service (see the Government's previous reports on the application of Convention No. 88);
- (b) the work of local and county labour and development initiative boards;
- (c) measures against winter unemployment, such as grants for public works carried out in the period November to April, with peak activity from January to March, and grants for special municipal projects;
- (d) free vocational training for adults who are unemployed, underemployed or shortly expected to be without suitable work;
- (e) vocational rehabilitation of the handicapped;
- (f) promotion by the Regional Development Fund of undertakings which will lead to increased permanent and remunerative employment in districts with particular employment difficulties; comprehensive district planning with emphasis on the establishment of growth centres; the founding of a company for the construction and management of industrial estates; consideration of ways of using the regulation of taxation as an instrument in district development;

- (g) a proposal by a committee appointed by the Labour Department for measures to help more women to take up employment; and
- (h) a proposal by a public committee for measures to combat the special placement difficulties which face older workers.

Seasonal influences result in a lower general level of employment in the winter months, particularly in fishing, and in more widespread unemployment and under-employment in construction, agriculture, fishing and food processing.

Article 2. Labour force projections up to 1980 have been prepared. Manpower forecasts one year ahead are prepared as part of the national budget. The one-year manpower forecasts are meaningful in relation to general measures to stimulate activity, special measures against seasonal and conjunctural unemployment and measures to increase entry into the labour force and the mobility of the labour force. County forecasts are used to guide employment policy measures at the county level.

Four-year employment forecasts are prepared as part of the long-term programmes and these have considerably influenced the measures proposed in these programmes.

In connection with the national budget the employment market situation is appraised twice a year by the central authorities, and a corresponding appraisal is made once a year for each county. In addition monthly reports on the evolution of the labour market are prepared centrally and for each county.

In June 1967 the Board of the Labour Directorate submitted a report proposing guidelines for future labour market policy. This will be communicated to the National Assembly.

Article 3. Important questions of labour policy are submitted to and discussed by the Board of the Labour Directorate, which takes the measures it considers necessary. The Board consists of seven members, of whom two are workers' representatives and two are employers' representatives. When decisions are put to the vote, each group on the Board has only one vote.

The Directorate of Labour and the Ministry of Local Government and Labour are responsible for giving effect to labour market policy.

POLAND (First Report)

Constitution.

Act of 13 April 1960 to establish a Labour and Wages Committee and to make certain changes of jurisdiction in the matter of social insurance, pensions, benefit schemes and social welfare (*Dziennik Ustaw (D.U.)*, 25 Apr. 1960, No. 20, Text 119) (*L.S.* 1960—Pol. 1 A).

Order of 27 April 1960 of the Council of Ministers to lay down the detailed terms of reference and manner of operation of the Labour and Wages Committee and the extent of its co-operation with the other agencies of government (*D.U.*, 13 May 1960, No. 23, Text 133) (*L.S.* 1960—Pol. 1 B).

Direction No. 46 of 23 December 1961 of the Chairman of the Labour and Wages Committee to issue directives respecting the terms of reference and internal organisation of the employment sections of the executive committees of the people's councils (*Dziennik Urzędowy Komitetu Pracy i Plac (D.U.K.P.P.)*, 28 Mar. 1962, No. 2, Text 6).

Direction No. 23 of 1 June 1962 of the Chairman of the Labour and Wages Committee respecting placement in employment (*D.U.K.P.P.*, 25 June 1962, No. 4, Text 13) (*L.S.* 1962—Pol. 1).

Legislation and practice guarantee work for all persons able and willing to work, ensure free choice of employment and provide possibilities of acquiring the qualifications necessary for work for which an individual is well suited as well as enabling him to use his skill and abilities irrespective of race, colour, sex, religion, political convictions, or national or social origin. Full employment is understood to mean the complete liquidation of unemployment.

Realisation of the right to work became possible as a result of the socialisation of the basic means of production, agrarian reform, a planned economy, the rapid development of the means of production, particularly through industrialisation, important investment outlays resulting in a rapid increase in employment, a steady demand for manpower and the liquidation of unemployment.

Between 1949 and 1966 the average employment per year in the socialised sector increased from 3,968,000 to 8,610,000. The monthly average of persons temporarily registered as looking for work has amounted in recent years to about 0.6 per cent of the total number of persons employed, being considerably lower than the number of unfilled vacancies notified to the employment authorities (in 1967, 55, 900 such persons in relation to 137,800 unfilled vacancies).

Free choice of employment is guaranteed by two systems of filling vacancies operated by the employment authorities, in accordance with the provisions of Direction No. 23: (a) the notice system under which lists of vacant jobs are posted in the employment authority's premises and the persons interested are directed to the address given; (b) the individual system under which the employment authority submits a suitable vacancy to the applicant.

In accordance with article 61 of the Constitution every person is assured of the possibility of acquiring qualifications appropriate to his capacities, and there has been a rapid development in vocational courses for workers, including training courses within socialised establishments and training courses organised by the employment offices.

The central authority responsible for applying the national employment policy is the Labour and Wages Committee. All basic decisions concerning employment policy are taken by this Committee with the participation of representatives of the Council of Ministers' Planning Commission and of the Central Council of Trade Unions. The Committee co-operates with the Central Council of Trade Unions in the execution of its tasks, as well as with the ministries and other central institutions. At the local level, co-operation between the representatives of state bodies, workers and employers is ensured through standing committees of the people's councils.

SENEGAL (First Report)

Labour Code, Act No. 34 of 15 June 1961 (*Journal officiel*, 3 July 1961, No. 3462, p. 1015) (*L.S.* 1962—Sen. 2 B), and regulations made thereunder.

Article 1 of the Convention. The policy for the promotion of full employment is based on the organisation of an employment service and on the four-year development plans. The employment policy, the statistics of unemployment and underemployment, the measures taken to make labour as productive as possible, etc., like those of every developing country, bear the stamp of uncertainty and difficulties that are momentarily insurmountable.

Article 2. The only action possible is to improve the functioning of the manpower service to keep pace with increasing employment opportunities.

Article 3. Representatives of the employers' and workers' organisations are closely associated with the handling of employment problems at all levels of the administrative hierarchy.

The labour and social security services are responsible for supervising the application of the laws and administrative regulations.

SWEDEN

Royal Labour Market Board (Amendment) Ordinance, No. 246 of 17 May 1968 (*Svensk Författningssamling*, 1968, No. 246, p. 691).

On 1 July 1968 a new allowance was introduced by the above-mentioned ordinance to give additional security to older persons during a period of readjustment. This readjustment allowance is payable to persons between 60 and 66 years of age who are capable of and available for work, who are seeking work through the public employment service and who cannot be placed in suitable employment, or for whom no other measure to facilitate placement in employment can suitably be taken. The age is reduced to 55 years if unemployment is the direct consequence of redundancy.

Documents appended to the Government's report included the labour market statistics published by the National Labour Market Board and the Board's report for 1966-67.

In June 1967 the Confederation of Swedish Trade Unions submitted to the Government a trade union programme of activity calling for an expansion of the labour market policy which had been approved at its 1966 Congress.

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Employment and Training Act of 13 July 1948 (11 and 12 Geo. 6, Ch. 46) (*L.S.* 1948—U.K. 4).
Local Employment Act, 1960.

Industrial Training Act, 1964.

Industrial Development Act, 1966.

White Paper on Productivity, Prices and Incomes Policy in 1968 and 1969 (Cmnd. 3590).

Article 1, paragraph 1, of the Convention. As far back as 1944 the Government announced as one of its "primary aims and responsibilities the maintenance of a high and stable level of employment" (White Paper, Cmnd. 6527). The Employment and Training Act, 1948, laid a duty on the Minister of Labour to provide an employment service "for the purpose of assisting persons to select, fit themselves for, obtain and retain employment suitable to their age and capacity, of assisting employers to obtain suitable employees and for the purpose of promoting employment in accordance with the requirements of the community". In May 1968 the Secretary of State for Employment and Productivity announced the establishment of "a new productivity division . . . charged with the specific task of looking for opportunities for raising productivity through the more efficient and productive use of manpower in industry".

Paragraph 2, clause (a). Since 1945 unemployment has been low, the average national rate having been 1.8 per cent. There have been a number of fluctuations in activity resulting from deflationary measures taken to meet balance-of-payments difficulties, but the national unemployment rate has only twice risen above 3 per cent, and then only for short periods. However, in some areas unemployment has been persistently higher than the national average and measures have been taken to stimulate the development of industry in these areas; to encourage growth of manufacturing in them special employment premiums are paid to employers. Workers who wish to move to another part of the country to take up employment are also given financial assistance and are assisted in finding accommodation.

Clause (b). A new manpower and productivity service will give advice to industry both at the national level and in individual establishments on ways of improving productivity by the more effective use of manpower. It is a feature of the Government's prices and incomes policy that increases in pay should be related to employees' contributions to increased efficiency and output.

Clause (c). A new feature of the employment service has been the opening of occupational guidance units for adults facing an enforced change of employment, or who feel they are capable of better work or who are coming into the employment field for the first time or re-entering it after a break. Industrial training boards set up under the Industrial Training Act for various branches of industrial and agricultural activity (covering at the end of June 1968 over 11 million workers) provide guidance and incentives to employers to set up training schemes which will give workers opportunities to qualify for and to use their skills in jobs for which they are well suited, irrespective of their race, colour, sex, religion, political opinion, national extraction or social origin. As part of general measures for increasing the skilled labour force the Government operates its own training centres, where intensive and practical instruction, generally lasting six months, is given on an individual basis under simulated factory conditions. Training at these centres is open to all eligible applicants over 18 years of age.

For young people, occupational information and guidance are provided by the youth employment service, which does not discriminate on grounds of race, colour or belief.

The Race Relations Bill makes provision for dealing with complaints relating to discrimination in the field of employment.

Paragraph 3. The country's economic development is crucially dependent on the balance-of-payments position. Employment policy is seen as having an essential role in the achievement of a sound balance of payments by (a) reducing skilled labour shortages; (b) easing the transfer of manpower from inefficient or declining firms and industries to those with better economic performance and prospects; and (c) steering manpower towards firms and industries producing exports and import substitutes.

When the balance-of-payments position has reached a satisfactory level, it will be possible to reduce the general level of unemployment, which for nearly two years has been above the average of 1.8 per cent prevailing since the end of the Second World War.

Article 2. Within the Government, the review of manpower policy and its co-ordination with other aspects of economic planning is achieved ultimately through the cabinet system. At official level there is consultation through committees and other bodies on which the departments concerned are represented and by regular contacts between people working on related subjects. The Department of Economic Affairs was established in 1964 with responsibility for co-ordinating economic policies in relation to the medium and long term, and for planning. Measures in regard to industrial training are kept under review through the requirement that industrial training boards submit their major policy proposals to the Secretary of State for approval, and report annually on their activities. The situation in regard to training for employment is also reviewed and reported on by the Central Training Council set up under the Industrial Training Act.

Article 3. Many advisory and consultative bodies exist and bring the views of employers, workers, educationists and others continually to bear on major aspects of employment policy. The National Economic Development Council, which is presided over by the Prime Minister and includes representatives of both sides of industry, facilitates exchanges of views between the Government and industry. Other bodies concerned are the Central Training and National Youth Employment Councils, the Department of Employment and Productivity's National Joint Advisory Council, the economic development councils set up for many industries and, at the local level, regional economic planning councils and boards, local employment committees and advisory youth employment committees.

A number of government departments are responsible for the application of various aspects of employment policy. They are the Department of Employment and Productivity, the Ministry of Technology, the Board of Trade, the Department of Education and Science, the Department of Economic Affairs, and the Treasury. In some areas the youth employment service is run by the local authority and in others directly by the Department of Employment and Productivity, which has under it a Central Youth Employment Executive on which the Department of Education and Science and the Scottish Education Department are represented.

123. Minimum Age (Underground Work) Convention, 1965

This Convention came into force on 10 November 1967

Countries	Ratification registered on
China ¹	6. 4. 1967
Cyprus ¹	11. 4. 1967
Czechoslovakia ³	7. 6. 1968
Ecuador ²	10. 3. 1969
Gabon ²	18. 10. 1968
Hungary ¹	8. 6. 1968
Jordan ¹	6. 6. 1966
Kenya ¹	20. 6. 1968
Malagasy Republic ²	23. 10. 1967
Mexico ¹	29. 8. 1968
Paraguay ²	10. 10. 1968

Countries	Ratification registered on
Spain ³	6. 11. 1967
Switzerland ⁴	10. 11. 1966
Thailand ²	5. 4. 1968
Tunisia ²	24. 7. 1967
Uganda ¹	23. 6. 1967
Zambia ²	3. 4. 1967

¹ Minimum age specified: 16 years.

² Minimum age specified: 18 years.

³ Minimum age specified: 18 years and, under certain conditions, between 16 and 18 years for apprentices.

⁴ Minimum age specified: 19 years and, for apprentices, 20 years.

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Ordinance No. 1 of 14 January 1966 for the administration of the Labour Act (*Recueil des Lois Fédérales*, 24 Jan. 1966).

See also under Convention No. 120.

Article 1 of the Convention. The Labour Act applies to all public and private undertakings, and in particular to all undertakings engaged in mining operations (section 1 (1)).

Section 54 (*e*) of the above-mentioned ordinance does not define the term "mine", but the prohibition contained therein also covers work underground in tunnels, and hence work underground in quarries.

Article 2. Section 54 (*e*) of the ordinance, included in application of section 29 (3) of the Labour Act, prohibits the employment of young persons on work underground in mines. The expression "young person" is defined by section 29 (1) of the Labour Act as meaning a worker of either sex who is under 19 years of age or an apprentice under 20 years of age.

Article 4. The cantons are responsible for the enforcement of the Labour Act and of the ordinance.

The Confederation exercises supervision through the Federal Office for Industry, Arts and Crafts, and Labour, which avails itself of the assistance of the federal labour inspection services and the industrial medical service.

Any employer who infringes any provision for the special protection of young persons is liable to a penalty. Employers are required to keep and make available to the supervisory authorities registers indicating, *inter alia*, the date of birth and the date of entering and leaving employment of each worker, together with an official attestation as to the age of each young person on their payroll.

Article 5. The Labour Act and the ordinance were drafted with the assistance of a commission comprising representatives of associations of workers and employers.

The Convention is properly applied, and no infringements have been recorded.

124. Medical Examination of Young Persons (Underground Work) Convention, 1965

This Convention came into force on 13 December 1967

Countries	Ratification registered on	Countries	Ratification registered on
China	19. 4. 1967	Mexico	29. 8. 1968
Cyprus	18. 1. 1967	Paraguay	10. 7. 1967
Ecuador	10. 3. 1969	Poland	26. 6. 1968
Finland	23. 9. 1968	Tunisia	3. 5. 1967
Gabon	18. 10. 1968	Uganda	23. 6. 1967
Hungary	8. 6. 1968	United Kingdom	13. 12. 1966
Jordan	6. 6. 1966	Zambia	10. 3. 1967
Malagasy Republic	23. 10. 1967		

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Mines and Quarries Act, 1954.

Mines (Medical Examinations) Regulations, 1964.

Article 1 of the Convention. "Mines" are defined as any excavation made for the purpose of getting minerals by means involving the employment of persons underground.

Article 2. The Mines (Medical Examinations) Regulations, 1964, provide for the medical examination of young persons under 18 years of age upon first employment in any mine and thereafter at intervals of 12 months. The system of medical supervision of the National Coal Board has been considered more effective than routine re-examination up to the age of 21 years. In Northern Ireland there is no legislation in this field, but medical examinations of persons under 21 years of age are carried out under the factory doctor scheme of the Ministry of Health and Social Services.

Article 3. The Minister of Power approves fully registered medical practitioners to conduct examinations of young people up to 18 years of age. A medical examination book is provided in which are entered particulars of every notice given to a young person to attend a medical examination. An X-ray film of the lungs is not required by law. However, the National Coal Board insists on a radiological examination as a condition of employment.

The owner of every mine is required to make arrangements for medical examinations at his own expense.

Article 4. A register, in a form approved by the Minister of Power, must be kept in every mine for the young people employed underground. It must be produced for inspection by an officer of the education authority and by a workers' representative. Contraventions of the provisions of the pertinent legislation are subject to express penalties. In Northern Ireland the inspectors are appointed by the Ministry of Commerce.

Article 5. Consultations are held with the National Coal Board, the National Union of Mineworkers, the Confederation of British Industry and the Federation of Small Mines of Great Britain.

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, Australia, Austria, Barbados, Belgium, Brazil, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Kinshasa), Costa Rica, Cyprus, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Guyana, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Paraguay, Peru, Portugal, Senegal, Sierra Leone, Sudan, Sweden, Switzerland, Syrian Arab Republic, Togo, Tunisia, Turkey, United Kingdom, United States, Uruguay, Viet-Nam, Zambia.*

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 Government of *Cuba* has stated that copies of its reports have been communicated to the Workers' Union of Cuba and to the managements of industrial undertakings.

The Government of the *Philippines* has stated that copies of its reports will be communicated to the representative employers' and workers' organisations, indicating their names.

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 *Ukraine* has stated that copies of its reports have been communicated to the Central Council of Trade Unions and to the directors of various undertakings.

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.
Afghanistan	—	14, 106
Algeria	62, 88	13, 14, 24, 32, 56, 58, 68, 71, 73, 74, 87, 89, 92, 98, 100
Australia	7, 8, 9	11, 15, 21
Austria	5, 99	11, 21, 27, 87, 98
Barbados	—	5, 7, 26, 50, 86
Belgium	2, 8, 12, 17, 18, 43, 56, 88, 96	6, 7, 9, 11, 15, 58, 68, 98, 101, 107, 112
Bolivia	—	5
Brazil	5	7, 14, 21, 58
Bulgaria	14	7, 8, 9, 15, 20, 21, 26, 27, 40, 58, 59, 60, 68, 98, 100
Burma	26	1, 11, 14, 15, 21, 27, 52
Cameroon	26	85
Eastern Cameroon	—	5
Canada	26	7, 8, 15, 27, 32, 58, 68
Central African Republic	18	3, 4, 5, 11, 13, 14, 29, 33, 41, 81, 87, 95, 98, 100, 105, 111, 117, 119
Ceylon	5, 7, 15, 58	8, 11
Chad	—	11, 14, 26, 87, 98
Chile	20	5, 7, 14, 27
China	—	7, 11, 15, 27, 58, 112
Colombia	15	5, 11, 14, 20, 21, 26
Congo (Kinshasa)	—	27, 62
Costa Rica	99, 106	11, 98, 100, 111, 112
Cuba	26, 81	1, 5, 7, 8, 9, 11, 14, 15, 20, 21, 30, 32, 58, 59, 60, 87, 97, 107, 111
Cyprus	97	11, 15
Czechoslovakia	35, 36, 37, 38, 39, 40	5, 14, 21, 27, 87
Dahomey	—	5, 14, 26
Denmark	2, 6, 9, 14, 42, 98	7, 8, 11, 15, 21, 58, 87, 111, 112
Ecuador	26	—
El Salvador	12, 105	—
Finland	8, 9, 21	7, 11, 15, 27, 87, 98
France	5, 9, 26, 35, 36, 37, 38, 87, 99	8, 11, 14, 15, 27, 43, 49, 58, 68
Federal Republic of Germany	9, 26	7, 8, 11, 15, 27, 87, 98, 99, 112
Ghana	8, 26	15, 58, 107
Greece	5, 7, 8, 9	11, 15, 27, 58
Guatemala	—	58, 86, 97, 98, 112
Guinea	26	11, 14, 87, 98, 105, 112
Guyana	26, 84, 97, 98	5, 7, 11, 15, 64, 86
Hungary	—	3, 7, 14, 15, 21, 26, 27, 62, 87, 98, 100
India	11, 21, 88	15, 32
Ireland	20, 21, 26, 28, 98, 108	5, 7, 8, 11, 14, 15, 27, 43, 49, 68, 87
Israel	1, 5, 14, 20, 30, 98	97, 112
Italy	3, 8, 9, 26, 32, 35, 36, 37, 38, 39, 40, 68, 87	7, 11, 14, 15, 27, 58, 98
Jamaica	8	7, 11, 15, 58, 86
Japan	7, 8, 9, 15, 21, 58	5, 27, 50, 98
Kenya	26	5, 11, 50, 98

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.
Libya	—	104
Luxembourg	1, 20	5, 7, 8, 9, 11, 14, 15, 21, 98
Malawi	26, 86	11, 50, 99, 107
Malaysia	17	50, 64, 105
States of Malaya	11	—
Sabah	—	15, 86, 97
Sarawak	—	7, 11, 15, 86
Mali	14, 26	5, 11, 33, 87, 98
Malta	26, 35, 36	5, 7, 8, 11, 15, 32, 87, 98
Mauritania	26	4, 5, 6, 11, 13, 14, 62, 84, 89
Mexico	—	8, 9, 11, 14, 21, 27, 30, 58, 100, 107, 112
Morocco	14, 26	11, 15, 27, 98, 99
Netherlands	5, 8, 9, 21, 26, 27, 33, 62	11, 15, 58, 68, 87
New Zealand	1, 9, 11, 21, 26, 30, 44, 47, 97, 99	14, 15, 49, 50, 58, 59, 64
Nicaragua	22	7, 8, 11, 14, 15, 21, 27
Niger	98	11, 26, 87, 111, 119
Nigeria	—	8, 11, 15, 26, 32, 50, 58, 59, 64, 97, 98
Norway	5, 7, 8, 9, 26, 27, 32, 43, 49, 58, 68, 97	11, 15, 21, 50, 59, 87, 98, 112
Pakistan	29, 105	11, 14, 15, 21, 32, 107
Panama	17, 29, 100, 105	3, 30, 52, 87
Peru	32, 77, 78, 99	8, 11, 14, 58, 67, 68, 87, 100, 112, 113
Philippines	98, 99	105
Poland	105	5, 7, 8, 11, 15, 68, 87, 95, 98, 100
Portugal	68	7, 27
Rumania	100	1, 5, 7, 9, 14, 15, 27, 98
Senegal	4, 11, 14, 26, 87, 98, 100	5, 10, 12, 89, 95, 99
Sierra Leone	7, 8, 26, 58, 99, 101	5, 15, 22, 29, 50, 59, 64, 86, 87, 98
Singapore	—	7, 15, 50, 64, 86
Spain	5, 7, 8, 9, 11, 14, 15, 32, 112	3
Sudan	26	—
Sweden	9, 27, 87	8, 11, 14, 21, 98
Switzerland	8, 14, 26	11, 15, 27, 58
Syrian Arab Republic	—	11, 14, 100, 115
Tanzania	—	—
Tanganyika	19	16, 95
Togo	29	4, 5, 6, 11, 13, 14, 26, 33, 41, 84, 87, 95
Tunisia	99	11, 62, 87, 98, 107
Turkey	2	—
Uganda	64, 86	11, 50
Ukraine	95	11, 15, 29, 47, 52, 58, 59, 60, 98, 100, 103, 111, 112
United Kingdom	5, 26, 68, 99	7, 8, 11, 15
United States	—	58
Upper Volta	98	5, 11, 14, 26, 97
Uruguay	20, 26, 43, 67, 99	11, 14, 21
Venezuela	11, 22, 26	5, 14, 21, 27
Viet-Nam	26	5, 14, 27, 81, 98
Yugoslavia	48	7, 8, 9, 15, 27, 58, 100, 112
Zambia	26, 50, 64, 97	11, 86
Non-Member States :		
Nauru	—	7, 9, 11, 15, 27
Western Samoa	—	14, 50, 64

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: Namibia: 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.

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.

3. Maternity Protection Convention, 1919¹

This Convention came into force on 13 July 1921

France. Ratification: 16 December 1950.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 7 February 1967.

Applicable with modification: Overseas Territories: Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

*United Kingdom.*²

Applicable with modification: Fiji, Solomon Islands, Southern Rhodesia: 27 March 1950.

Decision reserved: Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention was revised in 1952 by Convention No. 103.

² Unratified Convention. These declarations were communicated in connection with the ratification of Convention No. 83 and will become effective only when that Convention comes into force.

FRANCE

Comoro Islands.

Order No. 804/IT-C of 31 August 1968 to establish the conditions for the application of section 112 of Act No. 1322 of 15 December 1952 in the event of a mistake on the part of the medical adviser.

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

Women are employed in commerce and the public services. No mistake on the part of the medical adviser in estimating the date of confinement may preclude a woman employee from receiving free medical attendance and half her pay.

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 3, France. However, the provisions of Decree No. 400 of 30 April 1968 do not apply to the overseas departments, where the earlier provisions are still in force.

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:
New Caledonia: 14 January 1948.
Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, St. Pierre and Miquelon: 19 March 1954.

Netherlands. Ratification: 21 July 1928.
No declaration.

United Kingdom. Ratification: 14 July 1921.
Applicable *ipso jure* without modification²:

Guernsey, Jersey, Isle of Man: 14 July 1921.
Applicable without modification:
Antigua, Bahamas, British Honduras, Falkland Islands (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.

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.

² See footnote 1 to Convention No. 2.

FRANCE

Comoro Islands.

Order No. 18 of 5 January 1967 to establish an employer's register of young persons under 18 years of age employed in undertakings.

Under the above-mentioned order all undertakings employing young persons under 18 years of age must record their particulars in a register separate from that used for other workers.

UNITED KINGDOM

Bahamas.

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

No amendment has yet been made to the Employment of Children Prohibition Act in order to give full effect to Article 4 of the Convention, but it is appreciated that present and future industrial development will make such an amendment necessary and the question will be submitted to the Minister of Labour and Social Welfare for consideration.

Falkland Islands (Malvinas).

Employment of Women, Young Persons and Children Ordinance, No. 1, of 1967.

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned ordinance gives unequivocal effect to the provisions of Article 2 of the Convention.

Fiji.

Employment (Amendment) Ordinance, 1968.

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

Article 2 of the Convention. No order has been made under section 58 of the Employment Ordinance, which empowers the Governor-in-Council to exclude certain industrial undertakings from the provisions of the ordinance.

Article 3. The above-mentioned ordinance has repealed the provision of the Employment Ordinance, which authorised the employment of children under 14 years of age as apprentices in industrial undertakings.

Article 4. No specific form of register has been prescribed.

Gilbert and Ellice Islands.

Employment Ordinance, No. 6 of 15 September 1965.

Hong Kong.

In reply to direct requests made by the Committee of Experts the Government has stated that note has been taken of these requests and that it is intended to introduce amending legislation in order to give clear and unequivocal effect to Article 3 of the Convention, but that it has not yet proved possible to do so.

Isle of Man.

Children and Young Persons Act, 1966.

St. Christopher-Nevis-Anguilla.

Employment of Women, Young Persons and Children Act (Amendment) Ordinance, No. 14 of 1966.
Employment of Children (Restriction) Ordinance, No. 2 of 1966.

*Swaziland.*¹

In reply to a direct request made by the Committee of Experts the Government has stated that none of the major industrial undertakings employs persons under the age of 16 years. The question of rigid enforcement of section 42 (1) of the Employment Proclamation, 1962, providing for a register to be kept of persons under 18 years, with particulars of their ages, may arise in view of the possible development of children's employment, and will be kept under constant review.

¹ Report for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

7. Minimum Age (Sea) Convention, 1920¹

This Convention came into force on 27 September 1921

Australia. Ratification: 28 June 1935.

Applicable without modification: New Guinea, Papua: 8 July 1959.

Not applicable: Norfolk Island: 28 June 1935 and 8 July 1959.

Denmark. Ratification: 12 May 1924.

Applicable without modification: Faroe Islands: 12 May 1924.

Applicable with modification: Greenland: 31 May 1954.

Netherlands. Ratification²: 26 March 1925.
No declaration.

United Kingdom. Ratification: 14 July 1921.

Applicable *ipso jure* without modification³:
Guernsey, Jersey, Isle of Man: 14 July 1921.

Applicable without modification:

Antigua, Bahamas, British Honduras, Falkland Islands (Malvinas), Gibraltar, Gilbert and

Ellice Islands, Hong Kong, Montserrat, St. Lucia, Seychelles, Solomon Islands: 4 June 1962.

St. Vincent: 23 August 1962.

British Virgin Islands, St. Helena: 5 October 1962.

St. Christopher-Nevis-Anguilla: 29 May 1963.

Grenada: 27 June 1963.

Brunei: 26 April 1965.

Applicable with modifications:

Fiji: 3 March 1964.

Bermuda: 3 August 1964.

Decision reserved: Dominica: 17 September 1964.

Not applicable: Southern Rhodesia: 15 October 1963.

¹ This Convention was revised by Convention No. 58 of 1936.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

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: Southern Rhodesia: 15 October 1963.

¹ See footnote 1 to Convention No. 2.

FRANCE

New Caledonia.

Act No. 508 of 12 July 1966 to apply to New Caledonia the Seamen's Code of 13 December 1926 (*Journal officiel*, 1926, No. 291, p. 13018; errata: *ibid.*, 1926, No. 297, p. 13346; *ibid.*, 1927, No. 14, p. 698) (*L.S.* 1926—Fr. 13), as amended by the Act of 15 February 1929.

Section 42 of the above-mentioned Act of 1966 provides for the payment of an indemnity, limited to two months' wages, to seamen in case of shipwreck or declaration of unseaworthiness of the vessel in which they are employed.

UNITED KINGDOM

Gilbert and Ellice Islands.

See under Convention No. 5.

The Employment Ordinance of 1965 authorises the making of regulations providing for an indemnity for seamen in the event of a vessel's foundering.

Solomon Islands.

Shipping Regulations, 1967, Legal Notice of 14 March 1967.
Labour (Seamen) Rules, 1968, Legal Notice of 23 May 1968.

In reply to a direct request made in 1967 by the Committee of Experts the Government has stated that the above-mentioned rules, which came into force in May 1968, apply the provisions of the Convention.

Rule 12 entitles a seaman, subject to Rule 6, to two months' wages by way of indemnity in the event of the loss or foundering of a ship. It is considered that the provisions of section 22 (1) of the Labour Ordinance would also be applicable in this connection. Moreover, section 19 of the Labour Ordinance entitles seamen to sue and recover wages, and it is considered that this provision would apply equally to the indemnity.

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

Australia. Ratification: 3 August 1925.
Not applicable: New Guinea, Norfolk Island, Papua: 3 August 1925.
Denmark. Ratification: 23 August 1938.
Applicable without modification: Faroe Islands: 23 August 1938.
Not applicable: Greenland: 31 May 1954.

France. Ratification: 25 January 1928.
No declaration.
Netherlands. Ratification: 9 January 1948.
Applicable without modification: Netherlands Antilles: 5 August 1957.
Decision reserved: Surinam: 5 August 1957.
New Zealand. Ratification: 29 March 1938.
No declaration.

NETHERLANDS

Surinam.

Government Ordinance of 22 August 1964 to make provisions with regard to placement (*Gouvernementsblad*, 1965, No. 10).

The above-mentioned provisions apply also to the placement of seamen.

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 (Malvi-
nas): 18 December 1963.

Gilbert and Ellice Islands, St. Helena, Sey-
chelles: 24 February 1964.

Grenada: 13 April 1964.

Bermuda: 21 May 1964.

Dominica, Jersey: 12 June 1964.

St. Vincent: 29 December 1964.

British Virgin Islands: 10 March 1964.

Bahamas: 1 March 1967.

Applicable with modifications:

Brunei: 26 April 1965.

Antigua: 27 April 1966.

Decision reserved:

Hong Kong, St. Christopher-Nevis-Anguilla,
Solomon Islands, Southern Rhodesia: 18 Decem-
ber 1963.

St. Lucia: 24 February 1964.

Fiji, Montserrat: 12 June 1964.

Not applicable: Gibraltar: 18 December 1963.

UNITED KINGDOM

St. Christopher-Nevis-Anguilla.

Employment of Children (Restriction) Ordinance, No. 2 of 1966.

Article 1 of the Convention. Under section 2 of the above-mentioned ordinance the term "child" applies up to 14 years of age.

Article 2. A child under 12 years of age may be employed on light agricultural work, provided that it is performed on land belonging to his parent or guardian (section 3 (1) of the ordinance).

Article 3. The ordinance does not apply to work carried out in technical schools (section 4).

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Australia. Ratification: 24 December 1957.

Applicable without modification: New Guinea, Norfolk Island, Papua: 8 July 1959.

Denmark. Ratification: 20 June 1930.

Applicable without modification:

Greenland: 31 May 1954.

Faroe Islands: 28 September 1960.

France. Ratification: 23 March 1929.

Applicable without modification:

Overseas Departments: Guadeloupe, Martinique, Réunion: 9 December 1933.

Overseas Territories: Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, New Caledonia, St. Pierre and Miquelon: 8 July 1958.

No declaration: French Guiana.

Netherlands. Ratification: 20 August 1926.

Applicable without modification:

Netherlands Antilles: 15 December 1955.

Surinam: 5 August 1957.

New Zealand. Ratification: 29 March 1938.

Applicable without modification: Cook Islands, Niue: 26 October 1951.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 6 August 1923.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 6 August 1923.

Applicable without modification:

Antigua, Bahamas, Bermuda, British Honduras, Dominica, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice Islands, Hong Kong, 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.

Brunei: 26 April 1965.

Decision reserved: Southern Rhodesia: 20 November 1963.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

New Guinea.

In reply to a direct request made in 1967 by the Committee of Experts regarding the laws relating to self-employed persons engaged in agriculture, the Government has stated that, in practice, such workers have, under common law, the right of association and combination for any legal purpose. In addition, under the Co-operative Societies Ordinance, 1965, such workers may co-operate for the advancement of their economic or social interests. Otherwise there are no legislative provisions granting specific rights to self-employed persons engaged in agriculture. On the other hand, legislative restriction in this field is limited to section 543 of the Criminal Code (Papua and New Guinea).

Papua.

See under New Guinea.

NEW ZEALAND

Niue.

Niue Act, 1965 (section 690).

The above-mentioned Act provides specifically in section 690 that the Incorporated Societies Act, 1908 (under which any body of not less than 15 persons may associate for the purpose of protecting or regulating some trade, business, industry or

calling in which the members are engaged or interested), shall be in force in Niue—the term “Niue” to be substituted for the term “New Zealand” in the Act.

At present there are no industrial workers’ or employers’ unions registered on the island and there is no industry, other than the manufacture of plaited ware, in respect of which they might be set up.

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.
Brunei: 26 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.

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.

NETHERLANDS

Surinam.

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

Articles 1 and 3 of the Convention. The Safety Regulations, No. 4 to 1949, will be amended or supplemented in the first half of 1969 at the latest, with a view to giving effect to these Articles.

Article 5. The Safety Ordinance of 1947 will be amended or supplemented, and a draft text for this purpose will be submitted to the states of Surinam in the first half of 1969 at the latest.

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:
 New Caledonia: 14 February 1947.
 Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, St. Pierre and Miquelon: 19 March 1954;

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, 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: 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.

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

Article 3 of the Convention. Under section 1 (a) of Part I of the Labour Ordinance of 1963 the term "labour" means all work in an undertaking except the work performed by the head or the manager of the undertaking or his wife and relations in blood and by marriage to the first degree. This implies that the above-mentioned persons may be employed in an undertaking but are not covered by the provisions of the ordinance and thus the section is not in compliance with the requirements of this Article. Section 1 (a) of the ordinance will have to be amended and brought into conformity with the Convention. A proposed amendment will be submitted to the Legislative Council of Surinam for approval.

Article 7. Specimens of a list of workers and of a list of hours of work were appended to the Government's report. However, the form of these lists is not prescribed by law.

15. Minimum Age (Trimmers and Stokers) 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: 12 May 1924.

Applicable without modification:

Faroe Islands: 12 May 1924.

Greenland: 31 May 1954.

France. Ratification: 16 January 1928.

No declaration.

Netherlands. Ratification: 17 June 1931.

Decision reserved: Surinam: 5 August 1957.

No declaration: Netherlands Antilles.

New Zealand. Ratification: 26 November 1959.

Not applicable: Cook Islands, Niue, Tokelau
Islands: 26 November 1959.

United Kingdom. Ratification: 8 March 1926.

Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 8 March 1926.

Applicable without modification ²:

Bermuda, Dominica, Gibraltar, Grenada, Hong
Kong, St. Helena, St. Lucia, St. Vincent, Sey-
chelles: 27 March 1950.

Brunei ²: 1 June 1960.

British Honduras ²: 1 August 1961.

Montserrat ²: 5 July 1962.

Applicable with modification ²: Fiji, Solomon
Islands: 27 March 1950.

Decision reserved ²: Antigua, Bahamas,
British Virgin Islands, Falkland Islands (Mal-
vinas), Gilbert and Ellice Islands, St. Christopher-
Nevis-Anguilla: 27 March 1950.

Not applicable ²: Southern Rhodesia:
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.

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 modification ¹:
Guernsey, Jersey, Isle of Man: 28 June 1949.

Applicable without modification ²:

Gibraltar ²: 29 December 1958.

Montserrat ²: 5 July 1962.

British Virgin Islands ²: 17 September 1964.

St. Lucia: 6 November 1967.

Applicable with modifications ²:

Antigua, Bahamas, British Honduras, Domi-
nica, Falkland Islands (Malvinas), Grenada,
St. Christopher-Nevis-Anguilla, St. Helena,
St. Vincent, Southern Rhodesia: 27 March 1950.
Solomon Islands: 30 March 1965.

Fiji: 7 January 1966.

Bermuda: 17 June 1966.

Gilbert and Ellice Islands: 15 August 1967.

Decision reserved ²: Hong Kong, Seychelles:
27 March 1950.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

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: Namibia: 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: 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 footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

NETHERLANDS

Surinam.

In reply to observations made by the Committee of Experts the Government has stated that the proposed accident compensation scheme, which will provide for equality of treatment of workers, irrespective of their nationality, is expected to be submitted to the states of Surinam for approval in the first half of 1969 at the very latest.

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: 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, 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.

NETHERLANDS

Netherlands Antilles (First Report).

Accident Insurance Ordinance of 6 January 1966 (*Publicatieblad*, 1966, No. 14).

The Social Insurance Bank is in charge of the implementation of the Sickness and Industrial Accidents Insurance Scheme.

Surinam.

Civil Code, National Decree of 8 September 1947 (section 1614 (*e*), paragraphs 1 to 5).

National Decree of 10 September 1947 (*Gouvernementsblad*, 1947, No. 145) (sections 5 and 10).

Under section 5 of the National Decree of 10 September 1947 all undertakings are obliged to take out a sickness insurance policy on behalf of their workers with an insurance company which, in the opinion of the Governor, is sufficiently solvent.

Paragraphs 1 to 5 of section 1614 (*e*) of the Civil Code lay down provisions respecting workers who, on account of disease or accident, are unable to perform their work.

The conclusion may be drawn that it is premature to make this Convention applicable to Surinam, because the Surinam legislation is not yet in accordance with the provisions of the Convention and the financial consequences cannot yet be estimated.

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Netherlands. Ratification: 15 November 1965.

Applicable without modification: Netherlands Antilles: 30 May 1968.

Decision reserved: Surinam: 30 May 1968.

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, 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.

NETHERLANDS

Netherlands Antilles (First Report).

See under Convention No. 24.

Surinam.

See under Convention No. 24.

Under section 5 of the National Decree of 10 September 1947 agricultural establishments are not considered to be undertakings which are obliged to insure their workers against sickness.

26. Minimum Wage-Fixing Machinery Convention, 1928

This Convention came into force on 14 June 1930

Australia. Ratification: 9 March 1931.

Not applicable: New Guinea, Norfolk Island, Papua: 21 November 1931.

France. Ratification: 18 September 1930.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

No declaration: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 10 November 1936.
No declaration.

New Zealand. Ratification: 29 March 1938.
No declaration.

Republic of South Africa. Ratification: 28 December 1932.

Not applicable: Namibia: 15 June 1949.

United Kingdom. Ratification: 14 June 1929.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 14 June 1929.

Applicable without modification:

British Honduras, Dominica, Falkland Islands (Malvinas), Gibraltar, Hong Kong, 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.

Gilbert and Ellice Islands: 15 October 1963.

Montserrat: 12 June 1964.

Bahamas: 28 August 1964.

Decision reserved:

Antigua: 4 June 1962.

Bermuda: 3 April 1963.

Southern Rhodesia: 14 January 1964.

Brunei: 3 August 1964.

¹ See footnote 1 to Convention No. 2.

AUSTRALIA

New Guinea.

Apprenticeship Ordinance, 1967.

Public Service Ordinance, 1967.

Native Employment Ordinance, 1967.

UNITED KINGDOM

Solomon Islands.

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

Wages of unestablished government workers are adjusted periodically in the light of changes in the retail price indices, professional inquiries into family budgets, sociological studies and workers' opinions expressed through joint consultative committees at the level of undertakings.

A non-statutory labour advisory committee has been formed with equal representation of nominated workers and elected employers' representatives from the private sector. The result of this experience indicates that it is not yet possible to associate employers and workers on equal terms in the operation of the wage fixing machinery.

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

This Convention came into force on 9 March 1932

Australia. Ratification: 9 March 1931.
Applicable without modification:
New Guinea, Norfolk Island, Papua: 12 September 1931.

Denmark. Ratification ¹: 18 January 1933.
Applicable without modification: Faroe Islands: 18 January 1933.

Not applicable: Greenland: 18 January 1933.

France. Ratification: 29 July 1935.
No declaration.

Netherlands. Ratification: 4 January 1933.
Applicable without modification: Surinam: 5 August 1957.

No declaration: Netherlands Antilles.

Republic of South Africa. Ratification ¹: 21 February 1933.

No declaration.

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: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ Conditional ratification.

² Unratified Convention. See footnote 1 to Convention No. 14.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

Act of 27 June 1935 to insert in the Second Book of the Labour Code special provisions concerning the marking of the weight on heavy packages transported by vessels (*Journal officiel (J.O.)*, 28 June 1935, No. 150, p. 6842) (*L.S.* 1935—Fr. 7).

Decree of 18 June 1937 to promulgate the Convention (*J.O.*, 1937, p. 7956).

These enactments, in force in France, are likewise applicable to the four overseas departments.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Australia. Ratification: 2 January 1932.

Applicable without modification¹: New Guinea, Norfolk Island, Papua: 2 January 1932.

Denmark. Ratification: 11 February 1932.

Applicable without modification¹: Faroe Islands, Greenland: 11 February 1932.

France. Ratification: 24 June 1937.

Applicable without modification:

Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 24 June 1937.¹

Overseas Territories: Comoro Islands, French Polynesia, French 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, 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 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: 3 June 1931.

Southern Rhodesia: 20 March 1933.

¹ In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

² See footnote 1 to Convention No. 2.

FRANCE

Comoro Islands.

Order No. 353/PR-INT of 6 April 1968 to organise the work of prisoners in prisons and penitentiaries.

32. Protection against Accidents (Dockers) Convention (Revised), 1932¹

This Convention came into force on 30 October 1934

France. Ratification: 27 May 1955.

No declaration.

Netherlands. Ratification: 25 August 1964.

No declaration.

New Zealand. Ratification: 29 March 1938.

No declaration.

United Kingdom. Ratification: 10 January 1935.

Applicable *ipso jure* without modification²:
Guernsey, Jersey, Isle of Man: 10 January 1935.

Applicable with modifications: Falkland
Islands (Malvinas): 29 December 1964.

Decision reserved:

Bahamas, Solomon Islands: 15 January 1963.

Bermuda, Hong Kong, Montserrat, St. Lucia:
4 February 1963.

Fiji, Gilbert and Ellice Islands, St. Vincent:
18 February 1963.

Gibraltar: 7 March 1963.

Grenada: 27 June 1963.

Antigua: 20 August 1963.

British Honduras, Dominica: 15 October 1963.

St. Christopher-Nevis-Anguilla: 12 June 1964.

Brunei: 3 August 1964.

Seychelles: 16 October 1964.

British Virgin Islands: 28 February 1966.

St. Helena: 5 September 1966.

Not applicable: Southern Rhodesia: 7 March 1963.

¹ This Convention revises Convention No. 28 of 1929.

² See footnote 1 to Convention No. 2.

FRANCE

Comoro Islands.

Order No. 15/IT-C of 5 January 1967 to prescribe the conditions of work of barge crews.

French Guiana, Guadeloupe, Martinique, Réunion.

Decree No. 1592 of 23 August 1947 to issue public administrative regulations for special safety measures with respect to hoisting appliances other than passenger and goods lifts (*Journal officiel*, 26 Aug. 1947, p. 8481), as amended by Decrees No. 1121 of 9 September 1950 (*ibid.*, 14 Sep. 1950) and No. 1028 of 18 August 1962 (*ibid.*, 26 Aug. 1962).

Order of 16 August 1951 to prescribe the conditions for the inspection of hoisting gear, as amended by the order of 30 March 1952.

Order of 17 August 1951 to prescribe the conditions for approval in connection with the inspection of hoisting gear.

Decree No. 314 of 14 March 1955 to apply the provisions of the Convention to shipping (*ibid.*, 25 Mar. 1955), as amended by Decree No. 1051 of 31 October 1958 (*ibid.*, 6 Nov. 1958; errata: *ibid.*, 5 Mar. 1959).

Decree of 2 March 1956 to bring the Convention into force as from 27 May 1956.

Order of 7 July 1965 to prescribe the precautions to be taken in connection with loading and unloading operations on board sea-going vessels (*ibid.*, 23 July 1965).

These enactments, in force in France, are likewise applicable to the four overseas departments.

New Caledonia.

Order No. 174/CG of 6 April 1967 to prescribe the precautions to be taken in connection with loading and unloading operations on board sea-going vessels.

Article 5 of the Convention. Under section 5 of the above-mentioned order workers may not be required to use other means of access than those provided on board.

Article 6. Section 5 of the order also lays down that if a hatchway is not protected by coamings to a height of at least 75 cm. (2 feet 6 inches), those in charge of the vessel are required to supply reliable portable fencing at least 90 cm. (3 feet) high. Section 6 stipulates that the open part of the hatchway on the upper deck(s) must be protected in such a way as to prevent anyone from falling in.

Articles 8 and 11. Section 3 of the order states that, when they are replaced, all fore and aft and thwart-ship beams and hatch coverings must be fixed to the hatchways in the positions indicated by the markings on them, if any, and must always be properly fastened.

NETHERLANDS

Netherlands Antilles.

Ordinance respecting stevedores (*Publicatieblad*, 1946, No. 28).

Executive Decree respecting stevedores (*ibid.*, No. 87).

Article 17 of the Convention. The safety inspectorate for the docks is responsible for supervising compliance with the provisions of the above-mentioned ordinance.

Surinam.

Accident Regulations, 1947 (*Publicatieblad*, No. 145).

Safety Ordinance, 1947 (*Gouvernementsblad*, 1947, No. 142).

UNITED KINGDOM

Falkland Islands (Malvinas).

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

Article 3, paragraph 3, of the Convention. Consideration is being given to an amendment to the Shipworkers Protection Regulations, 1949.

Article 5, paragraph 5. Duties (*b*) of the regulations will be amended so as to introduce the word "contractor".

Article 17, paragraph 2. Under an administrative instruction the Superintendent of Public Works is responsible for carrying out inspections.

Gilbert and Ellice Islands.

Workmen's Compensation Ordinance, 1949.

Workmen's Compensation (Amendment) Ordinance, No. II of 1966.

See also under Convention No. 5.

Powers are granted to the Commissioner of Labour and to the Chief Medical Officer to require an employer to take such steps as are considered necessary for the remedying of defects in plant layout, working methods, supervision, medical or sanitary provisions or other matters which constitute any threat to the health or safety of the worker at any place of employment. It is expected that reviews will take place from time to time to consider whether developments warrant the making of rules under the Employment Ordinance, section 119 (1) (*h*).

33. Minimum Age (Non-Industrial Employment) Convention, 1932¹

This Convention came into force on 6 June 1935

France. Ratification: 29 April 1939.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French Territory of the Afars and the Issas, New Caledonia, St. Pierre and Miquelon: 19 March 1954.

No declaration: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion.

Netherlands. Ratification: 12 July 1935.

Applicable without modification: Netherlands Antilles: 5 August 1957.

No declaration: Surinam.

¹ This Convention was revised by Convention No. 60 of 1937.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 33, France.

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable without modification: Gibraltar:
21 May 1964.

Applicable with modifications: Falkland
Islands (Malvinas): 21 May 1964.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April
1964.

British Honduras, Fiji, Grenada: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent,
Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.
Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Polynesia.

Decision No. 110 of 24 August 1967 to establish a retirement scheme for salaried workers in French Polynesia.

The retirement scheme established by the above-mentioned decision entered into force on 1 January 1968.

Article 2 of the Convention. The scheme applies to all wage earners between 14 and 50 years of age who come within the scope of section 1 of the Overseas Labour Code of 15 December 1952. Foreign workers are compulsorily insured in the same way as nationals. The only exceptions relate to workers whose wages exceed 1,650 French francs per month and to workers who are not paid a money wage.

Articles 3 and 6. Formerly compulsorily insured persons maintain the rights acquired through their contributions without limit of time.

Article 4. The right to an old-age pension accrues at 60 years of age.

Article 5. A minimum of ten years' contributions is required.

Article 7. The amount of the pension depends upon the length of time during which the person concerned has been insured, subject to a guaranteed minimum pension of 1.7 per cent of the annual wage over a period of ten years' contributions.

Article 8. There is no reduction or suspension of the pension in the cases provided for in this Article.

Article 9. Workers and employers, but not the public authorities, contribute to the pension scheme.

Article 10. The scheme is administered by the Social Assistance Fund, established by the public authorities, whose executive council includes representatives of the territorial Parliament and government and of employers and workers. Its resources are administered separately from public funds.

Article 11. Disputes, except those relating to the recovery of benefits, are within the jurisdiction of the Court of First Instance, a common law court.

Article 12. Foreign workers are granted equal treatment with nationals.

Article 13. The law applicable is the law at the place of employment except in the case of those covered by a metropolitan scheme affording similar rights.

UNITED KINGDOM

Bermuda.

Contributory Pensions Act, 1967.

The above-mentioned Act, which entered into force on 5 August 1968, will, it is hoped, enable consideration to be given to improved declarations of application in respect of Conventions Nos. 35, 36, 39, 40 and 102.

Gibraltar.

Social Insurance (Amendment) Ordinances, No. 10 of 28 April 1966 and No. 8 of 22 March 1968 (*Gibraltar Gazette*, Supplement, 29 Mar. 1968, No. 1120).

Social Insurance (Insurability and Special Classes) (Amendment) Regulations, 1967 (*ibid.*, 18 Aug. 1967, No. 1070).

The above-mentioned regulations provide that a married woman in employment may contract out of the insurance scheme only if her husband is paying contributions under the Social Insurance Ordinance, whether compulsorily or voluntarily. The earnings limit for insurable employment was removed as from 1 January 1968.

Hong Kong.

An inter-departmental working party, set up in 1966 to consider social security and suggest improvements, reported in April 1967. Its report was published and public comment invited.

Isle of Man.

National Insurance Orders, 1967 and 1968.

The above-mentioned orders increased national insurance contributions and benefit rates.

St. Christopher-Nevis-Anguilla.

National Provident Fund Act, No. 21 of 1968.

The above-mentioned Act has established a national provident fund to which employers and workers are required to contribute on equal terms for the purpose of obtaining benefits in respect of the contingencies covered by Conventions Nos. 35 to 40.

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Applicable with modifications: Falkland
Islands (Malvinas): 21 May 1964.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April
1964.

British Honduras, Fiji, Grenada: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent,
Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

Not applicable: Gibraltar: 21 May 1964.

¹ See footnote 1 to Convention No. 2.

FRANCE

French Polynesia.

See under Convention No. 35.

UNITED KINGDOM

Bermuda, Hong Kong, Isle of Man, St. Christopher-Nevis-Anguilla.

See under Convention No. 35.

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

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April 1964.

British Honduras, Falkland Islands (Malvinas),
Fiji, Gibraltar, Grenada: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent,
Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

¹ See footnote 1 to Convention No. 2.

FRANCE

Comoro Islands.

See under Convention No. 38.

New Caledonia.

A draft decision to establish a scheme of insurance against sickness (serious risks), surgery and invalidity was presented to the Territorial Assembly in January 1967. This draft was prepared by the employers' and workers' organisations.

UNITED KINGDOM

Gilbert and Ellice Islands.

Workmen's Compensation Ordinance, No. 6 of 1949.

Workmen's Compensation (Amendment) Ordinance, No. 11 of 1966.

Certain benefits are guaranteed by law to workers injured in the course of their employment. Established government employees receive full wages for the first six months of invalidity and half wages for the next six months.

Hong Kong.

See under Convention No. 35.

Jersey.

Health Insurance (Jersey) Law, No. 12 of 1967.

Health Insurance (Amendment) (Jersey) Law, No. 1 of 1968.

The above-mentioned laws introduced a new compulsory health insurance scheme under which, in return for a weekly contribution, an insured person, his dependent wife, dependent children and adult dependants are covered in respect of medical care and pharmaceutical supplies; part of doctors' fees and of the costs of medicine are paid under the scheme. Provision is made for the extension of the scheme to cover dental and ophthalmic costs but this has not happened. All persons between compulsory school age and compulsory retirement age are covered; in the case of employed persons, employers also contribute to the scheme.

St. Christopher-Nevis-Anguilla.

See under Convention No. 35.

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification: 23 August 1939.

No declaration.

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April 1964.

British Honduras, Falkland Islands (Malvinas),
Fiji, Grenada: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent,

Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

Not applicable: Gibraltar: 21 May 1964.

¹ See footnote 1 to Convention No. 2.

FRANCE

Comoro Islands.

Act No. 687 of 8 July 1964 to amend and supplement the Overseas Labour Code (*Journal officiel*, 9 July 1964; errata: *ibid.*, 31 July 1964).

Decision No. 55 of 18 December 1958.

Order 696/IT-C of 30 June 1965.

Order 700/IT-C of 30 June 1965.

Order 1503/IT-C of 31 December 1965.

Order 118/IT-C of 2 February 1966.

Order 119/IT-C of 2 February 1966.

Order 176/IT-C of 14 December 1966.

The only risks covered are employment injury or occupational disease. Compulsory invalidity insurance applies to all employed workers, members of producers' co-operatives, the managers and directors of co-operatives and of limited companies, apprentices, students in technical schools, persons attending rehabilitation or refresher courses (in relation to accidents arising out of their training) and prisoners performing penal labour (in relation to accidents arising out of their labour).

Contributions are payable entirely by the employer. Non-wage earners may join the scheme, in which case they pay their own contributions.

The following benefits are granted: medical and surgical care, including pharmaceutical and ancillary costs; hospitalisation; the supply of orthopaedic and prosthetic appliances; transport of the injured person; and generally the expenses of treatment and rehabilitation. A daily allowance is payable amounting to half wages for the first 28 days and two-thirds of wages thereafter until recovery. In case of permanent incapacity varying from 1 to 100 per cent, a pension based on wages is payable. Voluntarily insured persons also receive the above-mentioned benefits with the exception of the daily allowance.

The scheme applies equally to national and foreign workers.

New Caledonia.

See under Convention No. 37.

UNITED KINGDOM

Gilbert and Ellice Islands.

See under Convention No. 37.

Hong Kong.

See under Convention No. 35.

Jersey.

See under Convention No. 37.

St. Christopher-Nevis-Anguilla.

See under Convention No. 35.

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

This Convention came into force on 8 November 1946

United Kingdom. Ratification: 18 July 1936.
 Applicable *ipso jure* without modification¹:
 Guernsey, Jersey, Isle of Man: 18 July 1936.
 Applicable with modifications: Gibraltar: 21 May 1964.

Decision reserved:
 Bahamas, Bermuda, Hong Kong: 13 April 1964.
 British Honduras, Falkland Islands (Malvinas), Fiji, Grenada: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent, Solomon Islands: 12 June 1964.
 St. Christopher-Nevis-Anguilla: 7 July 1964.
 Dominica: 3 August 1964.
 St. Lucia: 16 October 1964.
 Gilbert and Ellice Islands: 11 November 1964.
 Southern Rhodesia: 24 November 1964.
 Brunei: 11 December 1964.
 Seychelles: 10 March 1965.
 British Virgin Islands: 28 February 1966.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bermuda.

See under Convention No. 35.

Gibraltar.

Social Insurance (Insurability and Special Classes) (Amendment) Regulations, 1967 (*Gibraltar Gazette*, 18 Aug. 1967, No. 1070).

Social Insurance (Amendment) Ordinance, No. 8 of 22 March 1968 (*ibid.*, Supplement, 29 Mar. 1968, No. 1120).

In reply to a direct request made by the Committee of Experts the Government has stated that the above-mentioned ordinance removes the limitation to four of the number of children who may be taken into account in fixing widow's benefit.

Revised rates of contributions and benefits came into force on 1 January 1968.

See also under Convention No. 35.

Hong Kong, Isle of Man, St. Christopher-Nevis-Anguilla.

See under Convention No. 35.

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

United Kingdom. Ratification: 18 July 1936.

Applicable *ipso jure* without modification ¹:
Guernsey, Jersey, Isle of Man: 18 July 1936.

Decision reserved:

Bahamas, Bermuda, Hong Kong: 13 April 1964

British Honduras, Falkland Islands (Malvinas),
Fiji, Grenada: 21 May 1964.

Antigua, Montserrat, St. Helena, St. Vincent,
Solomon Islands: 12 June 1964.

St. Christopher-Nevis-Anguilla: 7 July 1964.

Dominica: 3 August 1964.

St. Lucia: 16 October 1964.

Gilbert and Ellice Islands: 11 November 1964.

Southern Rhodesia: 24 November 1964.

Brunei: 11 December 1964.

Seychelles: 10 March 1965.

British Virgin Islands: 28 February 1966.

Not applicable: Gibraltar: 21 May 1964.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Bermuda, Hong Kong, Isle of Man, St. Christopher-Nevis-Anguilla.

See under Convention No. 35.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934¹

This Convention came into force on 17 June 1936

Australia. Ratification: 29 April 1959.
Applicable without modification: 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: Namibia 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:
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.

NETHERLANDS

Surinam.

In reply to an observation made by the Committee of Experts the Government has stated that the draft accident regulations include a new list of occupational diseases which takes into account the provisions of the Convention.

See also under Convention No. 19.

UNITED KINGDOM

Falkland Islands (Malvinas) (First Report).

Workmen's Compensation Ordinances, No. 1 of 1960 and No. 11 of 1965.

Workmen's Compensation Regulations, No. 3 of 1960.

Article 1 of the Convention. Under section 3 of the above-mentioned ordinance of 1965, compensation for occupational diseases is payable at the same rate as for industrial accidents.

Article 2. All the occupational diseases listed in this Article are reproduced in the ordinance of 1965.

The competent authority is the Commissioner for Workmen's Compensation, who, at the present moment, is the Colonial Secretary. Supervision and enforcement is ensured by inspection and by liaison with the General Employees' Union.

With a very small and mainly agricultural population, the number of injuries is very low.

St. Christopher-Nevis-Anguilla.

Occupational Diseases (Amendment) Regulations, No. 35 of 1967.

The above-mentioned regulations have added 19 diseases to the schedule of occupational diseases appearing in the Occupational Diseases Regulations, 1953.

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, 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.

NETHERLANDS

Netherlands Antilles (First Report).

Apart from the placement of those seeking work, there are no provisions for the unemployed. However, relief has been arranged for those who have no income as a result of unemployment.

Surinam.

At present there are no statutory measures respecting provision against unemployment, but the authorities grant assistance to the unemployed through the Welfare Service for the Needy and Aged. In addition a number of persons have been placed in supplementary employment, where they perform work and receive financial aid.

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Netherlands. Ratification: 6 October 1938.
No declaration.

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

New Zealand. Ratification: 8 July 1947.

Applicable without modification: Cook
Islands, Niue: 8 July 1947.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 22 May 1939.

Applicable *ipso jure* without modification¹:
Guernsey, Jersey, Isle of Man: 22 May 1939.

Applicable without modification:

Antigua, British Honduras, British Virgin

Islands, Brunei, Dominica, Fiji, Gilbert and
Ellice Islands, Grenada, Hong Kong, Montserrat,
St. Christopher-Nevis-Anguilla, St. Lucia, St.
Vincent, Seychelles, Solomon Islands: 22 May
1939.

Southern Rhodesia: 11 March 1940.

Bahamas: 30 September 1944.

Not applicable: Bermuda, Falkland Islands
(Malvinas), Gibraltar, St. Helena: 22 May 1939.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Hong Kong.

In reply to a direct request made by the Committee of Experts the Government has stated that the Employment Bill, which is before the Legislative Council, would empower the Governor-in-Council to make regulations providing for the conditions of registration and operation of employment agencies.

53. Officers' Competency Certificates Convention, 1936

This Convention came into force on 29 March 1939

Denmark. Ratification: 13 July 1938.
 Applicable without modification: Faroe Islands: 13 July 1938.
 Not applicable: Greenland: 31 May 1954.
France. Ratification: 19 June 1947.
 Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.
New Zealand. Ratification: 29 March 1938.
 No declaration.
United States. Ratification: 29 October 1938.
 Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.
 Trust Territory of Pacific Islands: 7 June 1961.

58. Minimum Age (Sea) Convention (Revised), 1936¹

This Convention came into force on 11 April 1939

Denmark. Ratification: 4 June 1955.
 Not applicable: Faroe Islands: 4 June 1955.
 No declaration: Greenland.
France. Ratification: 9 December 1948.
 Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 No declaration: all other territories.
Netherlands. Ratification: 8 July 1947.
 Applicable without modification: Netherlands Antilles: 5 August 1957.
 Decision reserved: Surinam: 5 August 1957.
New Zealand. Ratification: 7 June 1946.
 No declaration.
*United Kingdom.*²
 Applicable without modification: Dominica, Fiji, Grenada, St. Helena, Seychelles, Solomon Islands: 27 March 1950.

Gibraltar: 29 December 1958.
 Applicable with modifications: Antigua, Bahamas, British Honduras, British Virgin Islands, Falkland Islands (Malvinas), Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent: 27 March 1950.
 Brunei: 1 June 1960.
 Bermuda: 4 October 1967.
 Not applicable: Southern Rhodesia: 27 March 1950.
 No declaration: Guernsey, Jersey, Isle of Man.
United States. Ratification: 29 October 1938.
 Applicable without modification: American Samoa, Guam, Puerto Rico, Virgin Islands: 29 October 1938.
 No declaration: Trust Territory of Pacific Islands.

¹ This Convention revises Convention No. 7 of 1920.

² Unratified Convention. See footnote 1 to Convention No. 14.

NETHERLANDS

Netherlands Antilles.

National Mariners Engagement Decree (*Publicatieblad*, 1960, No. 201).

In reply to requests made by the Committee of Experts the Government has stated that no discharge book is issued to persons under 16 years of age.

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

France. Ratification: 16 December 1950.

Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe,
Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 2 May 1950.

Applicable without modification: Surinam:
25 June 1951.

Decision reserved: Netherlands Antilles:
25 June 1951.

NETHERLANDS

Netherlands Antilles.

Government Safety Ordinance of 3 February 1958 (*Publicatieblad*, 1958, No. 14).

Article 4 of the Convention. The Safety Inspectorate of the Department of Economic and Social Affairs is entrusted with the supervision of compliance with the safety regulations.

Surinam.

In reply to an observation made by the Committee of Experts the Government has stated that it is expected that an amendment to the Safety Ordinance of 17 July 1962 (still not operative) will be adopted.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

New Zealand. Ratification: 8 July 1947.

Applicable without modification: Cook Islands, Niue: 8 July 1947.

No declaration: Tokelau Islands.

United Kingdom. Ratification: 24 August 1943.

Applicable *ipso jure* without modification¹: Guernsey, Jersey, Isle of Man: 24 August 1943.

Applicable without modification:

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: 24 August 1943.

Bahamas: 16 March 1962.

Decision reserved: Bermuda: 24 August 1943.

Not applicable: Falkland Islands (Malvinas), Gibraltar: 24 August 1943.

No declaration: Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Hong Kong.

In reply to a direct request made by the Committee of Experts the Government has stated the Contracts for Overseas Employment Ordinance does not apply to persons going to the United Kingdom who are holders of employment vouchers issued under the Commonwealth Immigrant Act, 1962, because they will be protected by British labour legislation. As to the reasons for the exclusion of immigrants who have been granted admission on a permanent basis to an overseas territory, such persons will become citizens of the territory to which they are emigrating permanently and will therefore be subject to the laws of that territory. The Asiatic Emigration Ordinance was amended in order to permit the emigration of persons who enter into contracts for overseas employment and are required to have those contracts attested by the Commissioner of Labour.

As regards repatriation, employers are generally required to provide a guarantor to sign a guarantee in the prescribed form. No case of an employer failing to meet his obligations with regard to repatriation has arisen.

Seychelles.

Control of Recruitment and Emigration of Domestic Servants Ordinance, No. 32 of 1965 (*Government Gazette*, Supplement, 1 Jan. 1966).

In reply to a direct request made by the Committee of Experts the Government has stated that a medical examination is made compulsory in respect of domestic servants engaged for employment abroad by section 5 (1) (c) of the above-mentioned ordinance. For other categories of workers engaged for foreign employment, the attestation of contracts is made conditional upon a prior medical examination.

*Swaziland.*¹

In reply to a direct request made by the Committee of Experts the Government has stated that the question of repatriation expenses has been discussed with the Mine Labour Organisation, which holds an exemption certificate. In the light of information obtained concerning the practice in other territories whose workers are engaged for employment in the Republic of South Africa, the matter will be considered by the Labour Advisory Board.

¹ Report for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

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, 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: 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.**68. Food and Catering (Ships' Crews) Convention, 1946***This Convention came into force on 24 March 1957*

France. Ratification: 9 December 1948.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 17 June 1958.

Not applicable:

Surinam: 11 November 1958.

Netherlands Antilles: 15 May 1959.

United Kingdom. Ratification: 6 August 1953.

Not applicable: Southern Rhodesia: 7 July 1959.

Decision reserved:

Guernsey, Jersey: 8 March 1960.

Isle of Man: 22 September 1960.

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: 13 February 1961.

FRANCE*New Caledonia.*

See under Convention No. 8.

The Seamen's Code has been made applicable to the territory.

NETHERLANDS*Surinam.*

Commercial Code.

Sections 507 to 509 of the above-mentioned Code oblige shipowners and masters to provide proper food and accommodation on board for members of the crew.

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: 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.

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, 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: 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.

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.

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, Niue: 30 November 1959.

United Kingdom. Ratification: 28 June 1949.¹

Applicable *ipso jure* without modification²: Guernsey¹, Jersey¹, Isle of Man¹: 28 June 1949.

Applicable without modification:

Antigua¹, Brunei¹, Gibraltar³, 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: 22 March 1958.

Dominica: 16 December 1958.

¹ Excluding Part II.

² See footnote 1 to Convention No. 2.

³ Including Part II.

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, 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.

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.

NEW ZEALAND

Tokelau Islands.

Article 8, clause (c), of the Convention. The Tokelau Islands Act, 1948, was amended in 1967. The amendment precludes the alienation of Tokelauan land by requiring it to be vested in the Crown as trustee for the beneficial owners, and to be held by the Crown subject to customary title.

UNITED KINGDOM

St. Christopher-Nevis-Anguilla.

In reply to an observation made by the Committee of Experts the Government has stated that the Protection of Wages Ordinance, No. 6 of 1967, regulates, in sections 15 to 17, the maximum amounts and method of repayment of advances on wages, in accordance with Article 16 of the Convention.

84. Right of Association (Non-Metropolitan Territories) Convention, 1947*This Convention came into force on 1 July 1953*

France. Ratification: 26 July 1954.

Applicable without modification: Overseas Territories: Comoro Islands, French Polynesia, French 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.

New Zealand. Ratification: 1 July 1952.

Applicable without modification: Cook Islands, Niue: 1 July 1952.

Not applicable: Tokelau Islands: 1 July 1952.

United Kingdom. Ratification: 27 March 1950.

Applicable without modification:

Antigua, Bahamas, Bermuda, British Honduras, British Virgin Islands, Dominica, Falkland Islands (Malvinas), Fiji, Gibraltar, Grenada, Hong Kong, Montserrat, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Seychelles, Southern Rhodesia: 27 March 1950.

Solomon Islands: 18 September 1961.

Brunei: 5 October 1962.

Gilbert and Ellice Islands: 7 July 1964.

No declaration: Guernsey, Jersey, Isle of Man.

NEW ZEALAND

Niue.

See under Convention No. 11.

UNITED KINGDOM

Bahamas.

In reply to a direct request made by the Committee of Experts the Government has stated that an amendment to the Trade Union and Industrial Conciliation Act, No. 41 of 1965, has withdrawn the right of the Chief Industrial Officer to refuse permission for the formation of a trade union on the grounds that a union already registered sufficiently represents the interests of the workers concerned and that there are no actual grounds on which the Chief Industrial Officer may refuse permission for the formation of a trade union.

Brunei.

In reply to a direct request made by the Committee of Experts in relation to Article 4 of the Convention the Government has stated that at present no provision exists for the association of workers' and employers' organisations in the establishment and working of arrangements for the protection of workers and the application of labour legislation. Should any disputes occur which cannot be settled by direct discussions, the matter is referred to the Commissioner of Labour, who has the power to conciliate or appoint a conciliator with the object of promoting a settlement (section 17 of the Trade Disputes Enactment, 1961).

It is the Government's policy to encourage the right of association, and as soon as representative trade union organisations have developed they will be consulted in regard to the adoption and working of labour legislation.

Fiji.

In reply to a direct request made by the Committee of Experts regarding section 13 (1) (e) of the Trade Unions Ordinance the Government has stated that it is consi-

dered desirable that the provision should be retained for the time being, although the position will be kept under constant review. The purpose of the inclusion of the provision in the ordinance was to discourage an apparent tendency towards the fragmentation of the trade union movement, often, unfortunately, on racialist lines. The legislation was fully discussed by the Labour Advisory Board before enactment and the provisions of the section had the full support of both the trade union and employers' representatives on the Board.

The Government also drew attention to section 3 (2) of the ordinance, establishing a committee to advise the Registrar in exercising his powers under section 13, and to section 16, providing for the right of appeal to the Supreme Court, pending whose determination the Registrar's decision has no effect.

Gilbert and Ellice Islands.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 3 of the Convention. While there is no direct reference in the legislation to the right to conclude collective agreements, nothing prevents provisions to this effect being included in the rules of trade unions. In practice every encouragement to the conclusion of collective agreements would be given but, although the single registered trade union in the territory has regular meetings with the employer concerned, no desire has been manifested to make a formal agreement.

Article 4. There is provision in the legislation for the Government to consult with representatives of employers and workers in the preparation of labour legislation (for example section 27 (2) of the Employment Ordinance). The stage of development is such, however, that there is little scope for consultation as yet.

Article 5. The few disputes between workers and employers which have occurred so far have been investigated on an ad hoc basis. No formal machinery exists, but the possibility of legislation to regularise the procedure is under consideration.

Articles 6 and 7. The appointment of a Commissioner of Labour in July 1968 is expected to result in conciliation being undertaken by a person engaged solely in labour duties. In addition, further consideration is being given to the possibility of legislation covering trade disputes and conciliation procedures.

Hong Kong.

Article 2 of the Convention. Amendments to the Trade Union Registration Ordinance have now been drafted. Included among them is one which would meet the direct request made in 1965 by the Committee of Experts.

Article 6. The conciliation and advisory sections of the Labour Department were amalgamated in March 1968 and in June 1968 an officer was appointed to advise the Commissioner of Labour on the establishment of appropriate machinery for the further development of industrial relations, including procedures for joint consultation.

Solomon Islands.

Trade Unions Ordinance, No. 4 of 1966 (not yet in force).

Trade Unions Regulations, Legal Notice of 16 August 1968 (not yet in force).

Trade Unions (Accounts) Regulations of 16 August 1968 (not yet in force).

Article 4 of the Convention. A non-statutory Labour Advisory Committee was formed in 1968. It is composed of the Commissioner of Labour, who acts as Chairman, three employers' and three workers' representatives, the Director of Medical Services and the Director of Public Works.

Articles 6 and 7. Two trade unions remain registered but inactive. No further collective agreements have been made. There are 14 joint consultative committees with elected workers' members.

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.

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.

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.

UNITED KINGDOM

St. Christopher-Nevis-Anguilla.

Labour Ordinance, No. 8 of 1966.

Articles 1 and 2 of the Convention. The Commissioner provides on-the-spot training for labour inspectors. In addition a labour inspector is due to attend a course to be held in the United Kingdom in 1969.

Article 3. The services of the Labour Department are available at all times to workers and employers or their representatives. Full advantage is taken of this facility.

Article 4. The requirements of this Article are fully met by the above-mentioned ordinance, and the inspections provided for in sections 10 to 12 of the ordinance are made at fairly frequent intervals. Measures to extend the inspection service are under active consideration.

Article 5. The requirements of this Article are met by the schedule to the above-mentioned ordinance.

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

United Kingdom. Ratification: 27 March 1950.
 Applicable *ipso jure* without modification ¹:
 Guernsey, Jersey, Isle of Man: 27 March 1950.
 Applicable without modification:
 Antigua, Bahamas, British Honduras, British
 Virgin Islands, Dominica, Fiji, Gibraltar,
 Grenada, Montserrat, St. Christopher-Nevis-
 Anguilla, St. Lucia, St. Vincent, Seychelles,
 Southern Rhodesia: 27 March 1950.
 St. Helena: 1 June 1960.

Gilbert and Ellice Islands: 29 March 1961.
 Solomon Islands: 15 August 1961.
 Applicable with modifications:
 Hong Kong: 27 March 1950.
 Brunei: 5 January 1961.
 Decision reserved: Bermuda: 27 March 1950.
 Not applicable: Falkland Islands (Malvinas):
 27 March 1950.

¹ See footnote 1 to Convention No. 2.

UNITED KINGDOM

Hong Kong.

See under Convention No. 64.

87. Freedom of Association and Protection of the Right to Organise Convention, 1948

This Convention came into force on 4 July 1950

Denmark. Ratification: 13 June 1951.
 Applicable without modification:
 Greenland: 31 May 1954.
 Faroe Islands: 28 September 1960.
France. Ratification: 28 June 1951.
 Applicable without modification:
 Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.
 Overseas Territories: Comoro Islands, French Polynesia, French 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.
 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.

NETHERLANDS

Surinam.

In reply to a direct request made by the Committee of Experts the Government has stated that the Act of 10 December 1964 to amend the Act of 22 April 1855, so as to take account of the provisions of the Convention in connection with decisions concerning the recognition of trade unions, is not applicable to Surinam. For this purpose section 1668 (1) of the Surinam Civil Code would have to be amended. The matter is at present under consideration and further information will be provided in a subsequent report.

UNITED KINGDOM

Bahamas.

In reply to a direct request made by the Committee of Experts the Government has stated that it is studying new legislation in respect of trade union rules. The two points raised—namely the possibility of amending Rule 3 of Part II of the Second Schedule of the Trade Union and Industrial Conciliation Act so as to make it clear that casual and seasonal workers enjoy the right of joining and belonging to trade unions, and of modifying the provision that trade union officers except the chairman and secretary shall be members of the union—are being given full consideration, and action will be taken to bring the legislation into conformity with the Convention.

Gilbert and Ellice Islands (First Report).

Trade Unions and Trade Disputes Ordinance, No. 2 of 1946, as amended by the Ordinances of 1964 (Ordinances of the Gilbert and Ellice Islands Colony, 1964, p. 77), 1967 and 1968.

Sedition Ordinance.

Penal Code Ordinance, 1965.

Article 2 of the Convention. Every trade union must be registered within three months of the date of its formation or be dissolved (section 8 of the principal ordinance).

Article 3. Section 14 and the schedule of the principal ordinance require the rules of a trade union to contain provisions, *inter alia*, concerning its objects and the purposes for which funds may be used. Sections 12 and 13 deal with the preparation and submission to the Registrar of audited accounts. Apart from this there is no restriction on the freedom of the trade union to operate and to pursue lawful objectives.

Article 4. Section 10 of the principal ordinance and the amending ordinances of 1967 and 1968 set out the circumstances in which a Registrar may refuse to register or may cancel the registration of a trade union. Section 11 B provides for the right of appeal against the Registrar's decision.

Article 5. There are no special legislative provisions regarding the formation of federations of trade unions and no restrictions on affiliation with international organisations of workers and employers.

Article 6. There are no special provisions applying to federations and confederations of trade unions.

Article 7. In so far as the Trade Unions and Trade Disputes Ordinance grants certain rights to and imposes certain duties on a trade union, the latter has a legal personality, but there are no other provisions in the legislation regarding the acquisition of personality by a union.

Article 8. In connection with this Article the Government referred to the Sedition Ordinance, the emergency orders-in-council under which there are various powers of introducing regulations and the Penal Code Ordinance, 1965, Part IX of which deals with unlawful societies, unlawful assembly and other offences against public tranquillity.

Article 9. The constabulary officers of the colony are exempted from the provisions of the ordinance, but they have their own Police Association.

Article 11. No special measures are considered necessary to meet the requirements of this Article.

No court decisions have been given and there are no observations to report.

Montserrat.

In reply to a direct request made in 1967 by the Committee of Experts in respect of Article 3 of the Convention the Government has stated that, while the need to get away from government supervision is not being overlooked, it should be borne in mind that there are only two small trade unions on the island at the moment and no complaints have been received regarding the fulfilment in practice of the requirements of this Article. The observations made by the Committee relating to the amending of legislation so as to make decisions concerning the infringement of union rules on the use of trade union funds subject to appeal to the courts have been noted, but local circumstances do not warrant a change at present.

Seychelles.

Trade Unions and Trade Disputes (Amendment) Ordinances, Nos. 16 of 1966 and 33 of 1967.

Article 4 of the Convention. The above-mentioned Ordinance, No. 33 of 1967, adds a new section 16 D requiring the dissolution of a trade union to be notified to the Registrar.

Article 5. The same amending ordinance adds a new section 16 B and C permitting the amalgamation of any two or more trade unions registered in the colony and setting out the necessary procedure in this connection. Any such amalgamation and change of name are required to be registered.

Solomon Islands.

See under Convention No. 84.

There has been no revival of trade unionism during the period under review, although two inactive unions remain on the register. It is not proposed to bring the new legislation into force until there are signs of a revival in union activities on the part of the workers.

*Swaziland.*¹

Constitutional Order, 1967.

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

Cancellation of registration has immediate effect, no cancellation being made without previous exhaustive inquiry and consultation with the Government on the desirability or otherwise of deregistration. It is considered that section 21 (2) of the Trade Unions and Employers' Organisations Law, No. 12 of 1966, gives a union ample time to comply with any requests made by the Registrar. In view of the continued non-compliance with the law in respect of the rendering of properly audited accounts, the Government cannot as yet see its way to amending the existing legislation.

No union is refused registration unless there are adequate reasons to support such action.

With regard to section 13 (1) (b) of the Trade Unions and Employers' Organisations Law, the specific requirement relating to 12 months' service in the trade or industry concerned applies only to the secretary, experience over the past few years having revealed that certain unions have been misled by persons entirely unsuited for that position. The only amendment contemplated to existing legislation, passed by both the House of Assembly and the Senate, is to tighten up this requirement so that a secretary of a union, before he can be appointed, must have served in the industry or trade concerned for a period of two years during the preceding three years.

The order-in-council of 1963 has been replaced by the Constitutional Order of 1967, but similar wording is contained therein.

The request made by the Committee to the effect that the Government should indicate the practical implications of the words "except with his own consent" is not understood.

¹ Report for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

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, Niue,
Tokelau Islands: 3 December 1949.

United Kingdom. Ratification: 10 August
1949.

Applicable *ipso jure* without modification¹:

Guernsey, Jersey, Isle of Man: 10 August 1949.

Applicable without modification:

Gibraltar: 22 March 1958.

Bahamas: 26 October 1966.

Applicable with modifications:

British Honduras: 28 August 1964.

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.

UNITED KINGDOM

Swaziland (First Report).¹

Labour Advisory Board Law, No. 16 of 1966.

Instructions for the Guidance of Employment Office Staff.

Articles 1 to 3 of the Convention. The Labour Department operates the two free public employment offices established in Manzini and Mbabane, the principal urban centres.

Articles 4 and 5. A Labour Advisory Board has been established by the Labour Advisory Board Law of 1966; it is composed partly of workers' and employers' representatives in equal numbers and is charged with advising on such matters as the operation of the public employment services.

Article 6. The two employment offices carry out the functions of recruitment and placement. Experimental part-time offices in the rural areas are investigating the problem of labour mobility. Monthly statistics on the employment market are collected by the employment offices. No unemployment assistance, aid or relief scheme exists.

Articles 7 and 8. As yet no effect is given to these Articles.

Article 9. The staff of the employment service are established civil servants recruited through a Public Service Commission and trained by a United Kingdom Labour Ministry Officer as well as by study visits to industrial concerns.

¹ Report for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

Article 10. Publicity and existing links between the Department of Labour and other bodies are used to encourage the voluntary use of the employment services.

Article 11. Only one licensed private employment agency recruiting workers for the mines in the Republic of South Africa exists.

Article 12. At present it is proposed to register exemption from application of the Convention for all areas of the country except Manzini and Mbabane, where the employment offices are in operation. Those areas exempted are in the main rural regions with scattered subsistence homesteads.

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, Niue: 10
 November 1950.

Not applicable: Tokelau Islands: 10 Novem-
 ber 1950.

Republic of South Africa. Ratification:
 2 March 1950.

Applicable without modification: Namibia:
 10 February 1958.

*United Kingdom.*²

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. Christo-
 pher-Nevis-Anguilla, St. Helena, St. Lucia,
 St. Vincent, Seychelles, Solomon Islands,
 Southern Rhodesia: 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.

NETHERLANDS

Surinam.

Hours of Work Ordinance of 19 December 1963 (*Gouvernementsblad*, 1963, No. 163).

Section 20 of the above-mentioned ordinance prohibits women and young persons from performing night work, whether paid or unpaid. The term "night" means the period between 7 p.m. and 6 a.m. However, section 21 provides that in certain circumstances and conditions the performance of night work by women and young persons may be permitted by government decree; and, at the request of the owner or manager of an undertaking, the Director of Labour and Social Affairs may grant exemption from the provisions of section 20 in individual cases and on certain conditions.

For the purposes of the ordinance the term "women" means female persons of 18 years of age or over.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948¹

This Convention came into force on 12 June 1951

Netherlands. Ratification: 22 October 1954.
 Applicable without modification: Netherlands
 Antilles: 15 December 1955.

No declaration: Surinam.

*United Kingdom.*²

Decision reserved: Antigua, Bahamas, Ber-
 muda, British Honduras, British Virgin Islands,
 Brunei, Dominica, Falkland Islands (Malvinas),

Fiji, Gibraltar, Gilbert and Ellice Islands, Gre-
 nada, Hong Kong, Montserrat, St. Christopher-
 Nevis-Anguilla, St. Helena, St. Lucia, St. Vin-
 cent, Seychelles, Solomon Islands, Southern
 Rhodesia: 27 March 1950.

No declaration: Guernsey, Jersey, Isle of Man.

¹ This Convention revises Convention No. 6 of 1919.

² See footnote 2 to Convention No. 3.

91. Paid Vacations (Seafarers) Convention (Revised), 1949¹

This Convention came into force on 14 September 1967

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: 22 December 1961.

No declaration.

¹ This Convention revises Conventions Nos. 54 of 1936 and 72 of 1946.

FRANCE

Comoro Islands (First Report).

No particular measure has been adopted for the application of the Convention, since the ships registered in the Comoro Islands are wooden dhows of rough and traditional construction engaging in local trade between the islands of the Archipelago.

French Guiana, Guadeloupe, Martinique, Réunion.

The decree of 24 June 1947 applies the provisions of the Seamen's Code to these departments.

French Polynesia (First Report).

The provisions of the Convention are applied in part by means of local collective agreements entered into by the shipowners and the seafarers' trade union (the collective agreements of 14 May and 1 October 1959 applying, respectively, to officers and other ranks).

These collective agreements may be modified after the extension to the territory of the Seamen's Code.

New Caledonia (First Report).

Collective Agreements applying, respectively, to the officers and the other ranks of all maritime undertakings fitting out merchant ships of over 250 tons gross tonnage for overseas trading. See also under Convention No. 8.

St. Pierre and Miquelon (First Report).

The provisions of the Seamen's Code have been applied to the territory by a decree of 30 August 1936.

NETHERLANDS

Netherlands Antilles.

The Holidays Regulations are applicable to ships registered in the territory, such ships being considered as firms.

Surinam (First Report).

Commercial Code.

National Ordinance of 29 December 1948.

Holiday Ordinance, 1948.

Article 1 of the Convention. Ocean-going vessels include all ships that are used or intended for sailing the sea.

Article 3. Under the Holiday Ordinance, 1948, an employee is entitled to a holiday of six working days per calendar year of service or of one working day for every two months of service. If he is dismissed through no fault of his own, he may claim one-twelfth of his annual entitlement for each month of service. An employee is considered to have had uninterrupted service with the same employer for one year if he has not been absent for more than 30 calendar days in the previous year on account of either sickness or accident. However, if the absence is due to an accident or an occupational disease within the meaning of the Accident Regulations, the above-mentioned number of days may be increased by a maximum of 14. Employees entitled to a holiday of more than six working days may take it in more than one period. Permission may be granted by the Director of Social Affairs for the holiday to be taken in another year or for payment to be granted in lieu thereof.

Article 5. Under the Holiday Ordinance the employer is obliged to pay a holiday allowance equal to one-and-a-half times the wage that the employee would have earned during the holiday if he had worked.

Article 7. Upon termination of his employment an employee receives a sum equal to his holiday allowance instead of the holiday due to him.

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: 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.

¹ This Convention revises Convention No. 75 of 1946.

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.

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.

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.

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.

UNITED KINGDOM

St. Christopher-Nevis-Anguilla.

Protection of Wages Ordinance, No. 6 of 1967.

Articles 1 and 2 of the Convention. All categories of manual workers are covered by the above-mentioned ordinance.

Articles 3 and 4. Section 3 of the ordinance prescribes that wages must be paid in legal tender only.

Article 5. Section 6 of the ordinance prescribes that wages shall be paid directly to the worker, subject to the provisions of section 22 (see under Article 10).

Articles 6 and 7. Section 4 of the ordinance implements these Articles.

Articles 8 and 9. Sections 19 and 20 of the ordinance lay down the conditions under which deductions may be made.

Article 10. Section 22 of the ordinance limits the extent to which wages may be attached or seized.

Article 11. Section 12 of the ordinance provides for the treatment of workers as privileged creditors in the event of bankruptcy.

Articles 12 and 13. Sections 5, 7 and 8 of the ordinance give effect to these Articles.

Articles 14 and 15. Sections 13 and 14 of the ordinance give effect to these Articles.

97. Migration for Employment Convention (Revised), 1949¹

This Convention came into force on 22 January 1952

France. Ratification: 29 March 1954.

Not applicable: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 27 April 1955.

No declaration: all other territories.

Netherlands. Ratification: 20 May 1952.

Not applicable: Netherlands Antilles, Surinam: 10 June 1955.

New Zealand. Ratification: 10 November 1950.

Not applicable: Tokelau Islands: 10 November 1950.

Decision reserved: Cook Islands, Niue: 10 November 1950.

United Kingdom. Ratification: 22 January 1951.

Applicable without modification:

Guernsey², Jersey², Isle of Man²: 10 March 1956.

Dominica³, Grenada³, St. Lucia³, St. Vincent³: 22 September 1960.

Bahamas²: 13 February 1961.

British Honduras⁴: 5 September 1966.

Applicable with modification: Antigua³, British Virgin Islands³, Montserrat³, St. Christopher-Nevis-Anguilla³: 22 September 1960.

Decision reserved:

Bermuda, Brunei, Falkland Islands (Malvinas), Fiji, Gibraltar, Gilbert and Ellice Islands, Hong Kong, St. Helena, Seychelles, Solomon Islands: 16 December 1958.

Southern Rhodesia: 29 March 1961.

¹ This Convention revises Convention No. 66 of 1939.

² Except Annexes I and III.

³ Except Annexes I and III and with modification to Annex II.

⁴ Except Annexes I, II and III.

UNITED KINGDOM

British Honduras.

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

The employment offices have been established by virtue of statutory instruments made in 1962 and function free of charge.

A proposed bilateral agreement with Mexico envisages the necessity for co-operation between the respective services.

Gilbert and Ellice Islands.

Employment Service Ordinance, 1965.

Immigration is in practice limited to skilled and experienced workers. Emigration for employment is encouraged because of over-population. Contracts of employment are scrutinised and must be attested (Part VI of the above-mentioned ordinance).

A newly appointed Commissioner of Labour took up his duties in July 1968.

Seychelles.

See under Convention No. 64.

The new legislation gives a measure of control over emigrants, who at present take up readily available employment in domestic service in the Middle East and in the catering trades in the United Kingdom.

Solomon Islands.

Immigration Ordinance, No. 13 of 1966.

Immigration Regulations, Legal Notice No. 46 of 1967.

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.
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.

FRANCE

French Guiana, Guadeloupe Martinique, Réunion.

See under metropolitan countries, Convention No. 98, France.

UNITED KINGDOM

Dominica.

Trade Unions and Trade Disputes (Amendment) Ordinance, No. 8 of 1966.
Trade Disputes (Arbitration and Inquiry) (Amendment) Act, No. 20 of 1967.

Articles 1 and 2 of the Convention. Section 5 of the above-mentioned Act of 1967 adds to the basic ordinance provisions which ensure that a worker shall not be discriminated against by reason of his membership of a trade union or other organisation or for holding office in such organisations. The same section also provides that a worker shall not break his contract by reason of his employer's membership of, or holding office in, an organisation of his interests.

Article 4. Section 4 of Act No. 20 of 1967 provides that an employer shall recognise, for the purposes of collective bargaining, any trade union or other organisation representative of at least 51 per cent of the workers engaged by him.

Fiji.

Trade Disputes (Arbitration, Inquiry and Settlement) (Amendment) Ordinance, 1968.

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

Article 1, paragraph 2, clause (b), of the Convention. While no specific provision is contained in the Trade Unions Ordinance prohibiting acts of anti-union discrimination calculated to cause the dismissal of or otherwise prejudice a worker by reason of his union membership or activities, article 11 (1) of the Constitution provides that

"Except with his own consent no person shall be hindered in the enjoyment of his freedom of assembly and association . . . and in particular [in his right] to form or belong to trade unions or other associations for the protection of his interests". Experience has not disclosed the need for some more specific provision but, should circumstances change, this will be considered.

Article 2. No instances of any acts of interference such as those envisaged by the Convention have come to light and circumstances are not considered such as to necessitate specific legislative provision in this respect. The position will, however, be kept under review and suitable provision made should circumstances warrant it.

Gilbert and Ellice Islands (First Report).

Trade Unions and Trade Disputes Ordinance.

Trade Unions and Trade Disputes (Amendment) Ordinance, 1964 (Ordinances of the Gilbert and Ellice Islands Colony, 1964, p. 77).

Article 1 of the Convention. The requirements of this Article are met by section 17 A of the above-mentioned amending ordinance of 1964.

Article 2. No special protection has been found necessary. There have been no instances of acts of interference.

Article 3. No machinery is considered to be necessary.

Article 4. No special measures are considered to be necessary. No restriction exists on the right of workers' and employers' organisations to engage in collective bargaining.

Article 5. See under Convention No. 87, Article 9.

No court decisions have been given and there are no observations to report.

Seychelles.

Trade Unions and Trade Disputes (Amendment) Ordinance, No. 16 of 1966.

Article 1 of the Convention. Section 21 of the Trade Unions and Trade Disputes Ordinance, No. 4 of 1943, as amended by the above-mentioned ordinance, prohibits anti-union discrimination and provides for penalties to be imposed on any employer who contravenes the provisions of this section or any person who induces him to do so.

Article 2. It is not considered necessary at this stage to introduce legislation to protect workers' organisations against any acts of interference by each other. There are at present no employers' organisations, in terms of a counterpart to a trade union.

Article 4. In practice several of the existing registered trade unions have obtained tacit recognition on the part of employers. Two of them have signed procedural agreements and another has made agreements with several employers, who collect union dues under a check-off system.

Solomon Islands.

See under Convention No. 84.

*Swaziland.*¹

Article 1 of the Convention. In reply to a direct request made by the Committee of Experts concerning the possibility of amending section 36 (1) of the Trade Unions and Employers Organisations Law of 1966 so as to make it clear that the provision also applies in the course of employment, the Government has stated that the point at issue will be considered by the newly constituted Labour Advisory Board, whose terms of reference include advising the Minister on the application of international labour Conventions.

¹ Report for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

France. Ratification: 29 March 1954.

Applicable without modification: Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion: 19 November 1955.

No declaration: all other territories.

Netherlands. Ratification: 11 June 1954.

Decision reserved:

Netherlands Antilles: 15 December 1955.
Surinam: 26 November 1956.

New Zealand. Ratification: 1 July 1952.

Applicable without modification: Cook Islands, Niue: 1 July 1952.

Not applicable: Tokelau Islands: 1 July 1952.

United Kingdom. Ratification: 9 June 1953.

Applicable without modification:

Isle of Man: 10 March 1956.

Jersey: 24 April 1956.

Guernsey: 3 September 1959.

St. Christopher-Nevis-Anguilla: 8 May 1963.

British Honduras: 20 November 1963.

Grenada: 1 February 1966.

Seychelles: 15 August 1967.

Applicable with modifications: Solomon Islands: 8 May 1963.

Decision reserved:

Southern Rhodesia: 22 March 1958.

Antigua, Bermuda, British Virgin Islands, Brunei, Dominica, Falkland Islands (Malvinas), Fiji, Gilbert and Ellice Islands, Hong Kong, Montserrat, St. Helena, St. Lucia, St. Vincent: 29 December 1958.

Bahamas: 13 March 1961.

Not applicable: Gibraltar: 29 December 1958.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

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

As indicated in the preamble to the basic Act of 1960 respecting the overseas departments, "every increase granted in the metropolitan area shall, within a maximum period of four months, be extended to the overseas departments, whose guaranteed interoccupational minimum wage shall thus keep step with changes in the metropolitan price indices". This procedure does not exclude recourse to that provided for by section 31 X of Book I of the Labour Code, which is devised to take account of various local economic and political factors.

While there is no express provision for consultation with local trade union organisations, the linking of changes in the guaranteed interoccupational minimum wage in the overseas departments with changes in that of the metropolitan area means that metropolitan trade unions can exercise indirect supervision on developments in this respect in the overseas departments, where the changes that occur (though possibly on different dates and in different amounts) are the result of changes in the metropolitan area, on which the trade unions are consulted.

In practice, ever since 1965 the two ministers responsible first for labour and social security and then for social affairs have informed the trade union organisations represented on the Collective Agreements Board of the conditions in which the Government has intended to raise the guaranteed minimum wage in the overseas departments.

UNITED KINGDOM

Seychelles (First Report).

Wages Regulation Ordinance, No. 22 of 24 November 1932, respecting the fixing of minimum rates of wages for workers employed in any occupation in the colony.

Ordinances Nos. 25 and 26 of 1945 governing contracts of employment and labour inspection in the colony and in the outlying islands respectively.

Ordinance No. 1 of 1961 to amend Ordinance No. 25 of 1945 so as to include a definition of an agricultural labourer.

Proclamation No. 7 of 1965 to fix the minimum rates of wages applicable.

Article 1 of the Convention. Under the Wages Regulation Ordinance of 1932 the Governor may fix minimum wage rates for workers employed in occupations where wages are exceptionally low.

Article 2. The value of the free rations and accommodation provided to workers employed in the outlying islands is taken into consideration in the fixing of minimum wage rates.

Article 3. Minimum wage rates are fixed by orders after consultation of an advisory board composed of representatives of the employers and workers concerned. They are binding upon the parties. Exceptions are permitted for the benefit of physically or mentally handicapped workers.

Article 4. The enforcement of the minimum wage rates is ensured by the labour officer. Offenders are liable to fines.

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Denmark. Ratification: 22 June 1960.

Decision reserved: Faroe Islands, Greenland:
22 June 1960.

France. Ratification: 10 March 1953.

Applicable without modification: Overseas
Departments: French Guiana, Guadeloupe, Mar-
tinique, Réunion: 27 April 1955.

No declaration: all other territories.

FRANCE

French Guiana, Guadeloupe, Martinique, Réunion.

See under metropolitan countries, Convention No. 100, France.

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, 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.

Decision reserved:
 Southern Rhodesia: 22 March 1958.
 Bahamas, Bermuda, British Virgin Islands,
 Brunei, Falkland Islands (Malvinas), Fiji,
 Gilbert and Ellice Islands, Hong Kong, Mont-
 serrat, 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.

UNITED KINGDOM

St. Christopher-Nevis-Anguilla.

Holidays with Pay Act, No. 19 of 15 May 1968.

Articles 1 and 2 of the Convention. The above-mentioned Act applies to agricultural workers. Representative organisations of employers and workers were consulted and given an opportunity to comment on the draft text.

Article 3. Under section 44 (a) of the Act agricultural workers are required to work for 126 days in a period of 12 months before qualifying for 14 days' paid holiday.

Article 5. Section 6 of the Act provides for a minimum period of service of 26 days, after which holidays are calculated on a proportionate basis. Public holidays, Sundays, and other weekly rest periods are not counted against the period of holidays with pay (section 3 (10) of the Act), nor are paid or unpaid periods of sick leave.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Denmark. Ratification: 15 August 1955.
Not applicable: Faroe Islands, Greenland: 15 August 1955.

Netherlands. Ratification: 11 October 1962.
No declaration.

United Kingdom. Ratification: 27 April 1954.
Applicable without modification: Isle of Man¹: 22 September 1960.

Decision reserved:

Southern Rhodesia: 28 July 1958.

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: 16 December 1958.

Guernsey, Jersey: 8 March 1960.

¹ Parts II to V, VII and X.

UNITED KINGDOM

Bermuda.

See under Convention No. 35.

Grenada.

Hospitals' Ordinance.

Medical Officers' Ordinance.

Medical Officers' Rules.

Workmen's Compensation Ordinance.

PART II. MEDICAL CARE

Articles 9 and 10 of the Convention. Workers defined in the Medical Officers' Rules to be agricultural workers, menial servants, handicraftsmen, boatmen, seamen, porters, hucksters, washerwomen or seamstresses, whose income is not more than \$360 per year, as well as paupers, workers' children under 13 years of age, workers over 60 years of age, persons suffering from yaws or venereal disease and destitute women in childbirth are entitled to free medical care at government clinics.

All of these persons are also entitled to receive medicines free of charge at government dispensaries. Workers, however, may be required to pay prescription charges for internal and external remedies.

It is the practice for all persons who are unable to pay hospital charges to be admitted to the general wards free of charge.

PART VI. EMPLOYMENT INJURY BENEFIT

Articles 31 to 33. The Workmen's Compensation Ordinance provides that a worker injured by an accident arising out of and in the course of his employment is eligible for compensation, provided that the injury is not caused by the misconduct of the worker or that it does not result in total or partial disablement for three days or less.

The dependants of a deceased worker are entitled to compensation.

Under the ordinance a protected person or worker is any person who has entered into or works under a contract of service or apprenticeship with an employer, whether such contract is expressed or implied and whether it is oral or in writing.

The ordinance permits some exceptions but it is estimated that 55 per cent of the total working population are covered by its provisions.

According to the 1960 population census the total number of employees was 25,170, of whom 13,772 were protected.

Article 34. Section 4 (3) of the Workmen's Compensation Ordinance provides that "The employer shall, irrespective of whether the workman is disqualified for compensation under the provisions of the ordinance, be liable to pay to the workman or to any other person providing the same, the reasonable costs, charges and expenses (which shall include travelling expenses) necessary as a result of periodic medical treatment prescribed by a medical practitioner and also expenses incurred by the workman in establishing his claim to compensation, in respect of any medical treatment given to the workman in consequence of any personal injury sustained by him and arising out of and in the course of his employment by that employer."

Article 35. There are no vocational rehabilitation services.

Article 36. The Workmen's Compensation Ordinance provides for a lump-sum payment where there is permanent partial or total incapacity, or where death occurs, but, in the discretion of the Commissioner for Workmen's Compensation, lump sums deposited with him "shall be paid to the [workman or dependant] or be invested, applied or otherwise dealt with for his benefit in such manner as the Commissioner thinks fit."

Article 37. All protected workers employed in the territory or their dependants are entitled to the prescribed benefits.

Article 38. In cases of permanent, partial or temporary incapacity a worker is entitled to half-monthly payments of one-quarter of his monthly wages during the period in which he is unable to work, provided that if the incapacity lasts for less than four weeks he need not be paid for the first three days.

The Government added that it was not possible for the time being, because of the state of the economy of the territory, to provide any of the benefits prescribed in Parts III to V and VII to X of the Convention.

The application of the medical aid provisions and the granting of workmen's compensation are supervised by the Chief Medical Officer and the Commissioner for Workmen's Compensation respectively.

Guernsey.

Social Insurance (Residence and Persons Abroad) (Guernsey) Regulations, 1964.

Family Allowances (Amendment) (No. 2) Law, 1965.

Social Insurance (Unemployment and Sickness Benefit) (Amendment) (Guernsey) Regulations, 1966.

Social Insurance (Amendment) (Guernsey) Law, 1967.

Social Insurance (Widow's Benefit and Retirement Pensions) (Amendment) (Guernsey) Regulations, 1967 and 1968.

Social Insurance (Increase of Benefit and Miscellaneous Provisions) (Guernsey) Regulations, 1967.

Social Insurance (Industrial Disablement Benefit) (Amendment) (Guernsey) Regulations, 1968.

PART VII. FAMILY BENEFIT

The conditions for considering a person as a child have been changed in two respects, namely (a) a person remains a child during any period before the first day of August next following the day on which he attains the age of 19 years while he is undergoing instruction in a school; and (b) an apprentice is, *inter alia*, a person whose weekly earnings do not exceed £2.

Hong Kong.

See under Convention No. 35.

St. Christopher-Nevis-Anguilla.

National Provident Fund Act, No. 21 of 1968.

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.

New Zealand. Ratification: 14 June 1968.

Applicable without modification: Niue, Tokelau Islands: 14 June 1968.

No declaration: Cook Islands.

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, Gibraltar, 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: Solomon Islands: 8 March 1960.

108. Seafarers' Identity Documents Convention, 1958

This Convention came into force on 19 February 1961

<p><i>France.</i> Ratification: 8 June 1967. No declaration.</p> <p><i>United Kingdom.</i> Ratification: 18 February 1964.</p> <p>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,</p>	<p>St. Lucia, St. Vincent, Seychelles, Solomon Islands: 3 August 1964. Brunei: 26 April 1965. Isle of Man ¹: 26 October 1966. Guernsey ¹, Jersey ¹: 2 May 1967. Decision reserved: Bahamas: 3 August 1964.</p> <p>Not applicable: Southern Rhodesia, 17 September 1964.</p> <p>No declaration: all other territories.</p>
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¹ Fishermen are not to be regarded as seafarers for the purposes of this Convention (Article 1, paragraph 2).

UNITED KINGDOM

Bermuda (First Report).

United Kingdom Merchant Shipping Act, 1894.

Bermuda Merchant Shipping Act, 1930.

Article 1 of the Convention. The legislation applies to all seafarers.

Article 2. Nationals prefer to receive a passport rather than a seaman's certificate of nationality and identity. No instructions have been issued to preclude a foreign seafarer from receiving a seafarer's identity document when serving on board a vessel registered in Bermuda.

Article 3. The documents remain the property of the Government.

Article 4. The Government supplied a specimen copy of a seaman's certificate. Steps are being taken to ensure that the certificate contains a statement that it is a seafarer's identity document for the purposes of the Convention.

Article 5. A seafarer holding a valid seafarer's identity document is re-admitted to his territory of origin. A seafarer holding a Bermuda seafarer's identity document would not be denied entry into Bermuda after its date of expiry or at any other time.

Article 6. A seafarer holding a valid seafarer's identity document is allowed ashore when the ship is in port and also for any of the purposes stated in paragraph 2 of this Article, subject to control by the Chief Immigration Officer.

British Honduras.

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

Article 1 of the Convention. All seafarers, including masters, may be issued with identity documents.

Articles 5 and 6. There is no legislation to apply the provisions of these Articles, the terms of which are fulfilled by administrative practice. The holder of a seaman's certificate of nationality and identity is re-admitted to British Honduras after the date of expiry indicated in the certificate.

Brunei.

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

Article 1 of the Convention. Nationals are employed on foreign-registered ships.

Article 2. A seaman's identification card is deemed to be a landing pass. The latter may be issued by the Controller of Immigration to any member of the crew of any vessel on arrival and entitles the holder to enter the territory and remain there during the stay of such vessel in the territory.

Article 4. The Government supplied specimen copies of a seaman's identification card.

The Controller of Immigration is entrusted with the application and enforcement of legislation.

Dominica.

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

Article 4 of the Convention. The nationality of the holder of a seaman's certificate of identity will be indicated when the documents are reprinted.

Articles 5 and 6. The holder of an identity certificate is re-admitted at any time even if the certificate has expired, provided that it is proved that he is the person to whom the document was originally issued.

Falkland Islands (Malvinas).

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 2, paragraph 1, of the Convention. No occasion has as yet arisen when it has been necessary to issue special classes of seafarers with passports.

Articles 5 and 6. The United Kingdom Merchant Shipping Acts are applied.

Fiji.

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

Article 5 of the Convention. A seafarer holding a seaman's identity certificate is entitled to re-enter the territory at any time after the issue of the document in Fiji, provided that he is still engaged in seafaring duties.

Article 6, paragraph 2. No provision has been made, each case being treated on its merits and by mutual agreement between the Principal Immigration Officer and the agents of the ship concerned. No problems have arisen or are expected.

Gibraltar.

In reply to a direct request made by the Committee of Experts the Government has stated that, before a seafarer's identity document is issued by the Mercantile Marine Office, steps are taken to ensure that the applicant has the right of entry to Gibraltar under the laws of the colony. The holders of such documents issued in Gibraltar are guaranteed the right of re-entry to the colony in conformity with Article 5 of the Convention.

There is no obstacle to meeting the requirements of Article 6 of the Convention whereby the holder of a seafarer's identity document is granted shore leave and the right of transit.

Gilbert and Ellice Islands.

In reply to a direct request made by the Committee of Experts the Government has stated that a seafarer's identity document is supplied to national seafarers on request, whether they are employed on vessels registered in the colony or in any other territory. The Government supplied a specimen copy of a seaman's certificate.

Jersey (First Report).

Seafarers' identity documents are issued in the island by Her Majesty's Customs and Excise. The states of Jersey have declared that, if Her Majesty's Customs and Excise should ever cease to maintain a representative in Jersey, arrangements would be made for the issue of the documents by the local authorities.

Isle of Man.

See under metropolitan countries, Convention No. 108, United Kingdom.

St. Helena.

In reply to a direct request made in 1967 by the Committee of Experts the Government has supplied the following information.

Article 2 of the Convention. While it was indicated in the previous report that a seaman's identity book states that, on the issue of a passport, the book ceases to be valid and must be surrendered, this has not happened in practice. Moreover, future issues of the book will not contain such a statement.

Article 4, paragraph 3, clause (c). When the seaman's identity book is reprinted it will be kept in mind that should contain an indication of the nationality of the holder.

Seychelles.

In reply to a direct request made in 1968 by the Committee of Experts the Government has supplied the following information.

Article 4 of the Convention. The inside front cover of the identity document now contains a statement that the document is a seafarer's identity document for the purpose of the Convention.

Article 5. A national cannot, as a seaman and irrespective of whether his seafarer's identity document has expired, be refused re-entry into the territory.

Article 6. Crews from all ships are permitted ashore. In practice owners of vessels are responsible for the repatriation of a member of the crew where this becomes necessary.

Solomon Islands.

In reply to a direct request made by the Committee of Experts the Government provided a specimen copy of a seaman's certificate of nationality and identity and has supplied the following information.

Article 1 of the Convention. Only those seamen who proceed outside protectorate waters are required to hold a seaman's certificate of nationality and identity. Locally employed seamen are excluded from the scope of the Convention.

Articles 5 and 6. Effect is given to these Articles under United Kingdom law.

112. Minimum Age (Fishermen) Convention, 1959

This Convention came into force on 7 November 1961

Denmark. Ratification: 27 February 1962.
Decision reserved: Faroe Islands: 27 February 1962.
No declaration: Greenland.
France. Ratification: 8 June 1967.
No declaration.

Netherlands. Ratification: 15 February 1965.
Applicable without modification: Surinam: 15 February 1965.
No declaration: Netherlands Antilles.

NETHERLANDS

Netherlands Antilles (First Report).

Ordinance of 22 August 1952 to regulate hours of work and to prohibit child labour and the employment of women and young persons at night and on dangerous work (*Publicatieblad*, 1952, No. 93) (*L.S.* 1952—Neth. Ant. 1).

Apart from a general prohibition on the employment of children under 14 years of age the minimum age for application for a seaman's book has been fixed at 16 years.

Surinam (First Report).

Labour Ordinance, No. 163 of 1963.

The above-mentioned ordinance contains provisions relating to children and young persons in general, which are also applicable to fishermen. No separate statutory regulations exist in respect of fishermen.

Article 2 of the Convention. Section 17 (1) of the ordinance prohibits the employment of children under 14 years of age. Under section 18 children of not less than 12 years of age are permitted to work, provided that the work in question is necessary for learning an occupation or naturally tends to be performed by children, that it does not involve too much physical or mental effort and that it is not dangerous. In addition, in accordance with section 19 an exemption from the provisions of section 17 may be granted in very special cases, in the interest of the child concerned, at the request of the head of the family in which he is being brought up.

Article 3. Under section 20 of the ordinance young persons under 18 years of age are not permitted to perform night work or work injurious to health, morals or life. A national decree will determine what type of work is regarded as dangerous but has not yet been enacted.

Article 4. See under Article 2.

The labour inspectorate is entrusted with the supervision of the application of the relevant legislation.

As can be seen from the information submitted, the relevant provisions of the Labour Ordinance, 1963, are not entirely in conformity with the Convention. It is, however, the intention of the Government to rectify this situation as soon as possible.

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: 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.

NETHERLANDS

Netherlands Antilles (First Report).

There are no industrial undertakings to which provisions respecting protection against ionising radiations are applicable.

Surinam (First Report).

Safety Ordinance, 1947 (*Gouvernementsblad*, 1947, No. 142).

Section 3, paragraph 1 (*e*), of the above-mentioned ordinance provides for the possibility of issuing rules on occupational health. The Surinam legislation does not at present comply with the requirements of the Convention.

118. Equality of Treatment (Social Security) Convention, 1962

This Convention came into force on 25 April 1964

Netherlands. Ratification: 3 July 1964.

Applicable without modification:

Netherlands Antilles ¹: 3 July 1964.

Surinam ²: 30 March 1965.

¹ Has accepted the following branch of social security:
(b).

² Has accepted the following branch of social security:
(g).

NETHERLANDS

Netherlands Antilles.

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

Article 3 of the Convention. The provisions of the legislation concerning the branches of social security referred to under Article 2, paragraph 1, clauses (b) and (d) to (g), apply unabridged, irrespective of race, creed, sex, origin or nationality, to all workers employed in the territory or in an undertaking established in the territory.

Survivors' benefits are granted to the dependants of any such worker covered by the provisions of the General Widows' and Orphans' Pension Ordinance, 1965.

Article 4. Benefits payable under the National Accident Insurance Ordinance, 1966, are granted in the case of injuries sustained as a result of or in the course of employment. Eligibility for these benefits is not dependent upon either a period of residence or a prolonged stay.

Article 5. The provision of employment injury, old-age and survivors' benefits is guaranteed to those who are entitled to such benefits, irrespective of whether or not they have settled abroad.

The granting of these benefits is ensured by the relevant legislation. No mutual agreements or multilateral or bilateral agreements have been concluded for this purpose.

Articles 6 and 8 to 12. See under Articles 3 and 5.

121. Employment Injury Benefits Convention, 1964

This Convention came into force on 28 July 1967

Netherlands. Ratification: 2 August 1966.
No declaration.

NETHERLANDS

Netherland Antilles (First Report).

See under Convention No. 24.

The Social Insurance Bank is entrusted with the supervision of the application of the social security (sickness and accident) legislation.

Surinam (First Report).

Article 7 of the Convention. The draft text of a new Accident Ordinance includes a definition of the term "industrial accident".

Article 8, clause (a). The above-mentioned draft prescribes a list of diseases, but the list does not include diseases caused by manganese and beryllium.

Article 9, paragraph 1. If an employer has failed to insure his workers against accidents, an injured worker does not receive benefit or medical treatment at the expense of his employer in certain cases. The gap in the present statutory regulations will be filled by the new Accident Ordinance.

Paragraph 2. Entitlement to benefit is dependent upon a period of qualification.

Article 10, paragraph 1, clause (e). The new accident ordinance will provide for the furnishing of artificial limbs, but not for their repair.

Article 16. The present Accident Regulations do not provide for the granting of supplementary or special benefit to disabled persons who require the permanent assistance or care of another person.

Article 18, paragraph 1. Under the relevant legislation a dependent widower does not qualify for benefit.

Article 19, paragraph 1. The above-mentioned draft specifies a benefit rate of 50 per cent.

Paragraph 6, clause (b), and *Article 20, paragraph 4, clause (b).* In view of the absence of official data concerning wages, it is difficult to state that the above-mentioned draft will entirely satisfy the requirements of these clauses.

Article 25. See under Article 9, paragraph 1.

Article 26. There is no rehabilitation centre and no specific statutory provisions have been made concerning the promotion of the employment of disabled persons in the territory.

Article 27. Up to now the Accident Regulations have discriminated against non-indigenous persons. Such discrimination would be abolished by section 3 of the proposed Accident Ordinance.

122. Employment Policy Convention, 1964

This Convention came into force on 5 July 1966

Netherlands. Ratification: 9 January 1967.
Applicable without modification: Netherlands
Antilles, Surinam: 9 January 1967.

New Zealand. Ratification: 15 July 1965.
Inapplicable: Tokelau Islands: 15 July 1965.
Decision reserved: Cook Islands, Niue:
15 July 1965.

United Kingdom. Ratification: 27 June 1966.
Applicable without modification: Guernsey,
Isle of Man: 2 May 1967.

Decision reserved:
Bahamas, Fiji: 5 December 1966.
Antigua, Dominica, Gibraltar, Hong Kong:
21 February 1967.
Bermuda, Falkland Islands (Malvinas), Gilbert
and Ellice Islands, St. Helena: 1 March 1967.
Seychelles: 2 May 1967.
British Honduras: 4 October 1967.
Grenada, Solomon Islands: 11 January 1968.
Montserrat: 9 October 1968.
St. Lucia: 10 December 1968.
No declaration: all other territories.

UNITED KINGDOM

Bermuda (First Report).

The Government Employment Office provides a placement service. At present there is full employment, and the Department of Tourism is encouraging the development of tourist facilities with a view to maintaining this situation.

The former Labour Advisory Council, which consisted of equal numbers of employers' and workers' representatives and advised the Government on labour matters, is in the process of being reconstituted.

British Honduras (First Report).

Labour Ordinance, No. 15 of 31 December 1959.

The main principles of government policy, as implemented in the Seven-Year Development Plan, include the elimination of unemployment and underemployment and the adaptation of the country's labour force to a more productive economic life.

The principles of non-discrimination in employment and occupation are applied.

Employers' and workers' organisations are consulted concerning matters affecting employment policy.

The Ministry of Labour is responsible for the formulation and implementation of employment policy.

Brunei (First Report).

Labour Enactment, 1954.

Labour (Amendment) Enactment, 1961.

It is the Government's policy to ensure that there is work for all who are available for and seeking work. Unemployment is not a serious problem as there is an extreme shortage of workers, especially for manual jobs. Unemployed persons are assisted by the Labour Exchange Employment Section to find employment, and are free to choose any job.

Under the Labour Enactment the Commissioner of Labour receives regularly from employers particulars of the immigrant and local workers employed by them and of vacant jobs. A co-ordinated economic and social policy is pursued and the Commissioner of Labour is responsible for dealing with any developments in the field of employment policy.

Dominica (First Report).

Steps are being taken by the Government to improve the economic position of the country, which must be the first step towards full employment.

Falkland Islands (Malvinas) (First Report).

Article 1 of the Convention. There is no unemployment. Everyone is employed either in the major sheep-farming industry and associated occupations, or in government or supply services. There is no need for legislation, as the Government and the employers' and employees' associations meet annually to thrash out all employment problems.

All workers have complete freedom of choice of employment and the fullest opportunity to qualify for and use their skills in jobs for which they are well suited, without any discrimination.

Article 2. The closest collaboration between Government, employers' associations and trade unions is maintained. An elected representative of the workers sits in the Executive and Legislative Councils.

Article 3. See under Articles 1 and 2.

Fiji (First Report).

Article 1 of the Convention. The *Development Planning Review* reflects the employment policy in Fiji, which aims at creating adequate employment opportunities for the rapidly growing population.

The prime objective of development planning is to formulate and implement sufficient projects in all sectors of the economy and, in particular, to provide an increasing number of productive jobs in agriculture, industry and tourism.

There are no restrictions on freedom of choice of employment, and discrimination in employment does not exist. The importance of manpower planning has been recognised in seeking to achieve a balance between employment opportunities and the availability of and training for skills at all levels.

Article 2. The Central Planning Office periodically reviews development policies and submits recommendations to the development committee of the Council of Ministers. Policy proposals are then transmitted for consideration by the full Council of Ministers and decisions reached are issued in the form of directives to the appropriate ministers for implementation.

Article 3. The Labour Advisory Board, which comprises representatives of employers and trade unions, is consulted on all matters concerning employment legislation and policy.

The Ministry of Finance is responsible for the development aspect of the policy and the Ministry for Commerce, Industry and Labour is responsible for dealing with employment problems.

*Gibraltar (First Report).**Control of Employment Ordinance.*

The manpower available from among the resident population is insufficient to meet the demand for labour, and many non-domiciled alien workers are employed. Permits for the employment of non-Gibraltarians are granted only if no suitably qualified workers are available locally. This has kept unemployment to a minimum.

Gilbert and Ellice Islands (First Report).

It is the Government's policy to stimulate economic growth and development to the extent that resources permit. An interim development plan for the period 1 April 1968 to 31 March 1970 has been introduced pending the results of a socio-economic survey carried out in 1967. One aim of the plan is to improve the infrastructure, and this should in the long run increase the level of employment. It also provides for investigations of the feasibility of setting up local industries aimed at increasing the number of people in paid employment.

The choice of employment is limited by the nature of the islands, but as far as possible financial and other assistance are given to workers to qualify for and use their skills in jobs for which they are suited, without any discrimination. Certain islands are over-populated and in their case it has been necessary to encourage emigration and employment overseas.

Employment policy is the responsibility of the Commissioner of Labour, who was appointed with effect from July 1968.

Guernsey (First Report).

In this small community, where there is no unemployment or underemployment and ample freedom of choice of employment, there has been no necessity to embark on an active policy to promote full, productive and freely chosen employment.

The States Labour and Welfare Committee, which includes representatives of employers and workers, keeps employment policy under review.

Hong Kong (First Report).

In August 1966 the over-all unemployment rate—swollen by school-leavers seeking their first employment—was 3.74 per cent of the total labour force. In June 1968 there were 8,065 reported vacancies in industry, which has expanded steadily throughout the last decade and is continuing to do so.

Technical education is provided by government and private institutions, and vocational training is given by a variety of public and private agencies. An Industrial Training Advisory Committee, which includes employers' and workers' representatives, was established in September 1965 to advise the Government on industrial training. No discrimination in respect of race, colour, sex, religion, political opinion, national extraction or social origin exists.

Isle of Man (First Report).

Resolution of Tynwald of 26 June 1946.

Report of the Committee of Tynwald appointed to consider the administrative arrangements relative to the treatment of the unemployment problem, adopted on 9 July 1957.

Article 1, paragraph 1, of the Convention. The above-mentioned resolution constituted an Employment Advisory Committee to advise on and secure co-ordination of the labour force of the island with a view to fulfilment of the policy of full employment. In 1954 a drive to establish new industries was initiated.

Paragraph 2. The previous unemployment problem has been reduced and there is currently an unsatisfied demand for young persons, particularly young women, in manufacturing industries. The introduction of manufacturing industries has reduced to a minimum the former practice of providing winter work schemes for the alleviation of seasonal unemployment. A Regulation of Employment Order provides that a male person who has resided on the island for less than five years may not enter employment on the island without a permit, unless he or the employment is exempted under its provisions. Owing to an influx of males in the middle and upper age groups

the revocation of this order is not justified, but work permits are freely granted to younger persons and to skilled craftsmen in respect of a large number of trades. Of necessity, development in a small island community with a population of 50,000 is limited by its economic resources, and expenditure on policies to provide employment has just about reached the economic limit.

Article 2. The Employment Advisory Committee meets regularly and keeps under review the unemployment and employment situation. Weekly returns are submitted to the Governor and any changes in the situation are reported and discussed at Executive Council (the island's Cabinet) level. The Chairman of the Employment Advisory Committee is required by statute to make a statement twice a year in Tynwald on unemployment.

Article 3. The Employment Advisory Committee comprises persons affected by the measures to be taken, particularly representatives of employers and workers.

Montserrat (First Report).

Development Incentives Ordinance, No. 9 of 1964, as amended by Ordinance No. 15 of 1965.

Building Societies Ordinance.

Government Housing Loans Ordinance, No. 24 of 1965.

The above-mentioned legislation, together with the Five-Year Development Plan (1966-70), was introduced with a view to the economic development of the territory and will provide increased employment.

An Industrial Training Committee has recently been established to provide training for youths and apprentices in a number of trades.

Seychelles (First Report).

The primary aim of employment policy is to secure work for all nationals who are willing and able to work. Immigrant workers are employed only if no local worker is available or if imported technical assistance will help development, particularly through the training of nationals in the field of employment concerned.

Any significant progress in the development of the territory, which would create additional employment, is dependent on financial and technical assistance from overseas. There is freedom of choice of employment, subject to the availability of work and the need for appropriate qualifications and experience.

Solomon Islands (First Report).

The protectorate actively pursues the objectives laid down by the Convention by means of periodic development plans. The Labour Department provides an employment exchange service. Out of a total population of 145,630 there are 12,139 persons in employment. Indigenous workers have a peasant background, which provides an alternative means of livelihood, and unemployment and underemployment as generally understood do not yet exist. Technical training is fostered and will be further developed when a technical institute begins to function in 1969.

Decisions on economic and social policy are made in the light of surveys undertaken with technical assistance. There is a Labour Advisory Committee with equal representation of workers and employers, and there are 14 joint consultative committees. Manpower surveys and investigations of other related problems are undertaken from time to time.

124. Medical Examination of Young Persons (Underground Work) Convention, 1965

This Convention came into force on 13 December 1967

United Kingdom. Ratification: 13 December 1966.

Decision reserved:

Fiji: 2 February 1968.

Hong Kong: 12 July 1968.

Not applicable:

Guernsey: 2 May 1967.

Jersey, Isle of Man: 4 October 1967.

Brunei: 11 January 1968.

Bermuda, British Honduras, Grenada, St.

Helena, Seychelles: 2 February 1968.

St. Christopher-Nevis-Anguilla: 12 July 1968.

No declaration: all other territories.

UNITED KINGDOM

Bermuda (First Report).

No legislation or administrative regulations exist for the application of the provisions of this Convention. No underground work is carried on in the territory.

British Honduras (First Report).

There are no mines of any description in the territory.

Brunei (First Report).

Labour Enactment, No. 11 of 22 December 1954, as amended in 1957 and 1961.

Under the above-mentioned legislation every worker who enters into a contract of employment is required to be medically examined at the expense of his employer and must be issued with a medical certificate of fitness for employment.

Every employer is required to keep a register of all workers in his employment in the prescribed form.

Dominica (First Report).

There are at present no mines or underground quarries in the territory and no persons are employed in the extraction of any substance from under the earth.

Falkland Islands (Malvinas) (First Report).

There are no mines or undertakings for the extraction of any substance from under the surface of the earth in the colony and therefore there is no legislation on this subject.

Fiji (First Report).

Employment Ordinance, No. 15 of 2 July 1964.

The national legislation does not reflect the provisions of the Convention in a number of respects. Consideration is, however, being given to the practicability of amending the legislation so as to bring it into conformity with the requirements of the Convention.

Gibraltar (First Report).

There are no mines in Gibraltar and it is extremely unlikely that there ever will be.

Gilbert and Ellice Islands (First Report).

The need for special legislation has not arisen as there are at present no mines or underground quarries in the territory.

Isle of Man (First Report).

No person is employed underground in the island and thus the provisions of the Convention are inapplicable to the territory.

Montserrat (First Report).

There are at present no mines in the territory and there are no cases of underground employment.

St. Christopher-Nevis-Anguilla (First Report).

There are no underground undertakings and consequently no persons are employed in the extraction of any substance from under the surface of the earth.

St. Helena (First Report).

The Convention is inapplicable to the territory.

Seychelles (First Report).

No underground work is carried out in the colony.

Solomon Islands (First Report).

Labour Ordinance, as amended by Ordinance No. 20 of 30 December 1964 (Ordinances of the British Solomon Islands Protectorate, 1964, p. 129).

Under the above-mentioned legislation no person under 18 years of age shall be employed or work underground in any mine unless, being a male person of 16 years of age, he produces a medical certificate issued by a medical practitioner, or by a person approved for that purpose by the health officer, attesting his fitness for such work.

There are at present no mines or quarries in the protectorate and consequently no work is performed underground.

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.

France. Copies of the reports relating to the overseas departments (*French Guiana, Guadeloupe, Martinique, Réunion*) and to the overseas territories (*Comoro Islands, French Polynesia, New Caledonia*) have been communicated to the local employers' and workers' organisations.

Netherlands. Copies of the reports have 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, Dominica, Falkland Islands (Malvinas), Fiji, Gilbert and Ellice Islands, Isle of Man, Montserrat, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Solomon Islands.*

The reports from the following territories state that at present there are no representative employers' or workers' organisations: *Brunei, Guernsey, Jersey.*

In the following territories copies of the reports have been communicated to the Labour Advisory Board: *Gibraltar, Hong Kong.*

The reports from *St. Helena* and the *Seychelles* state that at present there are no representative employers' organisations.

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		
New Guinea	—	7, 8, 9, 15, 27
Norfolk Island	—	7, 9, 11, 15, 27
Papua	—	7, 8, 9, 15, 27
France		
Comoro Islands	62, 84, 87	9, 11, 14, 15, 26, 27, 33, 58, 68
French Guiana	5, 87	9, 11, 14, 15, 58, 68
French Polynesia	3, 11, 26, 27	5, 9, 14, 15, 32, 33, 58, 62, 68, 84, 87
Guadeloupe	5, 87	9, 11, 14, 15, 58, 68
Martinique	5, 87	9, 11, 14, 15, 58, 68
New Caledonia	26, 62, 84	3, 5, 9, 11, 14, 15, 27, 33, 58, 87
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Netherlands		
Antilles	14, 81, 105	8, 9, 11, 15, 27, 33, 68, 87
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New Zealand		
Cook Islands	—	2, 9, 11, 14, 15, 22, 50, 58, 64, 84, 88, 89, 99
Niue	99, 105	2, 9, 12, 14, 15, 17, 22, 32, 50, 53, 58, 64, 74, 81, 88, 89
Tokelau Islands	105	9, 11, 14, 15, 32, 50, 58, 84
United Kingdom		
Antigua	—	10
Bahamas	—	11, 15, 26, 32, 50, 64, 68, 86, 97, 108
Bermuda	12, 115	5, 7, 11, 15, 32, 50, 64, 68, 84, 87, 98
British Honduras	26, 84, 87, 99	5, 7, 8, 11, 15, 32, 50, 64, 68, 86, 98
Brunei	7, 8, 98	5, 11, 15, 32, 64, 68, 86, 87
Dominica	26	7, 8, 11, 15, 32, 50, 64, 68, 84, 86, 87, 97
Falkland Islands (Malvinas)	—	7, 8, 11, 15, 26, 35, 36, 50, 64, 68, 84, 87, 98
Fiji	26	7, 8, 11, 15, 32, 50, 64, 68, 86, 87
Gibraltar	—	5, 7, 8, 11, 15, 26, 32, 50, 64, 68, 84, 86, 87, 98
Gilbert and Ellice Islands	7, 50, 86	11, 15, 26, 64, 68
Guernsey	35, 36, 37, 38, 39, 40, 68, 99, 108	5, 7, 8, 11, 15, 26, 32, 50, 64, 84, 87, 97, 98
Hong Kong	8, 11, 26, 68, 98	7, 15
Jersey	35, 36, 39, 40	5, 7, 8, 11, 15, 26, 32, 50, 64, 68, 84, 87, 97, 98, 99
Isle of Man	102	7, 8, 11, 15, 26, 32, 37, 38, 50, 64, 65, 68, 87, 97, 98, 99

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.
Montserrat	50, 98, 108	5, 7, 8, 11, 15, 26, 32, 64, 68, 84, 86, 97
St. Christopher- Nevis-Anguilla . . .	12, 84, 94, 98, 99	2, 7, 8, 11, 15, 17, 19, 22, 24, 25, 26, 29, 32, 50, 64, 65, 68, 69, 81, 86, 87, 88, 92, 97, 105
St. Helena	—	5, 7, 8, 11, 15, 26, 32, 50, 64, 68, 84, 86, 87, 98
St. Lucia	25	2, 15, 22, 24, 29, 65, 69, 81, 88, 92, 94, 101, 105
St. Vincent	26, 32	7, 11, 64
Seychelles	—	5, 7, 8, 11, 15, 26, 32, 50, 68, 84, 86
Solomon Islands . . .	99	5, 7, 11, 15, 32, 50, 64, 68, 86
Swaziland ¹	26, 50	7, 11, 15, 32, 68, 84, 86, 108
United States		
American Samoa . . .	—	58
Guam	—	58
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¹ Reports for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

REPORT III

(PART 2)

International Labour Conference

FIFTY-THIRD SESSION

GENEVA, 1969

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)



**GENEVA
International Labour Office
1969**



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GENEVA

International Labour Office

1969

09661

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

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INTRODUCTION

Article 19 of the Constitution of the International Labour Organisation provides that Members shall “report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body” on the state 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 summarised in the present volume concern the following 17 Conventions which were chosen for special review on the occasion of the 50th anniversary of the International Labour Organisation:

I. *Basic Human Rights.*

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Forced Labour Convention, 1930 (No. 29);

Abolition of Forced Labour Convention, 1957 (No. 105);

Discrimination (Employment and Occupation) Convention, 1958 (No. 111);

Equal Remuneration Convention, 1951 (No. 100).

II. *Social Policy.*

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

III. *Labour Administration.*

Labour Inspection Convention, 1947 (No. 81).

IV. *Employment Policy and Services.*

Employment Service Convention, 1948 (No. 88);

Employment Policy Convention, 1964 (No. 122).

V. *Wages.*

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26);
Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99);
Protection of Wages Convention, 1949 (No. 95).

VI. *Social Security.*

Social Security (Minimum Standards) Convention, 1952 (No. 102);
Equality of Treatment (Social Security) Convention, 1962 (No. 118).

VII. *Minimum Age.*

Minimum Age (Industry) Convention (Revised), 1937 (No. 59).

VIII. *Maternity Protection.*

Maternity Protection Convention (Revised), 1952 (No. 103).

The governments of member States were requested to send their reports to the International Labour Office before 1 July 1968. 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 1968.

The Conventions have been arranged in the order above, which follows that of the special form of report adopted by the Governing Body in connection with its request for reports. However, certain reports of a very general nature are treated separately, at the end of the reports grouped by Conventions.

In view of the number of instruments involved, governments were asked in the above-mentioned form of report to give a brief indication for each of the relevant Conventions of (a) the extent to which it is proposed to give effect to its terms; (b) any difficulties which prevent or delay its ratification. The form also specifies that, in the absence of any recent development regarding a Convention, the report might refer to information previously supplied to the International Labour Organisation in accordance with article 19 of the Constitution.

In cases where reports, in addition to the indications requested, contain detailed information on legislative and other measures taken in the field of unratified Conventions, the present summary includes such information as far as possible.

The report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part 4), which will also be submitted to the Conference at its 53rd (1969) Session, will include a study by the Committee of the reports on the above-mentioned Conventions.

I. BASIC HUMAN RIGHTS

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

AFGHANISTAN

See under General Replies.

AUSTRALIA

Nauru

There is no legislation limiting the freedom of association and the right to organise, which are covered by common law. In fact, there are no organisations of workers and employers.

No difficulties can be seen which could prevent or delay extension of a ratification.

Norfolk Island

There is no legislation limiting the freedom of association and the right to organise, which are covered by common law. In fact, there are no organisations of workers and employers.

No difficulties can be seen which could prevent or delay extension of a ratification.

BRAZIL

The Convention was referred to Congress in May, 1949, and the corresponding file, with a conclusion unfavourable to ratification, was submitted for ministerial approval in September 1967.

CANADA

The Government refers to its report on unratified Conventions submitted to the Conference in 1957 (see 40th Session, Report III (Part II)).

A study has recently been made of this Convention and of the degree to which Canadian law and practice appear now to conform to the Convention. Formal consultation is now in progress between the Government of Canada and the ten provincial governments.

CHILE

The report states that labour legislation does not fully comply with the provisions contained in Articles 2, 3 and 4 of this Convention. The Labour Code recognises the right of all workers to form and join trade unions with the exception of employees or wage earners employed by the State, the municipalities or who belong to state undertakings. Trade unions acquire legal status by Presidential Decree and after

fulfilling certain obligations such as that of having a constituent assembly under the chairmanship of a labour inspector. Trade unions cannot dissolve themselves without the approval of the authority which authorised their existence. They may be dissolved by this authority in certain cases and, given certain conditions, the administrative authorities may likewise dissolve a trade union.

In spite of this the Government intends to apply the Convention by amending the current legislation and regulations on the matter. With this in view it submitted a Bill to the National Congress in 1965 designed to amend Book III of the Labour Code by establishing effective freedom of association in accordance with the principles contained in the Convention. This Bill is now going through the National Congress.

CHINA

The Government refers to its letter of 19 February 1968 setting out the opinions of various government authorities with regard to the Convention. Most of these authorities advocate postponement of ratification because of the present situation in the country, because the draft Labour Code has still to be enacted and because the Trade Union Law, the National Mobilisation Law and the Trade Associations (Wartime) Law are considered not to be in complete harmony with the Convention.

COLOMBIA

The Convention is on the whole complied with in Colombia, except that the Labour Code provides for the suspension by administrative authority of industrial associations in certain cases, and even their dissolution if they are responsible for unlawful collective stoppages of work. The present ban in the Code on the co-existence of two or more works unions within the same undertaking likewise appears to be contrary to the provisions of Convention No. 87. All this prevents its ratification.

CONGO (KINSHASA)

In the preparation and final drafting of the new Labour Code, which came into force on 9 August 1967, the provisions of the Convention have been kept in mind. However, for reasons connected with the promotion of national trade union officials and internal security, the Labour Code provides that only persons possessing Congolese nationality and aged at least 21 years may be made responsible for the administration and management of a trade union. It is not yet possible to give full effect to Article 3 of the Convention, the provisions of which are broader in that they allow workers' and employers' organisations to elect their representatives in full freedom. It is considered essential for the present to refuse foreigners the right to be elected officers of occupational associations. The Government nevertheless hopes to ratify the Convention as soon as possible.

INDIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1959 (see 43rd Session, Report III (Part II)) and to a letter of May 1968.

IRAN

The Government refers to its report on unratified Conventions, submitted to the Conference in 1959 (see 43rd Session, Report III (Part II)).

IRAQ

The Government refers to the information on the submission to the competent authorities of Conventions and Recommendations, communicated to the Conference in 1968 (see 52nd Session, Report III (Part 3)).

KENYA

It is still not considered to be in the best interests of Kenya, in its present stage of development, to ratify the Convention.

MALAWI

This Convention cannot be ratified without amendment of the Trade Unions Ordinance which in terms of section 36 (2) provides a means of controlling the activities of trade unions in their relationship with organisations outside Malawi. At this stage of trade union development in Malawi, such an amendment would be undesirable.

MALAYSIA

The Industrial Relations Act, 1967, stipulates that every workman or employer shall have the right to form and assist in the formation of and to join a trade union and to participate in its lawful activities. Freedom of association is recognised and trade union activities are specifically permitted under the Trade Unions Ordinance, 1959. Certain limitations contained in the Trade Unions Ordinance are necessary in the interest of the workers and employers as well as of the general public and the nation. It is not proposed to give effect to all the provisions of the Convention at present.

MOROCCO

Since national law and practice are in conformity with the terms of the Convention, the Government has before it the question of setting in motion the normal procedure for ratification.

NEW ZEALAND

The Government refers to its reports on unratified Conventions submitted to the Conference in 1953 and 1957 (see 36th and 40th Sessions, Report III (Part II)). Under the system of industrial relations in this country, ratification would not be in the best interests of the trade union organisations. The Industrial Conciliation and Arbitration Act, 1954, places some restraint on the formation of new unions where there already exists a union covering a particular field. This provision, which is to prevent a proliferation of rival unions incapable of representing their members' interests to best advantage, has the support of New Zealand workers' organisations generally, but it is not compatible with the provisions of Article 2 of the Convention. The main difficulty is that the Convention is not adapted to meet the advanced situation which obtains in this country.

RWANDA

The report indicates that the provisions of the Convention are applied in full, particularly by Book II, sections 6-17, of the Labour Code.

No serious difficulty stands in the way of ratifying the Convention, apart from the obligation to submit it to the competent authority.

SINGAPORE

The main provisions of the Convention are satisfied by existing legislation. However, certain restrictions have been imposed in the legislation which prevent full compliance with Articles 2, 3 and 4 of the Convention. These restrictions are necessary in the present social, economic and political context of Singapore, and therefore ratification of this instrument is not possible.

SOMALI REPUBLIC

See under General Replies.

SPAIN

Consideration of this instrument with a view to its ratification is conditional upon the legislative developments due to take place very shortly with regard to the trade union movement.

An Extraordinary Trade Union Congress has prepared a preliminary draft of a law on trade unions which has to be analysed by the Government and then, after any necessary corrections have been made, submitted to the Cortes.

Spanish trade unionism is now undergoing a complete overhaul, which calls for a cautious approach to the task the Cortes has before it, without pre-establishing criteria which might restrict its freedom of initiative.

SWITZERLAND

Conformity between the Convention and national law and practice is doubtful for reasons including the following: under Article 4 of the Convention, workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authorities, but in Switzerland the cantonal police can suspend the activity of an association. This divergence alone would prevent Switzerland from ratifying the Convention.

TANZANIA

The extent to which it is proposed to give effect to the Convention cannot yet be ascertained. At the present stage of economic and social development ratification may impose unforeseen difficulties. The position will, however, be under constant review, consideration being given to the provisions of the Convention.

TURKEY

The spirit of the Constitution and the legislation is in harmony with the Convention. However, sections 15 and 16 of Act No. 274 on trade unions have certain restrictive provisions prohibiting trade unions from carrying on commercial and political activities. Under section 10 of the same Act trade unions cannot become affiliated to international bodies carrying on activities that do not conform to the principles of the Constitution. Moreover, trade unions come under Act No. 3512 concerning associations, with the result that the Government can supervise and inspect trade unions (sections 28 and following). The legislation in force is thus not in full accord with the provisions of the Convention and so ratification is not possible.

UGANDA

The objectives of the Convention are covered by Article 18 (1) of the Constitution and section 47 of the Trade Unions Act No. 11 of 1965. However, Article 18 (2) of the

Constitution allows the legislature to adopt laws restricting the freedom of certain categories of persons for reasons enumerated in the paragraph. In particular, legislation exists restricting membership of trade unions in the public service and setting up separate negotiating machinery for public officers who are permitted to belong to a trade union (Act No. 78 of 1963). It is the policy of the Government to work towards establishing conditions in the country which will permit further legislation conforming fully with the provisions of the Convention.

UNITED STATES

The Government refers to its reports on unratified Conventions submitted to the Conference in 1957 and 1959 (see 40th and 43rd Sessions, Report III (Part II)). Since these reports the Supreme Court has made more specific the doctrine that freedom of association is one of the First Amendment rights protected against state encroachment by the Fourteenth Amendment. Under Executive Order 10988 of January 1962 the federal Government formally recognised the associational rights of its employees. In 21 states the organisational rights of public employees are recognised under statutory or constitutional provisions; in other states the right is protected by executive order, administrative interpretation of existing legal provisions or separate laws for employees in specific occupations.

VENEZUELA

This Convention was submitted to Congress in 1961 and 1965. A study recently made by the Ministry of Labour concluded that ratification would have to be postponed. However, only a few clauses in the Convention—and those very limited in scope—run counter to the legislation in force. The Ministry of Labour has been asked to draft a Bill on this particular point. Should it become law, it will have the effect of repealing most of the internal legislation contrary to the Convention, and, except for the rights which civil servants are acknowledged to have in the organisation of trade unions, will give full application to the standards and principles enshrined in the Convention.

There is another fundamental discrepancy concerning the possibility of dissolution of a trade union by administrative action.

Incidentally, there is some doubt about whether the Venezuelan requirements to be fulfilled by unions before they are officially recognised are equivalent to a “prior authorisation”.

The aforementioned Bill abolishes the dissolution of unions by “administrative action”, as also any requirements (which might be considered as equivalent to a “prior authorisation”) which a union has to fulfil before recognition, thus meeting the provisions of Article 2. Nevertheless, the Convention cannot be ratified until such time as application of legislation concerning freedom of association and the right to organise is extended to government officials.

VIET-NAM

Provisions relating to the matters dealt with in the Convention appear in Ordinance No. 23 dated 16 November 1952, and in Administrative Decree No. 19-CT-LDQGQL/SL dated 24 October 1964, which replaces the first of these two texts. But the Ministerial Decision proclaiming the entry into force of the new Administrative Decree has not yet appeared, so that the ordinance in question remains still in force.

In the absence of further recent developments, the Government refers to its report on unratified Conventions, submitted to the Conference in 1959 (see 43rd Session, Report III (Part II)).

ZAMBIA

The spirit of the Convention is applied in Zambia by the Trade Unions and Trade Disputes Ordinance (Cap. 25) and the Regulations made thereunder. The Government wishes to reserve ratification of the Convention until a later date, many of the provisions of the Convention being fully complied with apart from a few which are in conflict with certain parts of the Trade Unions and Trade Disputes Ordinance (Cap. 25) as amended. Ratification is prevented by this conflict and also by the fact that it is not considered advisable at this stage to amend the sections which are the results of recent enactments.

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

AUSTRALIA

Nauru

There is no legislation on the subject-matter of the Convention. No difficulties can be seen which would prevent or delay extension of a ratification.

Norfolk Island

There is no legislation on the subject-matter of the Convention, nor are there any workers' or employers' organisations. No difficulties can be seen which would prevent or delay extension of a ratification.

BURMA

In virtue of Chapter V of the law defining the fundamental rights and responsibilities of the peoples' workers, the Government has promulgated, by Notification No. 137 of the Ministry of Labour, the Rules for the Formation of the Peoples' Workers Council, 1964. With the emergence of the Peoples' Workers Councils the former trade unions had lost their significance and the Peoples' Workers Councils will carry out the functions to protect the rights of workers laid down by law, to make collective agreements, to participate in management and to participate in economic planning. The members of the armed forces or the police are not eligible for participation in the Peoples' Workers Councils but the respective service rules do not restrict their rights to organise. There are no difficulties to report which prevent or delay ratification of the Convention.

CANADA

The Government refers to its report on unratified Conventions submitted to the Conference in 1956 (see 39th Session, Report III (Part II)). A study recently made shows that Canadian law appears to comply in most respects with the provisions of the Convention. It is contemplated that discussions on this subject will take place with the provincial governments at a later date in the light of the federal-provincial discussions on Convention No. 87.

CHILE

In accordance with Act No. 16455 of 6 April 1966, the employer may only terminate a labour contract if he has just cause. These causes are enumerated in section 2 of the Act and do not include membership of a trade union or participation in trade union activities. Trade union leaders and candidates for trade union posts are afforded special protection by their irremovability.

In connection with the collective dismissal of more than ten workers or dismissals resulting from the closing-down of undertakings, the law requires that prior and joint authorisation be obtained from the Ministries of Economy and Labour.

With regard to the possibility of subjecting a worker's post to the condition that he does not join a trade union or ceases to become a member of one, this does not exist in the case of plant unions since, as these are formed in the undertaking, the worker is obliged by law to join such unions. In the case of craft unions, such a provision would be annulled by section 665, which stipulates that the rights granted by the labour laws cannot be waived.

Section 19 of Act No. 16625 in respect of the trade union system in agriculture incorporates the principles contained in Articles 1 and 2 of the Convention.

The rules governing the organisation of the Labour Directorate and the regulations governing trade union organisations entrust the Labour Directorate with the promotion of trade union organisation and supervision of its operation.

The Labour Code puts contracts of employment and collective agreements on an equal footing. The collective agreement is binding on the employers who took part—either directly or through their legal representatives—in its drawing up, on the workers belonging to the legally constituted trade union who were duly represented in the conclusion of the agreement, and on all workers who subsequently join the union.

Act No. 16625 put an end to the ban on the forming of agricultural unions or confederations of unions, and incorporated, among the main objectives of these associations, that of reaching collective agreements.

With regard to workers in the service of the State, refer to the reply in connection with Convention No. 87.

The report states that the Government intends to make the Convention fully applicable by amending present legislation by means of the draft reform of Book III of the Labour Code and the promulgation of Acts Nos. 16625 and 16455, which bring national legislation fully into line with the Convention.

COLOMBIA

The report states that the Labour Code is in conformity with the Convention and contains no provision infringing it. The Convention has therefore been submitted to Congress, which is in the process of approving it.

CONGO (KINSHASA)

The Labour Code takes over several of the provisions of the Convention. There is no difficulty in the way of ratification, for which the procedure has been started.

INDIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1959 (see 43rd Session, Report III (Part II)) and to a letter of May 1968.

IRAN

The Government refers to its report on unratified Conventions, submitted to the Conference in 1959 (see 43rd Session, Report III (Part II)).

KUWAIT

Kuwait still needs some time to be able to comply with the provisions of this Convention. Article 90 of the Labour Law (Private Sector) provides for the formation of employers'-workers' joint committees to settle disputes and consult on matters that may bring stability and promote production. Provisions of the Convention will be tackled by the legislators in any further amendment.

MEXICO

The legislation fully guarantees the right of association in general and that of forming trade unions in particular, as well as the right to bargain collectively, and prescribes the procedure to be followed.

The Convention has not been ratified because, if interpreted very broadly, Article 1 (2) (b) of the Convention might appear to conflict with section 236 of the Federal Labour Act, which provides that "any industrial association of employees shall be entitled to request and obtain from the employer the dismissal from employment of any of its members who resign or are expelled from the association, provided that the relevant contract contains the clause excluding non-union labour". If the Convention were ratified it would render null and void the application of the clause excluding non-union labour, since it provides for the dismissal of a worker from his employment by reason of union membership.

NETHERLANDS

An amendment to the Civil Code which would enable the Netherlands to ratify Convention No. 98 is being prepared. It is expected that the parliamentary procedure for ratification will start in November 1968.

NEW ZEALAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1956 (see 39th Session, Report III (Part II)). Conformity with Article 1 of the Convention is now secured through a 1961 amendment to the Industrial Conciliation and Arbitration Amendment Act, 1954, abolishing compulsory unionism as such, but substituting a provision under which trade unions can apply to the Court of Arbitration for the inclusion of an "unqualified preference clause" in their award or industrial agreement. While there is no obstacle of any consequence to ratification, ratification would confer no particular advantages that are not already enjoyed, and this instrument is so closely linked with Convention No. 87 that little purpose would be served by ratifying the one without the other.

RWANDA

The social legislation provides for freedom to establish workers' organisations without any interference by the employers. At present, the Government encourages

and promotes the establishment of trade union organisations by every available means.

Since employers' and workers' organisations have not yet been established, and the Government does not know exactly how such organisations would work or whether they might suffer an outside influence harmful to their freedom of action, ratification of the Convention is not possible.

SOMALI REPUBLIC

See under General Replies.

SPAIN

See under Convention No. 87.

SWITZERLAND

The report indicates that the requirements of Article 1 (2) of the Convention cannot be reconciled with the Swiss system of freedom of contract. Under the provisions of the Federal Code of Obligations governing the contract of employment, the employer has full freedom to engage—or to refuse to engage—whomever he likes; besides, he may, by observing the periods of notice laid down, denounce the contract without stating the motive, which would obviously enable him to denounce it on account of the worker's trade union activities. The Government does not see any possibility of ratifying the Convention.

TOGO

No measure to apply the provisions of the Convention is being considered at present. The principles of the Convention are, however, applied in practice. Provisions to protect workers from acts of anti-union discrimination are contained in the Constitution of 5 May 1963.

UNITED STATES

The Government refers to its report on unratified Conventions submitted to the Conference in 1959 (see 43rd Session, Report III (Part II)) and states that only minor statutory changes have occurred since (by the Labor-Management Reporting and Disclosure Act of 1959, amending the Labor-Management Relations Act) concerning the jurisdictional standards of the National Labor Relations Board, and the restrictions on payments to employee representatives.

The report also covers the extent of collective bargaining in the United States and the roles played with respect to it by the Federal Mediation and Conciliation Service and the National Labor Relations Board. Details are given of the recent operations of them.

The Convention is considered to be appropriate in part for federal action and in part for action by the constituent states.

VENEZUELA

In August 1968 Congress approved this Convention and authorised the Government to ratify it. The Ministry of External Relations will in due course send the requisite communication.

ZAMBIA

The spirit of the Convention is applied in Zambia by the Trade Unions and Trade Disputes Ordinance (Cap. 25). The Government wishes to reserve ratification of this instrument until a later date, although section 30 of the Ordinance fully complies with the provisions of Article 1 of the Convention, and the other Articles are similarly complied with, except for a couple of sections that infringe the Convention. Though there are no legal difficulties, ratification should be delayed until workers' organisations have reached a reasonable stage of maturity and responsibility and are representative of a large working population.

Forced Labour Convention, 1930 (No. 29)**BOLIVIA**

The Government states that forced or compulsory labour is non-existent and refers to the reports on unratified Conventions it submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)). Since national legislation is more far-reaching than the Convention, there is nothing to be served by applying it, since it would not have the merit of adding anything of significance to the laws of the Republic themselves.

CANADA

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

CHINA

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

COLOMBIA

The Convention is fully complied with in Colombia and has been submitted to Congress, which has approved it. Its formal ratification will be communicated later.

ETHIOPIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

GUATEMALA

The report states that there is no forced labour in Guatemala, nor any of the possibilities for exemption allowed for under the Convention, since it is banned under the legislation in force.

As for the ratification of the Convention, in view of the fact that Guatemala has ratified Convention No. 105, the Government does not consider this to be necessary.

MALAWI

Under section 15 of the Taxation Act, No. 9 of 1966, district commissioners may order tax defaulters who are unable to pay their tax to perform public work for a period not exceeding four weeks. Aggrieved tax payers may appeal to a court of law. Under section 3 of the Preservation of Public Security Ordinance, regulations have been made which permit detention of any person acting contrary to the interests or well-being of the State. Detainees may be required to perform public work. For the purposes of this Convention, apart from tax defaulters, no persons have been required to perform forced or compulsory labour. The Government is unable to ratify the Convention on account of those provisions in the Taxation Act, which do not comply with the requirements of the Convention.

PHILIPPINES

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)). No new measures have been taken to give effect to the provisions of the Convention.

RWANDA

Forced labour is abolished in all its forms. The ratification of the Convention is being delayed by the formalities involved in submitting it to the competent authority.

TURKEY

The report indicates that the Constitution and the legislation in force are in conformity with the Convention.

There is no difficulty in the way of ratifying the Convention. The delay is due to the revision of certain laws and regulations that has taken place since 1961. The work connected with ratification is going on at present.

The Government also refers to its report on unratified Conventions submitted to the Conference in 1962 (see 46th Session, Report III (Part II)).

UNITED STATES

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

Abolition of Forced Labour Convention, 1957 (No. 105)**BOLIVIA**

The Government states that the reasons which have prevented or are delaying ratification can be summed up by the fact that there is no forced labour in Bolivia.

BULGARIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

The Government continues to entertain doubts as to the precise meaning of forced labour in Convention No. 105. This uncertainty prevents ratification of the Convention.

BURMA

The Government refers to its report on unratified Conventions submitted to the Conference in 1962 (see 46th Session, Report III (Part II)). No forced or compulsory labour in any form exists in this country. There are no difficulties to report which prevent or delay ratification of the Convention.

BYELORUSSIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)). No further legislation in relation to the subject-matter of the Convention has been enacted.

CHILE

No form of forced or compulsory labour exists in Chile. The Government has therefore submitted the Convention to the National Congress for ratification. It is now before the Chamber of Deputies.

CONGO (KINSHASA)

The Government refers to its report on unratified Conventions submitted under article 19 of the Constitution for the period ending 31 December 1966. Bearing in mind the country's economic and social situation, the Government is called upon, when circumstances require, to take measures for purposes of development which are considered by Article 1 (*b*) of the Convention as implying forced labour, whereas section 2 (*b*) of the Labour Code excludes them from this category. The major difficulty remains this divergency in interpretation. The matter is still under consideration.

CZECHOSLOVAKIA

Following the observations made by the Committee of Experts in regard to Convention No. 29, amendments to certain legal enactments are now being prepared with a view to deleting various provisions on which the experts have commented, including in particular the provisions for the regulation of work in connection with civic assistance.

The possibility of ratification will be considered again once the amendments to the legislation have been carried out.

ETHIOPIA

See under Convention No. 29.

FRANCE

The Government refers to the report on unratified Conventions it submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)). The procedure for ratification has been initiated. However, in view of the I.L.O.'s suggestion, in regard to activities which might take place in each member country in 1968 and 1969 to

commemorate the 50th anniversary of the International Labour Organisation, that a parliamentary debate might be held on the occasion, for instance, of the ratification of international labour Conventions of particular importance, it has been considered preferable to postpone until 1969 the examination by Parliament of the Bill for the ratification of the Convention.

It is therefore during 1969 that ratification of the Convention may take place.

HUNGARY

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)). The only change has been the promulgation of the new Labour Code and of Decree No. 11 of 1967 of the Minister of Labour concerning the recruitment of labour.

INDIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)) and to a letter of May 1968.

JAPAN

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

LESOTHO

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

MALAWI

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

Forced "or compulsory" labour is forbidden by section 3 of the Labour Code. The one national institution which might be covered by Article 1 (b) of the

Convention, is the *Chantiers de développement* referred to by Act No. 63-134, section 2 of which lays down that: "Nobody shall be obliged to work on a *chantier* and anybody so engaged may at any time and without restriction withdraw his labour." There is no legislation or practice which might be covered by Article 1, (c), (d), or (e) of the Convention.

Breaches of the ban on forced labour are punishable by fines or gaol by virtue of section 56 of the Labour Code, Book V.

It is not expected that application of the Convention would give rise to any problems.

TOGO

No measures are planned for the time being to give effect to the Convention; however, section 2 of the Labour Code strictly forbids forced or compulsory labour.

There are no difficulties preventing or delaying ratification of the Convention.

UKRAINE

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

UNITED STATES

The Government refers to its report on unratified Conventions submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)). In this report the Government indicated that the President of the United States requested advice and consent of the Senate to ratification in July 1963. In October 1967 the Senate Committee on Foreign Relations voted to defer further consideration of the Convention. The action does not foreclose later legislative reconsideration of that matter.

VIET-NAM

The Government refers to its report on unratified Conventions, submitted to the Conference in 1968 (see 52nd Session, Report III (Part II)).

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

AFGHANISTAN

See under General Replies.

AUSTRALIA

Nauru

Although there are no legislative provisions operating in the territory which specifically assert that there shall be no discrimination in employment and occupation, governmental policy and practice are to avoid distinctions, exclusions and preferences other than those based on the inherent requirements of a particular job and national security.

With regard to national extraction, however, section 18 of the Public Service Ordinance 1961-66 gives preference to Nauruans and residents of Nauru for appointment to offices in the public service.

Norfolk Island

There are no legislative provisions operating in the territory which specifically assert that there shall be no discrimination in employment and occupation, but governmental policy and practice are to avoid, subject to the legislative provisions referred to below, distinctions, exclusions and preferences other than those based on the inherent requirements of a particular job and national security.

Regulations 23 and 24 made under the Public Service Ordinance 1941 exclude married women from employment in the public service unless there are special circumstances which make their employment desirable. These regulations are outdated and will, it is hoped, be removed when the Public Service Ordinance and Regulations are revised.

AUSTRIA

The principle of equality is safeguarded by a number of constitutional provisions which protect all citizens against any form of discrimination in connection with the application of legislation by courts of law and administrative authorities. No distinction made on the basis of race, colour, religion, political opinion, national extraction or social origin which has the effect of impairing equality of treatment in employment or occupation presents any problem. As regards equality of remuneration, Convention No. 100 has been ratified.

Ratification of the Convention has so far been prevented by the objections raised by certain sectors and representative bodies who consider that the requirements of Article 3 (b) of the Convention would lead to action in the field of private law restricting the freedom of the individual. A further, albeit not a vital, obstacle is seen in the fact that the right not to join an occupational organisation is not included in Article 1 of the Convention. Finally, any further negotiation regarding ratification should be suspended pending current efforts to codify the basic laws in Austria.

BELGIUM

The Government intends to ratify the Convention. A Bill for its approval is now being drafted.

BOLIVIA

In accordance with article 6 of the Constitution, all inhabitants enjoy the same rights and have the same obligations, being able to follow the occupation of their choice, provided it does not constitute a threat to state security or go against the interests of the community. The Government will consider the possibility of ratifying the Convention as soon as the economic situation allows.

BURMA

In this country there is no discrimination whatsoever in respect of employment and occupation. Section 5 (13) of the Law Defining the Fundamental Rights and Responsibilities provides that women workers shall have the same rights as men workers. The Government is still considering ratification of this Convention.

CHILE

The Political Constitution provides for the admission of all persons to all types of employment and public office, without any other conditions than those imposed by

law. Although there is no provision in the labour legislation stipulating equality of treatment or opportunity in respect of employment for men and women employees in private employment, since in practice no distinction is made the Government has submitted the Convention to the National Congress for ratification.

COLOMBIA

The Convention is fully complied with in Colombia, and has therefore been submitted to Congress for approval. Its formal ratification will be communicated shortly.

CONGO (KINSHASA)

National legislation affords the same opportunities to nationals and aliens as concerns access to vocational training and guarantees the same conditions of employment. In order to protect the national labour force with a view to its social advancement, the Government still considers it desirable to regulate the access of aliens to employment and to the various professions.

This situation prevents favourable consideration being given to the ratification of this instrument.

FINLAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)). Since then a question has arisen with regard to legislation and administrative regulations providing, within the framework of the state factory inspection system, for vacancies to which only men or only women may be admitted; after discussion, *inter alia*, with I.L.O. officials, it has been concluded that the ratification of the Convention would possibly require modifications in the said regulations.

The question of ratification continues to be under consideration at the Ministry of Social Affairs and Health. Special attention has been paid in this connection to the observations on the application of the Convention made to the other Nordic countries which have already ratified the Convention. It is hoped that Finland will be able to ratify the Convention as soon as possible.

FRANCE

The Government refers to the report on unratified Conventions it submitted under article 19 of the I.L.O. Constitution in respect of the period ending on 31 December 1961, and recalls that France is attached to the principle of non-discrimination, understood in the broadest sense of the term, this principle being proclaimed in the preamble to the Constitution. Furthermore, effect is given to each of the first five Articles of the Convention in French laws and regulations.

The reason why France has not yet ratified the Convention is that it had some hesitations on the particular point of the five-year waiting period required before aliens who have acquired French nationality are allowed to hold public office or engage in certain occupations connected therewith.

It is felt that this condition imposed on naturalised citizens might be deemed to be for the purpose of establishing aptitude, like occupational qualifications or conditions as to age and morals.

Nevertheless, the Government is wondering whether, in the interests of strict application of the Convention, the waiting period in question does or does not constitute an obstacle to ratification. For the time being the matter remains in suspense.

GREECE

The report states that there is no discrimination within the terms of the Convention. The only form of discrimination which exists is that applied to individuals engaging in activities prejudicial to the security of the State, in conformity with Article 4 of the Convention.

However, the Government will examine the possibility of bringing the legislation in force into line with the provisions of the Convention with a view to ratification.

GUYANA

It is the declared and active policy of the Government that there should be equal opportunity and treatment in respect of employment and occupation. It is not considered necessary to adopt legislative measures at this stage to implement the provisions of this Convention, since no significant problem exists.

IRELAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)). The principles underlying the Convention are fully acceptable to the Government in so far as they relate to race, colour, religion, political opinion, national extraction and social origin. However, because of the inclusion in its scope of distinctions in employment and occupation based on sex, the Government is not in a position to ratify the Convention.

JAMAICA

The Sex Disqualification (Removal of) Law, Cap. 356 of the laws of Jamaica, provides, *inter alia*, that a person cannot be disqualified by sex or marriage from the exercise of any function or from being appointed to, or holding any civil or judicial office or post or from entering or assuming or carrying out any civil profession or vocation or from admission to any incorporated society. The Jamaica (Constitution) Order in Council, 1962, also incorporates provision for protection against discrimination on the grounds of race, place of origin, political opinion, colour, creed or sex. The Minimum Wage Proclamations make no distinction on the grounds of race, sex, etc., in fixing minimum wage limits.

However, the Convention is considered to require the enactment of legislation in pursuit of a national policy designed to eliminate discrimination; in spite of the fact that practice is largely in conformity with the provisions of the instrument, the enactment of such legislation is not contemplated.

JAPAN

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)).

KENYA

There are no forms of discrimination with the exception of minimum rates of wages fixed under the Regulation of Wages and Conditions of Employment Act (Cap. 229) and some collective agreements, both of which differentiate between men and women workers. At the present stage of economic development, it is not

considered possible to ensure compliance with the Convention as far as distinction made on the basis of sex is concerned. For this reason ratification is considered impossible at the present stage.

LESOTHO

The Government refers to its report on unratified Conventions submitted for the period ending 31 December 1961. Section 17 of Part II of the 1966 Constitution specifically prohibits discrimination in most if not all walks of life. Since the Constitution of Lesotho is the supreme law of the country there is no need to enact further legislation pertinent to the Convention.

LUXEMBOURG

Obstacles to ratification arise from certain provisions of the Civil Code which still deem married women to be legally incapacitated, as this might give rise to problems in connection with their employment in posts where they would have to take legal action for which their husbands' permission would be necessary. A Bill for the amendment of the Civil Code in respect of the legal capacity of married women is now before the Council of State.

MALAYSIA

The principle of non-discrimination is laid down in article 8 of the Constitution. However, because of the special position of the Malays, under article 153 of the Constitution, and of the natives of East Malaysia (section 62 of the Malaysia Act) it is not possible to give full effect to the Convention at present. The Government also refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)).

MALTA

The Government itself practices non-discrimination and the Employment Service Act No. XIV of 1955 prohibits discrimination for political beliefs or association. Although the Government has no control over private employers, the desire that the government policy of non-discrimination should be followed by employers in the private sector has been brought to the notice of the chairmen of all wages councils set up under the Conditions of Employment (Regulation) Act to establish minimum conditions of employment in the various industries.

In view of the fact that the difficulties which formerly hindered ratification have been practically eliminated, the Government is seriously considering ratification.

NETHERLANDS

The reference to equal remuneration in this Convention prevents ratification.

NEW ZEALAND

The Government supports the principle of non-discrimination in employment and occupation and applies the provisions of the Convention with regard to employment in its own service. The Government has also given a clear lead to industry by the

enactment and implementation of the Government Service Equal Pay Act of 1960, but its example of introducing equal pay for men and women workers has not as yet been widely followed in the private sector.

The Government is restrained from ratification because it would not contemplate bringing about the desired result by legislation which would amount to Government interference in the area of free collective bargaining. The Government is not prepared to consider ratification, therefore, until the parties in the private sector have shown considerably more interest in following the lead given by the Government. In the meantime the margins between male and female rates where these exist are gradually narrowing and this process brings ratification steadily nearer.

NIGERIA

The Government refers to the address of the Federal Commissioner for Information and Labour to the 52nd Session of the I.L.O. in which he indicated that arrangements for formal ratification of the Convention were well advanced, and that Nigeria had acceded in 1967 to the United Nations Convention on the elimination of all forms of racial discrimination. At present the views of the federated states' governments are being obtained as a necessary step in the submission of the instrument to the competent authority.

RWANDA

The report states that effect is given to the Convention mainly by sections 2, 82 and 25 of the Labour Code. However, the freedom of foreign workers to travel within the country is subject to certain conditions, and the legislation does not yet contain all the provisions called for by the Convention, and this is delaying ratification.

SINGAPORE

Except for the private sector in which there is some discrimination only on the basis of sex the requirements of the Convention are fully satisfied. In view of this discrimination in the private sector a difficulty arises which would prevent the ratification of this instrument.

TANZANIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)).

TOGO

No measures are contemplated by the Government for the time being to give effect to the Convention. However, section 1 of the Labour Code strictly forbids any form of discrimination at the time of engagement. Likewise section 91 of the Code lays down that "in equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their origin, sex, age and status . . .".

There are no difficulties preventing or delaying ratification of the Convention.

UGANDA

Article 20 of the Constitution contains sufficient provisions safeguarding the objectives of the Convention. Clause 4 (*h*) of this article, which permits legislation to

make provision for the employment of a proportion of African citizens of Uganda in any trade, business, profession or occupation, would appear to conflict with the Convention but aims at removing a certain unbalance in the field of employment. In practice, no distinction in employment or occupation between nationals of Uganda has been made.

UNITED KINGDOM

The Government has sought the co-operation of industry in preparing race relations legislation and with a view to implementing the principle of equal pay regardless of sex. A Race Relations Bill has been brought before Parliament to extend the Race Relations Act, 1965, to employment, licensing, credit and insurance facilities, and to give it a wider coverage of public services and facilities. The employment services of the Department of Employment and Productivity are under instructions not to accept racially discriminatory conditions attached to vacancies notified by employers.

Although the Government is opposed to discrimination in employment within the terms of the Convention, it has not been its policy in the past to interfere with employers' freedom to discriminate. This policy is about to be modified to some extent by the new race relations legislation which, when enacted, will bar discrimination on grounds of colour, race or national origins. The main obstacle to ratification of the Convention is that the principle of equal pay for both sexes has not yet been implemented in many sectors of industry.

Bahamas

Section 12 of the Constitution provides protection against discrimination in any respect but does not apply to persons who do not belong to the Bahama Islands.

Bermuda

No legislation or administrative arrangements are proposed to give effect to the terms of this instrument. Employers' and workers' organisations accept and observe the policy pursued in respect of employment by the national authority.

British Honduras

The Convention in general presents no difficulty in its application as the Government accepts the principle of non-discrimination. In order fully to satisfy Article 3 of the Convention measures will have to be taken to appoint an independent selection committee for the granting of scholarships open to the general public.

British Solomon Islands

It is government policy to promote equality of opportunity and treatment in respect of employment and occupation in conformity with the Convention.

Brunei

The Government refers to its report on unratified Conventions for the period ending 30 June 1961.

Fiji

Section 13 of the Constitution provides general protection from discrimination on the grounds of race, place of origin, political opinion, colour or creed. The Govern-

ment pursues a policy of localisation of the civil service and provides local persons of all races with increasing opportunities for obtaining qualifications and training.

Gibraltar

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)).

Gilbert and Ellice Islands

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)).

Guernsey

Discrimination in respect of employment and occupation is not known in Guernsey. Therefore, it is not necessary to give effect to the terms of the instrument.

Hong Kong

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)). With respect to government service the Salaries Commission appointed in 1965 recommended that equal remuneration for men and women workers for work of equal value should be realised within a period of time not exceeding ten years. The Government accepts these recommendations in principle and steps are being considered to implement them.

Jersey

The Government refers to its report on unratified Conventions for the period ending 31 December 1961. The United Nations Organisation Convention on Racial Discrimination which was ratified by the United Kingdom in 1966 is applicable to Jersey.

Montserrat

The Government refers to its report on unratified Conventions submitted to the Conference in 1963 (see 47th Session, Report III (Part II)).

St. Helena

In both policy and practice, there is no discrimination in employment and occupation in St. Helena. Should this cease to be the case, the principles of Articles 2, 3, 4, 5, 8 and 9 (which are accepted) would be applied.

St. Vincent

No consideration has been paid by the Government to giving effect to this Convention.

Swaziland

Discrimination of any form is strongly discouraged by the Government. However, the effect which it is proposed to give to the Convention cannot, without close study of all the relevant factors, be given immediate consideration.

UNITED STATES

The most comprehensive discrimination legislation in the United States is contained in the Civil Rights Act of 1964.

Title V of this Act extends the life of the Commission on Civil Rights established in 1957 for another four years. Title VI of the Act declares that no person shall be discriminated against under any programme receiving federal financial assistance. Thus, for example, new school construction cannot be used for discriminatory purposes. Title VII of the Act prohibits discrimination in employment on the basis of race, colour, religion, sex or national origin, with respect to hiring, paying, conditions of employment, classification, union membership, training programmes and the advertising of jobs indicating such preferences on the above unless they constitute bona fide occupational qualifications. Coverage under this title includes employment agencies, employers engaged in industry affecting inter-state commerce and unions of 25 or more employees or members, but excludes from its protection members of the Communist Party of the United States and members of organisations required to register as subversive organisations by the Subversive Activities Control Board. Also, an employer can conduct what would otherwise be an unlawful employment practice if this is imposed in the interest of national security. However, in the case of *U.S. v. Brown* in 1965, the provision of the Labor-Management Reporting and Disclosure Act, making it a crime for a member of the Communist Party to serve as an officer or employee of a labour union, was found by the Supreme Court to be unconstitutional. Title VII also creates a bipartisan, five-member Equal Employment Opportunity Commission, which investigates discrimination complaints where no state fair employment practice commission exists or where the local practice alleged to be unlawful has not been remedied. In the first year of its operation, out of a total of 8,854 complaints, 5,525 were found to be within the Commission's jurisdiction. Of these, 59 per cent. involved race, 37 per cent. sex, and national origin and religion each accounted for 2 per cent.

Also in 1965 various Executive Orders were combined to prevent discrimination in respect of federal work or employment, and in 1967 the Age Discrimination in Employment Act prohibited arbitrary age discrimination.

VENEZUELA

This Convention was referred to Congress for ratification in 1960 and 1966. On both occasions the Government vigorously urged legislative approval. This is the one and only factor on which ratification depends. There is nothing which would prevent or delay ratification. The basic clauses of the Convention express principles which for many years now have been reflected in Venezuelan legislation. But nation-wide elections are now approaching; this, and the fact that for the past three years Congress has been submerged in work, may explain why the Convention has not yet been ratified.

ZAMBIA

It is not feasible to ratify this Convention at present, although there is no legal impediment to ratification other than national policies designed to consolidate national unity. These national policies would make ratification very difficult at present.

Equal Remuneration Convention, 1951 (No. 100)**AFGHANISTAN**

See under General Replies.

AUSTRALIA*Nauru*

While there is no evidence to suggest that wage discrimination is practised, employers are not legally restricted from fixing discriminatory wages. In the public service rates of pay are lower for women than for men.

Norfolk Island

Equal pay for equal work is usual except in the public service where rates of pay are lower for women than for men.

BOLIVIA

Section 52 of the General Labour Act stipulates that wages must be in proportion to work and that male and female workers must receive equal pay for equal work.

BURMA

Men and women workers enjoy equal remuneration for work of equal value and kind. Section 5 (13) of the Law Defining the Fundamental Rights and Responsibilities of the Peoples' Workers ensures that women workers shall have the same rights as men workers. The Government is still considering the ratification of the instrument.

CANADA

The Government refers to its report on unratified conventions submitted to the Conference in 1956 (see 39th Session, Report III (Part II)). Legislation on equal remuneration exists in most, but not all, of the 11 legislative jurisdictions. Therefore ratification is not contemplated at this time. However, this Convention is being given priority consideration.

CHILE

In the case of the remuneration of salaried employees, the legislation contains no provision expressly stipulating that equal salaries shall be payable to men and to women for work of equal value, but the annually fixed minimum living salary is the same for men and women employees. Nevertheless, the Government will not ratify the Convention until specific provision is made for such equality in the law. To achieve this it will submit beforehand an appropriate Bill.

CONGO (KINSHASA)

Section 72 of the Labour Code provides that in cases of equality of type of work, skill and output, equal remuneration shall be given to all workers irrespective of their origin, sex and age. Under Ordinance No. 67442bis of 1 October 1967 to issue regulations concerning inter-occupational minimum wages and family allowances, the general classification of jobs has been made compulsory. There is no difficulty in the way of ratifying the Convention.

CYPRUS

Cyprus is unable to ratify the Convention because there is no legislation at present to give effect to its provisions, nor is it envisaged to introduce such legislation. In many collective agreements the trade unions themselves do not insist on equal pay for men and women. The Government, in its capacity as employer, does not differentiate between males and females as regards pay. In view of the prevailing attitude of private employers towards the employment of women legislating or even forcefully encouraging equalisation of pay would result in stifling the process of gradual acceptance of women into the labour market. Equal remuneration cannot be imposed before the employers can be convinced that women are as productive as men. This process is now in the making and it is believed that in a few years' time attitudes will shift.

ETHIOPIA

In principle the Government is in a position to ratify the Convention; however, certain administrative adjustments are needed to implement it.

GREECE

It is mainly through the machinery of collective labour agreements that the Government exercises a policy tending towards equal remuneration for men and women workers. The aim is pursued either by the application of equal wage rates or, at least, by a reduction of the differences between the rates of pay of the two sexes. Certain collective agreements provide that women carrying out work regarded as "male" shall be paid in accordance with a uniform wage scale.

In the light of the economic development of the country, the Government is at present considering the relevant questions with a view to ratifying the Convention.

GUYANA

Remuneration is based on the principle of "equal remuneration for men and women workers for work of equal value" and no significant problem exists in this area. It is therefore considered not expedient at this stage to adopt direct measures to implement the provisions of the Convention.

IRAN

Section 23 of the Labour Act dated 17 March 1958, lays down that: "For equal work, men and women shall receive equal pay." Formal ratification of the Convention will take place shortly.

IRELAND

The wage rates of workers are determined by private or collective bargaining and there is no legislation on equal remuneration for men and women for work of equal value. In the Central and Local Government services and in the teaching professions the pay of the great majority of grades is based on the principle of paying single men and women the same rate with married men receiving a higher rate. The Government, therefore, is still not in a position to ratify the Convention.

JAMAICA

The Jamaica (Constitution) Order in Council, 1962, provides basic protection against discrimination on the grounds of sex. The Minimum Wage Law, Cap. 252,

and Proclamations and Orders thereunder make no distinction on the grounds of sex in fixing minimum wage rates. There is some difference in the wage scales between male and female manual workers in certain undertakings due in the main to job content, output and potential, but these scales are constantly under review in the light of changing conditions and the principle of freedom in collective bargaining.

However, the definition given in the Convention of "work of equal value" is considered too vague for ratification and might disturb the accepted system of determining working conditions by freely negotiated collective agreements.

KENYA

While the Government supports the ideals and aims of the Convention, it is not considered practical at the present stage of economic development to ensure statutory compliance with the terms of the instrument.

KUWAIT

There is no difference in the remuneration of men and women workers performing the same work. Article 27 of Part 6 of the Labour Law (Private Sector) provides for equal remuneration for the same work. Ratification of this Convention is possible in the future.

LESOTHO

The Convention has been partially applied by a 1964 administrative regulation setting out a minimum wage per day irrespective of sex for the lowest grades of manual workers.

The lack of adequate economic activities sufficient to allow equal participation by both sexes is the only cause for the delay of the ratification of this Convention.

MALAYSIA

In general, the principle of equal remuneration is observed where remuneration is reckoned according to the result of work, as in the rubber planting industry, and elsewhere in the private sector, in which rates of remuneration and conditions of employment are basically regulated by collective agreement. Where separate rates are applicable to the unskilled female labourers this may be due to the lighter nature of their work.

The principle of equal remuneration has to be carried out over a period of time, in the light of national conditions and without raising undue difficulties in the national development programmes. Application is not possible without a proper system of job evaluation and at present the necessary trained personnel and facilities are not available. The Government does not propose at present to ratify the Convention.

MALTA

The principle of equal pay is laid down in the Constitution and has been brought into effect with regard to government employees. The only obstacle to ratification is the situation in the private sector of employment which may not follow the Government's lead. The Government's policy was brought to the notice of the Chairmen of all Wages Councils, but these bodies are quite independent from the Government.

MOROCCO

The report indicates that certain classes of women wage earners receive a minimum wage lower than that paid to other classes of women workers and to men

workers in general. In agriculture the minimum wage of women aged over 15 years is 75 per cent. of the guaranteed daily minimum wage.

The Government is not opposed in principle to equality of the sexes in respect of wages and would very much like to be able to meet the requirements of the Convention. It therefore considers giving the greatest possible attention to the various ways of ending the present situation.

The following principles are stated in the legislative part of the advance draft of the Labour Code: where work, skill and output are equal, there shall be no discrimination between workers; the minimum wage shall not be lower than the rates fixed for non-agricultural work and agricultural work; the minimum wage may be fixed at different rates for certain occupations because of the economic conditions or the nature of the work.

When these provisions have been adopted, they should make the present wage system normal in respect of certain classes of female staff and reduce the difficulties that have so far prevented ratification of the Convention.

NETHERLANDS

In July 1968 equal remuneration was established for about 96 per cent., mostly obtained in collective agreements. Under the present wage policy the Government has the power to impose equal remuneration. For purely economic reasons, however, the Government does not wish to use this power. This is the only reason why up to now the Convention has not yet been ratified.

NEW ZEALAND

The Government has given full effect to the Convention in respect of employment in Government Service, by the enactment in 1960 of the Government Service Equal Pay Act, and its implementation over the ensuing three years. The Government is however restrained from ratification because it would not contemplate bringing about the desired result by legislation which would amount to government interference in the area of free collective bargaining. The Government is not prepared to consider ratification, therefore, until the parties in the private sector have shown considerably more interest in following the lead given by the Government. In the meantime the margins between male and female rates where these exist are gradually narrowing and this process brings ratification steadily nearer.

NIGERIA

Law and practice are considered as being in conformity with the Convention. Consequently, the Convention is being submitted to the competent authority for consideration. Administrative procedures involving various consultations have caused unavoidable delay in the present circumstances.

PAKISTAN

The principle of equal remuneration for men and women workers for work of equal value is enforced by the Minimum Wages Boards appointed under the Minimum Wages Ordinance, 1961, and by Rule 14 of the East Pakistan Minimum Wages Rules, 1961, and Rule 15 of the West Pakistan Minimum Wages Rules, 1962, and also through collective agreements between employers and workers. The percentage of female labour is, however, very small.

RWANDA

Section 82 of the Labour Code provides for equal remuneration for men and women workers for work of equal value.

Ratification of the Convention has been delayed because the number of women workers employed in the country is insignificant.

SIERRA LEONE

The report states that the provisions of the Convention are fully applied and the principles of human rights embodied therein are observed. Consequently steps have now been taken to ratify the Convention.

SINGAPORE

Except for the private sector in which this form of discrimination is practised to a limited extent, the requirements of the Convention are fully satisfied. In view of this discrimination, a difficulty arises which would prevent the ratification of this instrument.

SOMALI REPUBLIC

See under General Replies.

SWITZERLAND

The question of ratification has more than once been the subject of long parliamentary discussion. The Federal Council, which first considered ratification impossible in the existing state of law and practice, later, after a further study of the question, proposed it to the National Council and the Council of States. But, although the former accepted this proposal of the Government, the latter has rejected it persistently. In these circumstances, it has been unsuccessful for the present. Prospects for the future, however, are not entirely unfavourable.

TANZANIA

The Convention is under active study and might eventually be ratified. Law and practice are considered to be generally in conformity with the Convention.

TOGO

No steps are contemplated for the ratification of the Convention. Equal remuneration for men and women workers for work of equal value is guaranteed under section 91 of the Labour Code. The Government refers to its report on Convention No. 111.

There is no difficulty to prevent or delay ratification of the Convention.

TUNISIA

The principle of equal remuneration is accepted in all branches of industrial and commercial activity. Certain wage regulations, however, contain special provisions regarding the fixing of women's wages.

At present, equality of wages between men and women has been fully achieved in the public service, in state and semi-state undertakings and in agricultural activities.

The Government is giving its attention to amending the regulations referred to above in accordance with the principle of equal remuneration. There is therefore nothing more in the way of ratification. The Government will shortly ratify the Convention, and a Bill has been drafted for the purpose.

UGANDA

Wages regulation orders do not make any distinction between workers as regards remuneration. The Government's policy of equal pay for work of equal value has been followed closely by both the private and the public sectors. The Government's policy is to promote and encourage full participation of women in the promotion of the country's economic development.

UNITED KINGDOM

The Government fully accepts the principle of equal pay and is currently engaged in a joint examination with the Confederation of British Industry and the Trades Union Congress of the various technical problems which would be involved in its implementation.

Equal pay is at present mainly confined to non-manual employment in the public sector including the nationalised industries. Except for some professional activities, it does not apply to non-manual work in private industry and commerce. In a few areas of manual work, women receive the same pay as men for similar work, but the majority of collective agreements still provide for separate male and female rates.

In present circumstances the Government considers it necessary to give priority to pay settlements which promote productivity and assist low-paid workers of either sex. The Government as a minority employer of manual labour is not in a position to give an effective lead to industry by granting equal pay in advance of other sectors. Even if equal pay were granted in the industrial civil service, ratification would have to wait on progress in the private sector.

In addition, the Government refers to a statement made by the Secretary of State for Employment and Productivity to the House of Commons in June 1968 in which he stated his intention to enter personally into discussions with both sides of industry with a view to agreeing on a timetable for the implementation of equal pay over an appropriate period. If it had been possible to phase in equal pay for women in the public service over seven years, women workers in industry deserved no less generous treatment.

Bahamas

There are no national laws or regulations to enforce the payment of equal remuneration for men and women workers for work of equal value. Equal pay for equal work is provided for in the government service and in a number of collective agreements.

Bermuda

There is no legislation covering the subject and it is not proposed to give effect to the terms of this instrument.

British Honduras

The Government accepts the principle of non-discrimination and applies to its own servants the principle of equal remuneration for men and women workers for work of equal value. In private employment the application of this principle has yet to be determined, as women are as yet only engaged in types of work peculiar to their sex.

British Solomon Islands

There is no statutory provision and the number of women in occupations also performed by men is not yet significant. The Government's policy of equal wages for equal work is being implemented in the civil service.

Brunei

The Government refers to its report on unratified Conventions for the period ending 31 December 1954.

Fiji

Although there are no legislative provisions for equal remuneration for men and women workers, wage differentials based on sex are unusual in practice. Salary scales and allowances in the government service as well as minimum rates of remuneration and the conditions of work fixed by statutory Wages Regulation Orders apply equally to men and women workers. The general position is not considered to be such as to warrant any further special measures at the present time.

Gibraltar

The principle of equal remuneration for men and women workers for work of equal value has been accepted as an ultimate aim of policy by the Government. Progressive general increases in wages agreed on by the Official Employers' Joint Industrial Council included additional elements for female industrial workers. The trend in private industry is to come into line generally with Official Employers' rates.

Gilbert and Ellice Islands

The Government refers to its report on unratified Conventions for the period ending 31 December 1954.

Guernsey

The principle of equal remuneration has been accepted by the states of Guernsey in their capacity of employers. Island-wide acceptance of this principle should, however, be dealt with by the recognised machinery for wage determination.

Hong Kong

In industry daily and monthly rates of pay for men are generally higher than those for women but no difference is made in respect of piecework. In the government service the general level of salaries has been considered by the Salaries Commission appointed by the Government in 1965, which recommended that equal pay for men and women workers for work of equal value should be realised within a

reasonable period of time, which should not exceed ten years. The Government accepts the recommendations in principle and steps are being considered to implement them.

Jersey

There is no legislation in force in the Island of Jersey which specifically embodies the Convention. On the whole, state employees enjoy equal remuneration but in private employment this matter is left to the employer.

Montserrat

There are no legislative provisions affecting this Convention. However, the Protection of Wages Ordinance No. 6 of 1962 ensures just remuneration of workers.

St. Helena

There is no discrimination as regards remuneration of men and women workers for work of equal value. If this should cease to be the case the principles of Articles 2 and 4 of the Convention would be applied.

St. Vincent

No consideration has been given by the Government to give effect to the principle of equal remuneration for men and women workers for work of equal value.

Swaziland

It is not anticipated that the Government would accept ratification of this Convention at the present stage of development. Considerable difficulties are anticipated in getting organisations of employers and others to agree to ratification.

UNITED STATES

The Government supplies detailed information on the Equal Pay Act of 1963 (Section 6 (d) of the Fair Labor Standards Act, as amended), Title VII of the Civil Rights Act of 1964 and other federal and state legislation providing for equal remuneration for men and women workers doing work of equal value. The principle of equal pay was established in the Federal Civil Service system by the Classification Act of 1923 and has been reinstated in various federal pay acts.

It is the position of the Government that the matters dealt with in the Convention are appropriate, in whole or in part, for action by the states.

UPPER VOLTA

Any discrimination based on sex is forbidden. Section 30 of the Labour Code lays down that: "For equal working conditions, vocational qualifications and output, wages shall be the same for all workers, . . . independently of their sex. . . ."

The Convention will shortly be submitted to the competent authorities.

VENEZUELA

In 1960 and 1968 this Convention was submitted to Congress with a specific recommendation that it be ratified.

There is no reason whatsoever why ratification should be prevented or postponed. Most of the clauses in the Convention have their counterpart in national legislation. Article 3 only (concerning “measures . . . to promote objective appraisal of jobs”) has no such counterpart, and would therefore be embodied in national legislation in the event of ratification.

VIET-NAM

According to section 114 of the Labour Code, “every worker, woman or child, doing work which demands the same skills as those of an adult male, and with an output equivalent to that of such adult male, shall be entitled to a wage equal to his”. A similar clause appears in section 2 of Ministerial Decision No. 140/BLD/TTT/LD (27 June 1967), specifying a guaranteed minimum wage in all towns and provinces.

The Government will shortly submit the Convention for ratification to the competent authorities.

ZAMBIA

The spirit of the Convention is applied by the Minimum Wages, Wages Councils and Conditions of Employment Ordinance, Chapter 190 of the laws and rules made thereunder.

The delay of ratification is due to the Government's desire and policy of assisting female workers who would have difficulty in competing for jobs on an equal basis with men if the Convention were ratified. In pursuance of the policy of the Government nearly all recent wages determinations have abolished the differentials and all appointments to posts have carried the same salary.

II. SOCIAL POLICY

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

ARGENTINA

The report states that Act No. 12789 governs the employment of labourers for agricultural, ranch and mine work and that the Convention of 30 April 1964 governs the system of employment of Bolivian labourers who go to Argentina to work in sugar and tobacco undertakings and plantations.

With regard to Article 10 of the Convention, the report mentions various Acts (Nos. 16459, 14250 and 17224) which contain provisions with regard to wages and collective agreements.

Furthermore Act No. 11278 and the Decree made under this Act (No. 16312 of 1944) as well as Act No. 16576 apply Article 11 of the Convention.

With regard to Article 14 of the Convention, non-discrimination with regard to race, colour, sex, belief, tribal association or trade union affiliation is guaranteed by article 16 of the Constitution and section 6 of Act No. 14455. Act No. 11317 distinguishes between male and female work with regard to working hours and types of occupation (dangerous or unhealthy).

AUSTRIA

The Convention is of practical significance only for developing countries but not for Austria so that the Government need not contemplate ratification.

BELGIUM

The Government plans to propose ratification of the Convention in the interest of international solidarity.

BOLIVIA

The report states that national legislation and practice are in accordance with Articles 1, 2 to 4, 10 to 12, 14 and 16 of the Convention. The report further states that the inquiries referred to in Article 5 of the Convention are being carried out by various means and that, with regard to Articles 6 and 7, when workers move temporarily to another area they still receive their wages as well as a travel allowance. With regard to Article 13, savings schemes exist as well as an anti-usury Act which fixes interest rates and provides for penalties. With regard to Article 15, the scope of the Education Code goes beyond the provisions of the Convention. The report also adds that the provisions of Article 19 do not apply in Bolivia and that the Government has taken note of the provisions of Articles 17, 18 and 20 to 25. Ratification of the Convention will be considered as soon as the economic situation permits.

BRAZIL

This Convention was approved by Decree No. 65/66, and the Ministry of Foreign Affairs has been approached with a view to lodging an instrument of ratification.

BULGARIA

For the purpose of promoting well-being and social progress, the Government is taking various steps directed to improvements in such fields as wages, social security, welfare, public health, education, employment, conditions of work, etc.

The Convention is not ratified owing to differences between the method of fixing wages provided for in article 68 of the Labour Code, and the wage-fixing machinery stipulated in Article 10 of the Convention.

BURMA

The Government is building up a socialist economy in which all citizens share the benefits of their participation in works for the general well-being. Minimum wages have been fixed for certain categories of workers pursuant to the Minimum Wages Act. No discrimination exists in respect of employment and occupation. Chapter II of the Law defining the Fundamental Rights and Responsibilities of the People's Workers guarantees the right to work and stability of work, leave, education, vocational training, workmen's compensation for accidents, old-age pension and equality of treatment. There are no difficulties to report which prevent or delay ratification of the Convention.

BYELORUSSIA

The Convention having been adopted with a view to conditions in newly independent countries, it has no relevance to Byelorussia.

CANADA

The Government considers that the subject-matter of the Convention is partially within federal competence and partially within provincial competence.

In due course, this instrument will be reviewed in a programme of studies.

CHILE

The report states that the Government's social policy largely complies with the provisions of the Convention and that Act No. 16640, dated 28 July 1967, on agrarian reform, contains provisions in accordance with Article 4 of the Convention.

Minimum wages are raised annually in proportion to the rise in the living wage of employees in the private sector in the province of Santiago, without the intervention of the employers and workers concerned, as stated in Article 10, paragraph 2, of the Convention.

The report also refers to a number of provisions in respect of wage protection.

Act No. 16625, dated 29 April 1967 authorised the setting up of the Trade Union Education and Development Fund with a view to promoting trade union, technical and general education for agricultural workers.

The Labour Code establishes that children between 12 and 14 years can only work when they have finished their compulsory schooling. Workers under 18 years of age, who have not received schooling, are entitled to two hours off during the working day.

The report adds that the Government intends to give a legal character to the provisions of the Convention.

COLOMBIA

Broadly speaking, the Convention is complied with in Colombia. Its ratification has not been contemplated because it is an international instrument intended primarily for former non-metropolitan territories.

CUBA

The policy and legislative measures adopted by the Government do not depart from the general principles and main objective of the Convention. The report refers to various measures which have been adopted to improve the material and cultural standard of living of the population. Outstanding among these measures are: agrarian reform, nationalisation of the means of production, promotion of development in the various branches of farming, and in the sugar, fishing, and other industries; urban reform, the literacy campaign and the complete reform of teaching, with special emphasis being laid on the organisation and methods of technical training; the enactment and implementation of labour laws and legislation in respect of industrial health and safety and of social security appropriate to the new production relationships. The report also states that national practice and the legal provisions adopted are neither in conflict nor incompatible with the just, progressive and commendable provisions contained in the Convention.

On the other hand, some of the provisions of the Convention, such as those which refer to indigenous or tribal populations, do not apply in Cuba.

CZECHOSLOVAKIA

The competent authorities have observed that the Convention is based on the situation in non-metropolitan territories. In view of this fact, and the stage reached in social policy, there are no plans to ratify the Convention.

DAHOMEY

The report states that great efforts have been made in the economic and social sphere. Two major enactments already permit effect to be given to a substantial part of the Convention: the Ordinance of 6 January 1966 for the approval of the Five-Year Plan for Economic and Social Development, and the Ordinance of 28 September 1967 instituting the Labour Code.

The Five-Year Plan is a veritable instrument for economic orientation and expansion and social progress. Its terms are such that it will have highly beneficial repercussions upon the well-being of the population if it can be carried out to the letter. It enables effect to be given to nearly all the provisions of Articles 1 to 9 of the Convention.

As for the Ordinance instituting the Labour Code, it enables effect to be given to a goodly proportion of the provisions of Articles 10 to 16.

Dahomey can therefore ratify the Convention, since it is already applied there almost in its entirety.

DENMARK

It is not proposed to give effect to the terms of the instrument. Part IV of the Convention contains certain provisions on the fixing of minimum wages and the assessment of remuneration in kind which are incompatible with the principles applied in regard to the conclusion of wage agreements. The Nordic Social

Committee to which the Convention was referred in 1963 has taken note of the opinion of its competent subcommittee which has advised against ratification on grounds similar to those referred to above.

DOMINICAN REPUBLIC

The memorandum states that this Convention is being most fully applied, and that its social welfare clauses, besides being enshrined in the Constitution, are the Government's constant concern. State social welfare policy favours all social classes, chiefly the poorer families, and in this respect ambitious development schemes are afoot. Essentially an agricultural country, the Dominican Republic is endeavouring to increase output, for which reason the Government is daily making grants of state land, or land acquired by expropriation, to settle peasants on the land, thus increasing production and helping to solve their living problems.

Public education, social security, the distribution of food, employment benefits, the building of houses for the poor, the establishment of fresh industries, etc., independently of race, colour, sex, association or union—are examples of what is being done in favour of the national well-being.

The Constitution in force (dated 28 November 1966) meets all I.L.O. requirements in this field.

Within the State Secretariat for Labour there is a National Wage-Regulation Directorate, which has nation-wide responsibilities in this field, in accordance with the Convention.

To combat usury, reduce rates of interest and encourage thrift, co-operatives have been set up; these are supervised by the Development and Co-operative Credit Institute.

The Government intends to found a Workers' Bank, and to this end has launched the necessary preliminary studies. This Bank will open new horizons for the working class.

The Convention was submitted to the competent authorities. It has not yet been ratified by Congress.

ECUADOR

The report states that the Government is in favour of ratification of this Convention, whose provisions are in conformity with the present legislation of the country. Many Conventions have not yet been submitted to the competent bodies for approval because the Office for International Labour Affairs, which has the task of preparing for the submission to the Senate of the Conventions to which attention has been drawn by the Committee of Experts, has only recently been set up under the budget of the Ministry of Social Welfare and Labour.

ETHIOPIA

The principles laid down in the Convention have been embodied in the draft Third Five-Year Plan. It is hoped that as soon as the draft Plan is approved by the competent authorities measures will be taken to give effect to the Convention.

FINLAND

The Government refers to the information on the submission to the competent authorities of Conventions and Recommendations communicated to the Conference in 1966 (see 50th Session, Report III (Part III)).

The difficulties which prevent the ratification continue to exist except as regards the minimum age for employment which has been fixed at 15 years in general by a new Act on the protection of young workers which came into force on 1 May 1968.

FRANCE

The report states that, as far as France is concerned, this Convention adds nothing to the provisions of Convention No. 82. That is why the Government has no plans to ratify it.

GABON

A fundamental goal for the Government is the improvement of standards of living. The advantages available to migrant workers are always at least equal to those enjoyed by workers resident in the area of labour utilisation. The guaranteed minimum wage for all trades is fixed at the same rate for the whole of the territory, and the main branches of activity are covered by collective agreements. The provisions for the protection of wages as set forth in the Convention have their counterpart in national legislation. Vocational training is carried on actively. Non-discrimination is the rule as regards access to employment. Nevertheless, if qualifications are equal, preference is given to nationals, and admission to public employment is normally reserved for Gabonese citizens. As for the development of the agricultural sector, a start has been made on it too recently for it to be able to meet as of now all the requirements of the Convention, particularly those of Article 4.

GREECE

The Government's social policy is concerned with the achievement of the objectives of the Convention.

As regards Parts IV and VI of the Convention, only a few measures remain to be taken to bring the legislation fully into line with them. Free instruction at apprenticeship schools and vocational re-education programmes are designed to secure high productivity through the development of skilled labour.

Bearing in mind the need for the progressive adaptation of national institutions and legislation to the requirements of certain provisions of the Convention, the Government is studying the Convention with a view to taking the necessary measures.

GUATEMALA

The matters dealt with in the Convention are governed by the labour legislation, the legislation relating to education and that concerning agrarian transformation. The Convention has been submitted to the Council of State, which is at present studying it with a view to deciding whether or not ratification is appropriate.

GUYANA

Steps will be taken to consider the possible ratification of this Convention when the current pressure of work on the law officers permits this to be done.

HUNGARY

The policy of the Government meets the requirements of social progress. The tasks at present facing development include the improvement of the levels of living and the cultural and social conditions of the population.

The fulfilment of the Third Five-Year Plan ensures the systematic raising of levels of living. The migration of agricultural workers has been reduced. The setting up of industrial establishments in the capital has been restricted, and the installation of industries in the provinces may be subsidised. The social security of members of agricultural co-operatives has been improved.

If a worker is employed in an area other than that of his home, the undertaking must, under Instruction No. 103/1966/2 of the Minister of Labour, pay him an allowance, which is calculated in accordance with circumstances. The undertaking must also provide him with housing and meals in return for a sum fixed by collective agreement and repay travelling expenses between his workplace and his home once a month. The labour legislation ensures to migrant workers the same protection as it does to other workers.

Minimum wage rates are fixed by legislative provisions drawn up in agreement with the trade unions. On the basis of these compulsory minimum rates local wage rates are fixed in collective agreements.

The provisions of the Constitution and section 18 (3) of the Labour Code guarantee protection against all discrimination, and this protection is effective in practice.

About 80 per cent. of children leaving the general school at the age of 14 to 16 continue their studies either in the secondary school, which consists of four classes, or at the school for skilled workers, which provides three-year courses. With regard to the school-leaving age and the minimum age for admittance to employment, Act No. III of 1961 on the school system and section 18 (1) of the Labour Code take into account the physical and intellectual development of children and the protection of their health.

The Government intends to reconsider the possibility of ratifying the Convention.

INDIA

The law and practice generally conform to the Convention. The Government refers to information on submission previously supplied to the I.L.O. Ratification of the Convention has not been found practicable as some of its provisions cannot be given effect to immediately. The main difficulties standing in the way of ratification are: the absence of provisions for the grant of special terms of employment or benefits to workers from other countries for meeting their family needs arising from employment away from home; the absence of legal prescription of minimum age for employment in agriculture and other occupations not yet covered by protective labour legislation; though minimum age has been prescribed for employment in the organised sector of industry, it may not be possible to prevent the employment of children in all other occupations during school hours until free and compulsory education becomes a reality throughout the country.

IRAN

The Convention is receiving particular attention from the Government. The social policy applied is regarded as being in conformity with the Convention. It can be hoped that ratification will take place in the near future.

IRELAND

It is considered that the Convention has no application in more developed countries. The Government does not consider that any action need be taken to ratify the Convention.

JAPAN

The Convention is considered to have no connection with this country in view of the purpose for which the Convention was adopted.

KENYA

While Government policies are in agreement with the terms of the Convention, ratification is considered impossible at present. However, with the drafting of a new Employment Act, the aim of full acceptance is nearer attainment.

Kenya is still not in a position to legislate on a minimum school-leaving age or a minimum age for employment.

LESOTHO

The principles of the Convention appear to be generally followed by national practice. Ratification of the Convention is delayed by the absence of appropriate legislative or administrative instruments including voluntary collective agreements, which is due to the current transitional period of social and economic reform.

LUXEMBOURG

The Government states that ratification of the Convention is of no direct interest to Luxembourg.

MALAWI

The Government supplies detailed information on the measures taken with respect to the subject dealt with in the Convention. The well-being and development of the people and social progress are aims of policy which are being vigorously pursued. The improvement of standards of living is the principal objective in the planning of economic development. Ordinance No. 13 of 1964 established the Malawi Development Corporation to develop the agricultural, commercial, industrial and mineral resources of the country. The Government also provides a comprehensive and widespread agricultural extensions service to advise and encourage farmers in improved methods of agriculture and land use. Tenancy arrangements and working conditions of agricultural tenancy are controlled by the Africans on Private Estates Ordinance. Terms and conditions of employment in respect of migrant workers engaged in Malawi for work in Rhodesia or South Africa are regulated by written agreements which ensure that Malawi contract labour enjoys the protection and advantages referred to in Article 8 of the Convention. There are, however, a large number who travel to Rhodesia at their own expense in order to obtain work and these are not covered by any agreement. Minimum wages and conditions of service negotiated by agreement between employers and workers are laid down in wages orders which cover the majority of workers in the country. Records are kept by employers and are open for inspection. Any form of interest on advance of wages is prohibited under Section 41 of Ordinance No. 14 of 1964. Discrimination among workers on the grounds specified in Article 14 of the Convention does not exist. Development of educational facilities is given continuous attention and the minimum age for and conditions of employment are prescribed.

MALAYSIA

The Government's social and economic policies, as applied in its national development plans, are in harmony with the Convention, except for the constitutional provisions to safeguard the special position of the Malays (article 153 of the Constitution) and of the natives of East Malaysia (section 62 of the Malaysia Act), and the absence of a statutorily prescribed school-leaving age. The Government is therefore unable to ratify the Convention.

MALI

The general principles set forth in this Convention are embodied in the Constitution and in the labour legislation. The development of education, vocational training and apprenticeship is in the forefront of the Government's preoccupations, and great efforts have been made in the field of education and training of supervisory staff. A vocational training centre has been founded in Bamako, and rural animation centres have been opened all over the country.

The need remains for vocational and psycho-technical guidance centres and accelerated vocational training centres. As concerns apprenticeship, the present legislation needs to be supplemented by a decree specifying the categories of undertakings which will be required to have a certain proportion of apprentices as compared with the total number of workers, as well as the minimum percentage of apprentices whose employment will be authorised.

MALTA

The broad aims of social policy are laid down in Chapter II of the Constitution. The provisions of the Convention are generally applied apart from a few minor details listed hereunder. The main difficulties which prevent ratification relate to the following provisions of the Convention: Article 4, in particular sub-paragraphs (*b*), (*c*) and first part of (*d*); Article 11, paragraph 5 (steps have been initiated to amend the law to conform to the Convention); and Article 12. Part III is not applicable.

MEXICO

Most of the provisions of the Convention can be taken as being consistent with national law and practice. There remain obstacles to ratification, however, which are of three kinds:

- (1) Articles of the Convention which cannot be reconciled with national legislation (this is the case with Article 4 (*b*), which calls for a measure whose implementation would require government intervention on such a scale that Mexico is not yet in a position to carry it out);
- (2) Articles whose ratification would make it necessary to reform or supplement national legislation (this is the case with Article 11, paragraphs 1 and 7, Article 12, paragraph 2, and Article 16, paragraph 1);
- (3) Articles which, once the Convention was ratified, would necessitate the implementation of practical measures which Mexico, at its present stage of economic and social development, is not in a position to carry out (this is true of Article 3, paragraph 2 (*c*), Articles 7 and 9, and Article 14, paragraph 3).

MOROCCO

The first results of the comparative study carried out on the terms of the Convention and on national law and practice show that the objectives and standards set forth in the instrument are identical with those forming the basis of the Government's social policy as regards both legislation and planning. In consequence the Government has been informed, with a view to its initiating the customary procedure for the ratification of this Convention.

NETHERLANDS

It is not proposed to give effect to the terms of the instrument. Parliament has been informed accordingly in December 1966.

The difficulties preventing ratification can be found in Article 4, paragraphs (b) and (c) and Article 12 of the Convention.

NEW ZEALAND

Many of the principles in this Convention have long been adopted by successive Governments. However, a number of the provisions of the Convention are not adapted to the situation existing in New Zealand, for example Articles 7, 9, 11 (paragraph 7) and 12. It would also not be appropriate to subscribe fully to Article 4 (b), while Article 8 (paragraph 3) could possibly conflict with restrictions on the remittance of currency overseas. There are other provisions with which there is only partial compliance in practice.

NICARAGUA

The report states that in practice effect is given and will continue to be given to the Convention.

The Convention was submitted by the Government to Congress for ratification in August 1967. There are no difficulties in law or in practice which would prevent its ratification.

NIGERIA

Many provisions of the existing legislation are considered to be in conformity with the Convention. The necessary steps are being taken for the submission of the instrument to the competent authority.

PAKISTAN

The Government's policy is in line with the objectives set out in the Convention. Principle 9 of the "Principles of Policy" (Chapter 2 of Part II) provides, *inter alia*, that the well-being of the people irrespective of race, should be secured by raising the standard of living and by ensuring an equitable adjustment of the rights between employers and employees and between landlords and tenants. The main objective of the Five-Year Plans have been to improve the standard of living; income per head has increased by about 3 per cent. per annum.

No difficulties prevent or delay ratification of the Convention.

PHILIPPINES

The Government supplies detailed information on the measures taken with respect to the subjects dealt with in Part IV of the Convention. The "equal protection" clause of the Constitution is sufficient to guarantee elimination of discrimination in employment opportunities except for measures safeguarding the welfare and health of women and minors.

RWANDA

The report states that effect is given to the provisions of the Convention as concerns its general principles, the improvement of standards of living, the remuneration of workers, non-discrimination and education and training. Other provisions are not yet applied satisfactorily, in particular Article 8 of the Convention.

The impossibility of ratifying the Convention is due to certain shortcomings in the legislation as a consequence of the economic and social situation of the country.

SIERRA LEONE

The Joint Consultative Committee, a tripartite committee which advises the Government on labour matters, has discussed in detail the provisions of the Convention and has made its recommendations. It should be expected that the Convention will be ratified after the Government's consideration of the Committee's recommendation.

SINGAPORE

National law and practice to a large extent comply with the requirements of Parts IV, V and VI of the Convention. However, Articles 3 (paragraph 2), 4 and 5 of the Convention and its provisions on migrant workers have no application to Singapore. The country is small; internal migration and the disruption of established social units do not exist. Therefore Singapore is not in a position to ratify this Convention.

SPAIN

It does not appear to be appropriate to ratify this Convention, the terms of which give rise to some difficulties as concerns the review of agricultural structures and the introduction of control over the ownership and use of land, which are inconsistent with the liberal system prevailing in this connection under Spanish legislation.

SWEDEN

It is not proposed to give effect to the terms of the instrument. Part IV of the Convention contains certain provisions on the fixing of minimum wages and the evaluation of remuneration in kind which are incompatible with the principles applied on the Swedish labour market as regards the conclusion of wage agreements. The Government also refers to information on submission brought to the attention of the Conference in 1964 (see 48th Session, Report III (Part III)). The Convention has been submitted to the Nordic Social Committee, the competent subcommittee of which has advised against ratification on grounds similar to those mentioned above.

SWITZERLAND

No change having taken place since, the Government refers to the report of the Federal Council to the Federal Assembly dated 1 March 1963 concerning the 46th Session of the International Labour Conference.

TANZANIA

The provisions of the Convention are under active study with a view to national social development programmes.

TOGO

No measures are contemplated with a view to ratification of the Convention. All the provisions of the Convention are borne in mind by the Government, which is multiplying its efforts in all areas of social policy in order to improve the standard of living of workers and other segments of the population. Hence the general objectives of the First Economic and Social Development Plan, 1966-70, adopted by virtue of Act No. 65-17 of 17 July 1965, aim at: ensuring an adequate diet everywhere and improving the conditions of life of the peasants; raising cash income through improved productivity and crop diversification; creating the framework for development by regrouping animation, credit and marketing schemes and carrying out a progressive reform of land tenure systems; as concerns the national economy, reducing disparities between regions, increasing output, diversifying production and planning the setting up of agro-industrial combines.

During the period 1966-70 the ground must be prepared for the drawing up and implementation of the Second Development Plan, which will have the following objectives: acceleration of the training of national senior supervisory staff; alerting of rural youth to the problems of agricultural development; completion of the task of preparing inventories, in particular of sparsely populated areas with a high agricultural potential which require development; intensification of applied agronomic research.

The objectives in respect of employment and vocational training are not dependent upon investment but upon a readiness to give guidance and be responsible for organisation. Priority must be given to the training of senior supervisory staff for the rural economy, the raising of the general level of instruction for each category of employment, the reorientation and further training of workers already in employment and the training—preferably in Togo or elsewhere in Africa—of the majority of junior and intermediate supervisory staff. Order No. 426/MTAS-FP of 22 November 1967 has recently provided for the organisation and regulation of evening classes for salaried employees, wage earners and apprentices in industrial and commercial establishments.

There are no difficulties preventing or delaying ratification of the Convention.

TURKEY

The terms of this Convention are such as to be of interest to a number of ministries and organisations, and it is after their views have been obtained that it will be known whether it will be possible to ratify it.

UGANDA

The Government's declared policy as outlined in the Second Five-Year Development Plan is designed to raise progressively life expectation of the population by

adequate distribution of the national income through systematic development schemes ensuring a high standard of living supplemented by adequate medical and education facilities, etc.

UKRAINE

The subjects covered in this Convention are governed by the Constitution, the Labour Code, the Government's Economic Development Plans, etc. Some of the matters dealt with in the Convention are not covered by legislation where the problems dealt with in the Convention do not exist: there are no immigrant workers, the substitution of alcohol or other spirituous beverages for wages does not exist, nor is interest payable on debts.

UNITED KINGDOM

As this Convention is not designed for application either in the more developed countries or in non-metropolitan territories, no question of ratification for the United Kingdom arises.

Bahamas

In general, policies and legislation conform to the aims and principles of this Convention.

Bermuda

While it is not proposed in general to introduce legislation which will give effect to the terms of the instrument, some control of alienation of agricultural land is at present afforded under the Development and Planning Act, 1965, and the introduction of legislation for the protection of wages is being considered.

British Honduras

In general, policies and legislation conform to the provisions of this Convention.

British Solomon Islands

The policies of the Government conform to the provisions of Parts I, II, III and V of the Convention. Wage fixing is provided under the Labour Ordinance but consultation with representative organisations of workers is not possible at present. It is not yet practicable to implement Part VI of the Convention in full as regards school-leaving age and prohibition of child employment in school areas.

Brunei

In the present stage of development it is not intended to give effect to all provisions of the Convention. The Commissioner of Labour, however, is taking action to promote the Labour Law throughout the State. Provisions relating to the Convention will be included for review and consideration.

Fiji

The Government refers to its report on the application of Convention No. 82 for the period ending 30 June 1967.

Gibraltar

This Convention is primarily intended for independent States and does not therefore affect the position in Gibraltar, which is covered by Convention No. 82.

Gilbert and Ellice Islands

Although no progress with regard to the application of the Convention can be notified, it remains a principle of government policy to promote the well-being and development of the population.

Guernsey

Many of the provisions of the Convention are already being applied. Conversely, many of the problems which the Convention seeks to resolve cannot arise in a small island with a population of less than 50,000 persons.

Hong Kong

The Government refers to its report on the application of Convention No. 82 for the period ending 30 June 1967. Convention No. 117, being not designed for application either in the more developed countries or in non-metropolitan territories, is not applicable in Hong Kong.

Jersey

The aims of the Island Development Committee are in conformity with Article 3 of the Convention. There is a slum clearance programme and town zoning has been introduced; village centres and recreation areas are also included in the Island Development Plan.

As regards Articles 4 and 5, the State of Jersey, through the Committee of Agriculture, assists in the elimination of the causes of chronic indebtedness by providing financial assistance, both direct and indirect, in various forms including the provision of free services to the agricultural industry, the creation of subsidies, the payment of grants and compensation and the provision of certain agricultural preparations. Productive capacity will further be promoted by the Agricultural Loans and Guarantees Law, the draft Agricultural Improvement Grants Scheme and a Marketing Scheme which is in the process of being studied by the Committee of Agriculture. Control of alienation, ownership and use of agricultural land is carried out by the Housing Committee under the Housing Law, 1949, the Island Development Committee under the Island Planning Law, 1964, and the Committee of Agriculture under the Protection of Agricultural Land Law, 1964, and the Weeds Law, 1961. There is at present no way of supervising tenancy arrangements; however, the Committee of Agriculture is endeavouring to overcome the lack of security of agricultural tenancies and it is possible that legislation in this connection will be enacted. The supervision of working conditions for agricultural labourers is undertaken by the Jersey Farmers Union. The Committee of Agriculture is encouraging and assisting the formation of new producer co-operatives and the expansion of existing ones; it also gives practical support and encouragement to shipping companies and produce exporters.

With regard to Articles 10 and 11 of the Convention, the Government refers to its reports made in accordance with article 22 of the Constitution of the I.L.O. on the application of Conventions Nos. 98 and 95.

Children must attend full-time education between the ages of 6 and 15 years. Child labour during school hours is prohibited. Technical courses are established and developed in consultation with representatives of the particular field of occupation concerned.

Montserrat

In general, policies and legislation conform to the aims and principles of this Convention.

St. Helena

In general, policies and legislation conform to the provisions of this Convention. Administrative machinery to permit the adoption of Article 12 does not exist.

St. Vincent

The Government refers to its report on the application of Convention No. 82 for the period ending 30 June 1967.

Swaziland

The extent to which it is proposed to give effect to the Convention cannot be determined yet but the principles embodied in the Convention cover the future policy of the Government. No apparent difficulties can be foreseen at the moment in respect of eventual ratification.

VENEZUELA

In 1962 this Convention was referred to Congress, and in 1968 it was reconsidered, with the intention of submitting similar proposals to Congress afresh, recommending ratification. Most unhappily, the Legislative Chambers ended their last session last month, so that ratification will have to await the new constitutional period, beginning next year.

There is no reason whatever why the Convention should not be ratified, since its provisions are already fully covered by domestic legislation.

VIET-NAM

The report indicates that most of the basic aims and standards of social policy contained in the Convention have been incorporated in the laws and regulations.

Article 18 of the Constitution provides for the setting up of a social security scheme and a public medical service. The nation adopts the principle of accession to ownership for all citizens (article 19 of the Constitution) and endeavours to improve the level of living of the peasants (article 21 of the Constitution). Among the aims of Ordinance No. 57 of 22 October 1956 to institute land reform are the equitable distribution of land and the limiting of the area of landed property to 100 hectares. Article 15 of the Constitution guarantees the right to work and to receive sufficient remuneration to ensure a life consistent with human dignity. The payment of wages comes under Chapter VII, Division II, of the Labour Code.

The principle of non-discrimination is enshrined in articles 2 and 24 of the Constitution and section 1 of the Labour Code. Convention No. 111 has been ratified. Article 22 of the Constitution grants workers the right to participate in the management of the undertaking. The legislative provisions concerning compulsory education and the minimum age for admittance to work in undertakings are complementary.

In view of the present state of war, the Government does not consider ratifying the Convention.

III. LABOUR ADMINISTRATION

Labour Inspection Convention, 1947 (No. 81)

AUSTRALIA

Nauru

The Convention is inapplicable since there are no secondary industries and since primary production is confined to family farms. The small size and population of the Island enable the Administrator and his officers to keep informed of conditions of employment.

The establishment of a labour inspection service would be unnecessary and uneconomic.

Norfolk Island

The Convention is inapplicable since there are no secondary industries and since primary production is confined to family farms. The small size and population of the Island enable the Administrator and his officers to keep informed of conditions of employment.

The establishment of a labour inspection service would be unnecessary and uneconomic.

BURMA

New labour laws are in the course of being drafted and enacted. Any decision concerning ratification of the Convention will have to wait for the passing of new legislation unless there are strong reasons to the contrary.

BYELORUSSIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session, Report III (Part II)). In all branches of the economy inspection of the conditions of work and safety is provided for by existing legislation. Since the submission of the aforementioned report, no further legislation on labour inspection has been enacted.

CANADA

The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session, Report III (Part II)).

Difficulties which constitute an impediment to ratification now appear to be relatively minor, and further consideration of this Convention will be given a high priority.

CHILE

The report states that the national labour inspection system goes further than the Convention since it not only covers industrial and commercial undertakings but also includes agricultural ones.

In reorganising the labour services, by means of Legislative Decree No. 2 of 1967, full account was taken of the provisions of the Convention so that the system which was established in respect of the functions, powers, methods of recruitment, etc., of the inspectors are in accordance with these provisions. As soon as the regulation governing the organisation of the service has been issued, the Government will be in a position to ratify the Convention.

In addition, the report contains very detailed information on present legislation with regard to labour inspection, indicating in particular the powers of the Labour Directorate, its internal organisation, the functions of the Inspection Department, the powers of the labour inspectors, the duties of the labour officials, and the imposition of fines in the event of infringement.

CZECHOSLOVAKIA

The Government refers to its report on unratified Conventions submitted under article 19 for the period ending on 31 December 1964. On 31 December 1967 the legislation referred to in that report was still in force. At present new regulations are being worked out for inspection in the field of industrial safety. Since the work is not yet completed, the possibility of ratification cannot be foreseen in the near future.

DAHOMÉY

The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session, Report III (Part II)).

ECUADOR

The report states that shortage of government funds constitutes the main obstacle to the ratification of the Convention, since its application would presuppose the revision of the Labour Code and the setting up of a new inspection service.

At present the time spent on conciliation and arbitration and dealing with grievances means that the actual task of inspection forms only a minor part of the activities of labour inspectors.

The Government will submit the Convention to the Senate for approval and, if it is ratified, its application will depend on the budgetary facilities offered to the Ministry of Social Welfare and Labour.

ETHIOPIA

The Government hopes to ratify the Convention before the 53rd Session of the Conference.

GABON

The report indicates that the organisation of the labour inspection services and the powers of the labour inspectors conform to the standards of the Convention. However, the entry of women into the labour inspectorate has not yet been provided for and the labour inspectors are also called on to act as conciliators in individual and collective disputes.

HUNGARY

Various bodies are responsible for ensuring the application of the provisions protecting the health and safety of workers. In the first place there are the trade union inspectors of industrial safety, who operate under the National Trade Unions Council. The report states that this is not in conflict with the provision of the

Convention laying down that the inspection staff shall be composed of public officials, since, under paragraph 1 of section 17 of the Labour Code, the trade union fulfils this function as a public service. The right of surveillance held by the trade union inspectors covers all workplaces.

Other bodies responsible for supervision are the National Health Inspectorate, the National Technical Board for Mining, the Boiler Safety Inspectorate and the National Electricity Inspectorate.

These inspection services carry out all the functions related to the protection of the workers' health and safety that are laid down in the Convention. To perform their duties effectively they have powers, including those of imposing fines, prohibiting employment, having work stopped or even closing down a whole factory, obliging undertakings to remedy defects observed and taking legal action against persons guilty of negligence.

The undertakings are obliged to provide the inspectors with the necessary information and to make available to them the documents they require (section 54 of the Labour Code, section 84 of the decree issued under it and section 18 of the regulations of the National Trade Unions Council).

Inspectors of industrial safety must be informed of industrial accidents that occur in their respective fields, in accordance with Regulation No. 3/1967 of 21 July 1967 issued by the National Trade Unions Council on the registration, declaration and investigation of industrial accidents.

The inspectors are qualified engineers and technicians whose further training in industrial health and safety is provided for by law. They can call on the services of the Research Institute for Industrial Safety.

It has not been possible to ratify the Convention, because the inspectorate has been instituted only for the settlement of questions concerning the health and safety of the workers. However, the functions performed by various authorities of general supervision, such as the Public Prosecutor, the People's Central Committee of Supervision and the trade unions acting as organisations for the defence of the workers' interests, cover the other fields of labour inspection.

IRAN

The Government refers to its report on unratified Conventions, submitted to the Conference in 1966 (see 50th Session, Report III (Part II)).

LESOTHO

Section 9 of the Employment Act, No. 22 of 1967, relates to the subject-matter of the Convention. Ratification is delayed by the appointment of public officers designated labour inspectors and charged with labour inspection duties. This is due to the lack of funds to maintain an inspection unit.

MEXICO

The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session, Report III (Part II)).

The reasons which prevented Mexico from ratifying this international instrument still apply. The main obstacle to ratification lies in the fact that section 4 of the State Employees' Statute accords inspectors the status of workers in confidential posts, which is incompatible with the terms of Article 6 of the Convention. Although this Statute was repealed by the Federal Act of 1963 in respect of state employees, the status of inspectors as workers in confidential posts was maintained.

NICARAGUA

The Government submitted this Convention to Congress in August 1967 with a view to ratification.

It is planned to reorganise the labour inspection services, introducing the systems, practices and special measures stipulated by the Convention. No legal difficulties stand in the way of its ratification.

PHILIPPINES

The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session, Report III (Part II)). No new measures have been taken to give effect to the provisions of the Convention.

POLAND

The Government gives detailed information on the organisation and operation of the system for the supervision of labour, which includes the Labour Inspectorate, the Social Inspectorate of Labour, social inspections of working conditions and other forms of social supervision of working conditions carried out by bodies whose activities come under the trade unions and also the State Health Inspectorate, the mining office and the technical supervision office, which are state bodies.

The Labour Inspectorate performs its functions under the Decree of 10 November 1954 on the taking over by the trade unions of duties connected with the application of the legal provisions concerning labour protection and occupational health and safety and on the activities of the Labour Inspectorate. After the extension of the powers of the Labour Inspectorate by sections 49 and 52 of the Act of 30 March 1965 on occupational safety and health, this Inspectorate became responsible for supervising the observance by all establishments of the entire labour legislation and in particular the provisions concerning labour relations, occupational safety and health, hours of work, leave, pay, and the employment of women and young people.

The Social Inspectorate of Labour is a social service carried out by the workers in the establishments themselves under the Act of 4 February 1950 on the Social Inspectorate of Labour. At present this service has about 200,000 inspectors, whose powers entitle them in particular to demand explanations of the management of an establishment and to make recommendations to it with a view to eliminating within a specified period any deficiencies observed in labour protection. Failure to carry out the recommendations may be punished by a fine or by imprisonment for a period of up to three months. The social inspectors of labour also control the activities of the "day workers for occupational safety", whose duties are carried out in turns by all the workers during a period of up to one month in accordance with the instructions of the Chief Inspectorate of Labour Protection of the Central Council of Trade Unions dated 1 December 1964 concerning the organisation and activity of day workers for occupational safety.

Social inspections of working conditions are carried out periodically by committees of the workers of the establishment under section 44 (1) of the Act of 30 March 1965 on occupational safety and health, with a view to studying the situation of occupational safety and health, assessing the progress made in the plan for improving working conditions and drawing up the relevant conclusions.

The activities of the above-mentioned state bodies complement those of the Labour Inspectorate, which is the principal body for supervising working conditions. Section 41 (2) of the Act of 30 March 1965 on occupational safety and health obliges

the state bodies to co-operate with trade union authorities, labour inspectors and social inspectors of labour in matters concerning occupational safety and health.

The office of labour inspector may be held by any person who has completed his secondary or higher studies, whether technical, medical or legal, and who has passed an examination before a board set up under the Central Council of Trade Unions, after undergoing suitable training in the School of Labour Inspection. This school also trains social inspectors of labour (a total of about 4,000 persons per year). The number of labour inspectors serving at present is about 700, including some women.

Labour inspectors have their headquarters in the chief towns of the *voivodeships*, on the territory of which each of them supervises the establishments of a single one of the 23 branches of industry that are covered by the trade unions. They co-operate with the regional administrations of the respective trade unions under the general control of the Inspectorate of Labour for the *voivodeship*, which also employs specialists to provide the labour inspectors with the necessary assistance. The activities of the labour inspectorate are supervised by the Central Council of Trade Unions through the principal Labour Inspectorate.

Under the Decree of 10 November 1954, the inspector of labour is authorised, *inter alia*, to inspect establishments at any hour, to demand information, to give orders with a view to remedying any deficiencies observed in the protection of labour and even to order the stopping of work or the closing down of the whole establishment, to investigate the causes of industrial accidents, which must be notified to him under sections 33 and 34 of the Act on occupational safety and health, and to investigate any occupational diseases occurring. He is empowered to impose fines, and should it be necessary to inflict fines of more than 1,500 zlotys or imprisonment, he can act as public prosecutor in the "colleges of judgment" or the courts.

Although the legal provisions are more extensive than those required by the standards of the Convention, ratification is not being considered, since Article 6 of the Convention provides that "the inspection staff shall be composed of public officials". In Poland this staff is composed of trade union officials.

Moreover, in the conditions of a socialist economy, it would not be advisable to apply clauses (a) and (b) of Article 15 of the Convention.

RWANDA

The Government intends to apply the Convention strictly and in full. Ratification is delayed by material and financial difficulties. The Government does not consider setting up in the immediate future different inspectorates for industry, commerce and agriculture. A single inspectorate is sufficient for all sectors, in view of the stage of industrialisation, the limited resources and the economic situation of the country.

Togo

No measure is at present under consideration for ratifying the Convention. The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session, Report III (Part II)), which remains valid.

There are no difficulties to prevent or delay ratification of the Convention.

UKRAINE

Under the Trade Union State and section 146 of the Labour Code, the enforcement of labour legislation and occupational safety and health measures are the responsibility of the trade unions through labour inspectors, technical inspectors and the labour protection boards of works and local trade union committees. In addition,

state supervision of the application of rules and standards concerning labour protection is carried out by various specialised organisations. The Government considers that there are no general divergencies between the Convention and national legislation and that the system of state supervision is broader than provided for in the Convention.

UNITED STATES

The Government refers to its report on unratified Conventions submitted to the Conference in 1966 (see 50th Session Report III (Part II)) and supplies detailed information on policies and procedures under the Fair Labor Standards Act, the Walsh-Healey Public Contracts Act and the 1965 McNamara-O'Hara Service Contract Act. Although the investigative responsibilities of the Wage and Hour and Public Contracts Division of the United States Department of Labor in respect of these Acts continue, safety, health and welfare are presently overseen by the Divisions of Occupational and Maritime Safety (the latter with regard to the provision of the Longshoremen's and Harbor Workers' Compensation Act) under the unified control of the Office of Occupational Safety. In addition, the United States Bureau of Mines concerns itself with the application of the Federal Safety Code for Bituminous Coal and Lignite Mines, and of the Radiation Standards for Mining (for all mines). Where the mining or the transportation of mined or any materials, chemicals or other items is in pursuance of Federal Supply Contracts, the safety requirements for government contractors under the Walsh-Healey Act are also applicable. Where higher state standards exist, these prevail. No distinction is drawn between industry and commerce.

UPPER VOLTA

Chapter I, Part VII, of the Labour Code, dealing with administrative organs, contains the requisite labour inspection provisions.

The Convention will shortly be considered by the competent authorities.

ZAMBIA

The spirit of the Convention is applied in Zambia by the Factories Act, 1965. Therefore, the Government considers ratification not an urgent matter. There is no problem preventing ratification, as the existing legislation already operates within the framework of the Convention.

IV. EMPLOYMENT POLICY AND SERVICES

Employment Service Convention, 1948 (No. 88)

AUSTRIA

Austria has a free public employment service. Detailed information is provided on the measures taken in this connection which constitute *de facto* implementation of the Convention. However, certain of the legal foundations needed do not yet exist. It is intended to change the situation by passing an Employment Promotion Act, which is at present in the drafting stage. It is not proposed to ratify the Convention until the Employment Promotion Act comes into force.

BOLIVIA

The provisions of this Convention are implemented in practice in Bolivia, since it has ratified the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96). The ratification of Convention No. 88 may be considered at an appropriate time.

BULGARIA

All labour problems lie within the competence of the "labour and salaries" sections of the executive committees of the district councils and the labour bureaux attached to some of the local town and municipal councils. The organisation and competence of these bodies is not in harmony with the provisions of Convention No. 88 but proves to be correct under the existing social and economic conditions. Therefore ratification of the Convention is considered inexpedient.

BURMA

A system of free employment service organisation has already been established. The Government is still considering ratification of the Convention.

BYELORUSSIA

The Government supplies detailed information on the provisions giving effect to the right to work guaranteed by article 93 of the Constitution. Every worker is free to choose his occupation in accordance with his aptitudes, skills and desires. The planning organs of the Republic ascertain how far labour requirements can be met. By a decree of 28 February 1967, a government committee of the Council of Ministers was set up to consider the use of manpower; it will be responsible, *inter alia*, for organising the retraining and redistribution of workers; ensuring the placing of skilled workers and employees, specialists and other employable persons; organising the selection of workers for employment and the movement of workers; ensuring the placing of young people graduating from institutes of general education. Apart from this government committee, various bodies are directly concerned with the use of manpower: the government committee on occupational and technical

training trains highly skilled workers and ensures that they find suitable employment; the Ministry of Middle and Higher Level Specialised Training ensures that young specialists with high or medium specialised skills receive employment commensurate with their skills and attainments. Within the executive committee of the Soviets of Workers' Representatives, there are boards whose task it is to find employment for young people who have received no secondary education.

Besides receiving assistance from the State, the handicapped remain entitled to employment. A whole system has been devised for finding suitable employment for the disabled, for their training and retraining. This matter is dealt with by the Ministry of Social Security and by the social security section of the executive committees of regional, local and urban Soviets of Workers' Representatives.

CHILE

By Decree No. 5 of 1967 a National Employment Service has been set up, decentralised and autonomous, which reports back to the Executive through the Ministry of Labour and Social Welfare. Once regulations have been issued to govern its functioning this service will comply with the requirements of the Convention, thus permitting the Government to ratify it in the near future.

CHINA

The Government refers to a letter of 19 February 1968 in which it stated that although there is a public employment service the present situation in the country prevents the full implementation of the provisions of the Convention; the question of ratification will be considered again at an appropriate time.

CONGO (KINSHASA)

The Government has kept the Convention in mind while studying the Labour Code in connection with the establishment of the National Employment Service, whose functions will include: seeking and analysing all data on the employment market; helping workers to find suitable employment and employers to engage suitable workers for the requirements of the undertakings; facilitating the occupational and geographical mobility of labour; countersigning contracts of apprenticeship and employment; co-operating with the National Vocational Training Institute in vocational training and further training.

The details of the organisation and operation of the National Employment Service will be fixed in due course. It would be helpful to ascertain how far this service endeavours to fulfil the aims allocated to it before considering the possibility of ratifying the Convention, which lays down broader conditions than it will be possible to satisfy in the near future.

DAHOMY

The report indicates that a labour, employment and vocational training service operates under each labour inspectorate. The service is free and public and it covers nearly all the points of the Convention, except that concerning unemployment insurance, this exception being due to the financial situation of the country.

Dahomey may thus be able to consider the possibility of ratifying this Convention as soon as the economic situation enables it to face new financial commitments such as that entailed in setting up a permanent unemployment insurance service.

DENMARK

It has not yet been possible to apply the Convention. The requirement that placement shall be effected by public authorities is not met by existing legislation. The Employment Service and Unemployment Insurance (Amendment) Act, No. 248 of 13 June 1968, which will come into force on 1 April 1969, provides for a substantial change of the system in force; in connection with the implementation of the legislative amendment it will be considered whether it will be possible to ratify the Convention.

ECUADOR

The report states that ratification of this Convention will require bringing into practical operation the employment and placement service set up under the Labour Code, which, due to a shortage of staff, has accomplished very little. The Government will only consider it appropriate to ratify the Convention when it is sure that the facilities necessary for its application are available.

See under Convention No. 117.

FINLAND

The report states that after the coming into force of the new Employment Exchange Act of 1959 and the Vocational Guidance Act of 1960 (Appendices 2 and 3) the legislation seems to comply with the main provisions of the Convention. However, some divergencies and possibilities of different interpretations still exist as regards occupational mobility, co-operation with administrative bodies responsible for unemployment insurance and unemployment benefits and the means of ascertaining the qualifications of the staff of the employment service.

The question of ratification is being considered.

GABON

The structure of the Ministry of Labour includes an employment service. There is a central Manpower Division and there are employment offices attached to the various regional labour services. The organisation of these offices is not, however, diversified as advocated by the Convention and they have not all the functions laid down, particularly in respect of unemployment insurance, which has not yet been established.

GUINEA

Certain provisions of the Convention are applied in part by the Labour Code, particularly in sections 221, 223 and 225, which come under Title VII, Chapter V (Placement).

GUYANA

The Government refers to the report communicated in pursuance of articles 22 and 35 of the Constitution, for the period ending 30 June 1965.

HUNGARY

Questions concerning the Convention are dealt with by Decree No. 11/1967 of 20 October 1967, issued by the Minister of Labour.

The labour section of the executive committee of each administrative council offers its services free in matters of employment. The officials of the public employment offices take account of the interests of the persons seeking work and those of

the employers, who have to provide the employment offices with regular information on the current demand for labour and that predicted for the future.

The Government intends to reconsider the possibility of ratifying the Convention.

IRELAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1952 (see 35th Session, Report III (Part II)). Although the present position is unchanged, consideration is currently being given to proposals for a fundamental reorganisation of the employment service, which, if implemented, would reopen the question of ratification. Further information will be communicated in due course.

JAMAICA

A free public employment service is provided by regional offices as well as registration offices operating in various parts of the country. However, as there is no advisory committee nor any provision for the administration of unemployment insurance, the Government is at present not in a position to ratify the Convention.

KUWAIT

Articles 8 to 11 of the Labour Law No. 38 of 1964 (Private Sector) implicitly cover the provisions of the Convention as regards free employment services for unemployed workers. The Government hopes that, in future amendments to the present Labour Law, the provisions of the Convention as a whole will receive the utmost consideration.

LESOTHO

There is only one employment exchange in the country. No private employment agencies exist. Ratification is delayed by the lack of sufficient scope to comply fully with the terms of the Convention.

MALAWI

Free employment exchange facilities have been established at appropriate centres. The facilities at the district offices lack what is required by the Convention but they are adequate for the country's present requirements; in the rural areas labour required locally is normally taken on without recourse to employment exchanges.

MALAYSIA

In West Malaysia employment exchanges under the Ministry of Labour are functioning in all the main centres in general conformity with the requirements of the Convention; in East Malaysia a number of employment exchanges operate in the main towns and action is being taken to extend the services there.

The Government hopes that it would be possible, when the employment service—particularly in East Malaysia—has been further developed and improved according to present plans, to ratify the Convention and to give effect to it in full.

MALI

A free public employment service has been set up and it covers the whole territory.

The national provisions concerning employment policy and the employment services are mostly in harmony with those of the Convention, except that the

provisions of Article 6 (*d*) of the Convention are not covered by the legislation of Mali and that those of Article 11 are not covered since section 369 of the Labour Code prohibits the opening of private employment offices or agencies (except by trade unions) in regions where an employment office has already been opened.

MEXICO

The report states that many provisions of the Convention coincide with national law and practice.

As concerns Article 11 of the Convention section 53 of the Regulations for Employment Exchanges of 13 April 1934 (still in force) lays down that private employment agencies may only operate pending the issue of a law respecting social insurance. Such a law has now been passed, but it does not entirely resolve the problem of such private agencies. Hence the obstacles which have from the outset stood in the way of ratification of the Convention still subsist.

MOROCCO

The system in force in this field satisfies the provisions of the Convention in general and satisfies in particular those respecting the organisation of employment offices and the setting up of advisory committees on which workers' and employers' occupational associations are represented.

Ratification of the Convention has not yet, however, been possible, for national law and practice do not yet allow a full application of certain measures recommended by the Convention, namely the co-operation of States Members in the administration of unemployment insurance, the obligation to meet adequately the needs of particular categories of applicants for employment, such as disabled persons, and the use of the employment service by employers and workers on a voluntary basis.

NICARAGUA

The Government submitted this Convention to Congress in August 1967 with a view to ratification.

It is planned to reorganise the employment service, taking into account the provisions of the Convention. A Bill has been drafted to that effect.

There is, however, a discrepancy between the Convention and the Labour Code, and ratification of the former would require the reorganisation of the Ministry of Labour and the introduction in the employment service of a series of measures for which a special budgetary allocation—impossible at present—would be necessary.

PAKISTAN

Employment exchanges in East and West Pakistan have been set up and organised to meet the basic objectives of the Convention. The National Manpower Council and the National Bureau of Employment act as co-ordinating agencies.

No difficulties prevent or delay ratification of the Convention.

POLAND

Employment offices as organs of state administration have been established on the basis of the decree of 2 August 1945 on employment offices. The system of employment agencies consists of employment departments acting in the Presidia of

District and Voivodship People's Councils, as well as branch offices served by the employees of local People's Councils.

Control and supervision over local employment offices are being carried out by the People's Councils in conformity with the Act of 25 January 1958 on the People's Councils, and by the Committee of Labour and Wages established as the main organ of state administration in the sphere of employment policy (Act of 13 April 1960); this collegial organ takes its basic decisions with the participation of, among others, representatives of the Planning Commission at the Council of Ministers, and the Central Council of Trade Unions. Standing commissions of the People's Councils which exercise a broad supervision over the employment policy, include the representatives of trade unions and work establishment plants.

According to Order No. 46 of the Chairman of the Committee of Labour and Wages, of 23 December 1961, the employment service possesses great power in the field of full and rational employment, and its scope of activity is considerably greater than provided for by Articles 6, 7 and 8 of the Convention. The employment service, *inter alia*, co-operates in the formulation of balances of manpower and periodical employment plans, as well as in the localisation of industrial investment with a view to existing manpower reserves; it advises on vocational training plans and fixes in the work plants the posts open to women which were formerly limited to men.

In order to safeguard suitable work posts for particular categories of the disabled, a system of planned employment of the disabled has been introduced by the Order of the Council of Ministers of 5 May 1967 (*Dziennik Ustaw*, No. 20, text No. 88). The Government supplies detailed information on the principles established by the Order.

RWANDA

The provisions of the Convention go far beyond existing possibilities. However, an employment service is going to be established for the best possible use and distribution of the labour force as well as for its vocational training.

Ratification in the near future is not under consideration.

SENEGAL

The Government provides detailed information on the functions of the free public national manpower service, set up under section 195 of the Labour Code by Decree No. 01116 of 11 April 1962 and governed by Order No. 7109 of 24 April 1962. The manpower service has a central office and five regional sections. It has an administrative committee on which employers and workers are represented equally.

The ratification of the Convention is delayed by the fact that the present structures of the manpower service and the employment market do not yet make it possible to establish an adequate number of offices to serve all the regions of the country. These structures undergo constant modification with a view to bringing them gradually into harmony with the provisions of the Convention.

TOGO

No measure to ratify the Convention is yet under consideration. A national manpower service was set up by Decree No. 57-81 of 27 July 1957. This service has the same functions as those of the manpower offices set up under the provisions of Chapter V of Title VII of Act No. 52-1322 of 15 December 1952.

There are no difficulties to prevent or delay ratification of the Convention.

TUNISIA

The Government gives detailed information on the organisation and functioning of the employment service. The Act of 14 December 1960 has established public employment offices, whose services are available free to employers and workers, and has prohibited the operation of private employment offices. Employers, however, remain free to use or not the services of the public employment offices and to accept or not the applicants for work offered to them. Workers remain free to accept or not the work offered to them by these offices.

It would be possible to apply the Convention without modification throughout the national territory. Ratification presents no problem in principle or in practice, and a Bill has already been drafted for the purpose.

UGANDA

It is the policy of the Government to promote full, productive and freely chosen employment. The Government is already operating a free public employment service in the Ministry of Labour with a network of regional employment offices, and it intends to open up new offices at district level where they do not exist. However, seeking employment and securing workers through an employment service office is voluntary and therefore the majority of workers and employers secure suitable jobs and workers outside the employment exchanges, through direct contacts. Private employment bureaux also exist.

UKRAINE

Employment placement is organised by the State Committee of the Council of Ministers of the Ukrainian S.S.R. for the Utilisation of Labour Reserves and its local bodies, which are responsible for: placement as well as provision of information on the manpower requirements of undertakings; study of the composition of labour resources and the preparation of proposals for its rational utilisation; and organised recruitment and resettlement. Special bodies deal with the placement of young persons and certain categories such as the disabled and persons released from administrative posts and from the armed forces. Employment services having the functions and responsibilities laid down in the Convention do not exist.

UNITED STATES

The Convention is regarded as appropriate for federal action. Pursuant to the provisions of the Wagner-Peyser Act (Act of 6 June 1933 as amended), the maintenance of a free public employment service is ensured under a federal-state relationship based on appropriation to the states by the federal Government of funds for the administration and operation of state employment services. These are affiliated with the United States Employment Service and the Bureau of Employment Security of the Federal Department of Labor. By authority of the Wagner-Peyser Act, the Secretary of Labor issues regulations governing the organisation and operation of the system of public employment offices, prescribing, among other things, basic forms of organisation, operating programmes, statistical reporting and personnel standards, with which the various state agencies must conform in order to be eligible for federal grants of funds for administration. Federal and state advisory councils, set up pursuant to the Wagner-Peyser Act and the regulations made thereunder, are composed of men and women representing employers and employees in equal

numbers and the public. Appointments are made after consultation of representative organisations of employers and workers.

The Government supplies detailed information on the organisation of the employment service and its various functions, which include upgrading the skills of the labour force through training and retraining, expansion of the labour force through the human resources development concept, and participation in local industrial development efforts by providing manpower information, advice and other assistance. All employment service programmes are subject to both the Civil Rights Act of 1964, which prohibits discrimination because of race, colour, or national origin, and the Age Discrimination in Employment Act of 1967, which prohibits discrimination because of age.

National law and practice are considered to be in conformity with the Convention, which the President transmitted to the Senate in March 1951 with a request for advice and consent to ratification.

UPPER VOLTA

Chapter V, Part VII, of the Labour Code deals with employment services. The question of ratification of the Convention will be considered in due course.

VIET-NAM

National legislation provides that in each of the three regions of Viet-Nam a regional placement office shall be set up under the regional inspectorate of labour and social security and that its operation and organisation shall be determined by Decree of the regional governor. Under each of these offices will be organised a network of free public employment offices of limited territorial scope (ranging from a town to several provinces).

At the present stage of economic development, it will be difficult to adopt measures to give effect to all the provisions of the Convention. Ratification is not therefore considered for the moment.

ZAMBIA

The Government accepts the principles of the Convention; employment exchanges are in operation in all the provinces, with many more planned. There is, however, no unemployment insurance and assistance scheme, and at the present stage of economic development it cannot be introduced. This delays ratification of the Convention.

Employment Policy Convention, 1964 (No. 122)

ARGENTINA

Account has been taken in the legislation of the objectives set forth in the Convention with the establishment of the National Directorate for the Employment Service.

The Directorate for Human Resources, which will be responsible for the orientation of all aspects of employment policy, is now in the final stages of reorganisation.

AUSTRALIA

Nauru

Owing to the small size of the island and the limited occupations available, work may not in fact always be available for all. There is no legislation applicable but there is full freedom of choice of employment within the limitations of the capacity of the individual to perform the work and the availability of the work.

No difficulties are foreseen to prevent extension of the Convention to Nauru.

Norfolk Island

Every effort is made to improve and diversify the economy of Norfolk Island so that there is work for all who want it. However, due to the small size of the island and the limited occupations available, work may not in fact always be available for all. There is no legislation applicable but there is full freedom of choice of employment.

No difficulties are foreseen to prevent extension of a ratification by Australia.

AUSTRIA

The principles of equality and of free choice of employment are safeguarded by constitutional law and labour legislation. As regards Article 1, paragraph 3, of the Convention, various forms of promotional action are carried out through the Government's investment and financial policy; these include compensation in respect of bad weather, productive care for unemployed persons, further training and retraining, and the promotion of agricultural workers. The organisational framework for the implementation of these measures includes placement committees with subcommittees for specific subjects on which the employers' and workers' organisations are represented.

Although the Government's policy aims at avoiding unemployment as far as possible and at promoting full employment, authorities consider that the State cannot guarantee full employment since this aim has to be co-ordinated with other aspects of national economic policy. No legal provisions, however perfect, could prove sufficient to ensure implementation of the Convention; full employment cannot be guaranteed in a market economy. As regards Article 1, paragraph 2 (*b*), of the Convention, state action to promote productive work would be difficult to carry out as it is not specified what work is productive.

BELGIUM

The Government intends to ratify the Convention. A Bill to improve the Convention is being drafted and it will shortly be submitted to Parliament.

BOLIVIA

The possibilities for ratification are being studied. They depend on relevant economic conditions.

BRAZIL

This Convention was approved by Decree No. 61/66, and the Ministry of Foreign Affairs has been approached with a view to the lodging of an instrument of ratification.

BULGARIA

The text of the Convention was brought to the notice of the Labour and Salaries Committee and of the State Planning Committee.

At present, the Government is not in a position to ratify the Convention owing to difficulties of a legislative character.

BURMA

The policy of the Government is that every worker shall have freedom of choice of employment and the fullest possible opportunity to qualify for and to use his skills and endowments in a job for which he is well suited. Vacancies in establishments with more than 50 workers have to be notified to local employment exchanges. There is no discrimination in registration and selection of workers by employers. Section 5 (1) of the law defining the Fundamental Rights and Responsibilities of the People's Workers guarantees the right to work.

The Government is still considering ratification.

CHILE

The establishment of a National Planning Bureau and the drawing up of an economic and social development plan of which employment forms an integral part and whose ultimate goal is the achievement of full employment, together with the foundation as an autonomous institution of the National Vocational Training Institute and the recent creation of the National Employment Service, form a basis sufficient to enable the Government to ratify this Convention, which was submitted to the National Congress in 1966 and is now before that body.

CHINA

The "Human Resources Development Plan" approved by the Executive Yuan on 9 September 1966 fixes as its targets of long-term planning, *inter alia*, measures to improve manpower quality in order to increase the rate of employment and to accelerate the economic development; to introduce an employment security system and to achieve full employment. For the period 1965-70, the Plan provides *inter alia*, for the adjustment of educational programmes to cope with the manpower needs for the economic development; the organisation of a "Central Vocational Training Committee" and a "National Vocational Training Demonstration Centre"; the preparation of laws and regulations governing employment security.

At present, there are five employment service centres in Taiwan. An "Employment Security Law" is now being drafted. Consideration will be given to the ratification of the Convention as soon as the said law is enacted.

COLOMBIA

The Convention has been sent to the Administrative Department for National Planning so that it can express its opinion as to the possibility of ratification.

CONGO (KINSHASA)

The institution of the National Employment Service will provide the Government with a solid foundation on which to consider the question of employment throughout the country. In view of the economic and social situation and the establishment of the

new political and administrative structures, it is impossible for the present to carry out the necessary study with a view to ratification. The Government is aware of the importance of this instrument, which constitutes one of its aims.

CZECHOSLOVAKIA

The report indicates that the law and the whole economic policy of the State ensure the practical application of the principles of the Convention. Its ratification is therefore being considered.

DAHOMEY

Dahomey, which is making considerable efforts in the social field in general, recognises the right of all citizens to work and is endeavouring to create the conditions that will make the right effectual.

Since Dahomey is an agricultural country, however, the Government, although it does not neglect industrialisation, pays very close attention to agricultural development so as to ensure full employment to all citizens.

There is no difficulty in the way of implementing the Convention and the Government will give consideration to ratifying it.

DENMARK

It has not yet been possible to apply the Convention. The ratification of the Convention continues to depend on discussions with the labour market parties, notably on the extent of the mandatory character of the provisions of the Convention.

DOMINICAN REPUBLIC

There has been severe unemployment these past few years and the Government is greatly concerned to ensure that more jobs are created.

Within the State Secretariat of Labour there is an Employment and Unemployed Registration Department which puts this Convention into effect. The Convention has not been ratified, but has been brought to the notice of the competent authorities.

ECUADOR

See under Convention No. 88.

FRANCE

France from the start has adhered to the principles set forth in the Convention, and the country is endeavouring to promote a policy of full employment so that each worker may have the possibility of acquiring skills and making use of his gifts. France also follows the procedure laid down by the Convention under which representatives of the employers and workers shall be consulted on the policy to adopt in this field and the steps to take with a view to carrying it out.

The Government therefore intends to ratify the Convention, and the necessary procedure will be set in motion.

GABON

The Government fully accepts the aims of the Convention that express its own policy to promote full employment in conjunction with economic development. It does, however, attach great importance to giving national labour priority over foreign

labour, qualifications being equal. At this stage, the Government cannot be indifferent to the national origin of workers, though it points out that the foreign worker in regular employment enjoys the same guarantees as the national worker.

FEDERAL REPUBLIC OF GERMANY

Ratification of the Convention is not proposed at present because discussion of the Employment Promotion Bill has not been completed and because it remains doubtful what is meant in Article 3 by "taking fully into account" the experience and advice of employers and workers. Only if this is meant to provide for an extensive right to be consulted could its acceptance be considered; there can be no question of restricting the constitutional rights of Parliament.

GHANA

The Government is not yet ready to ratify this Convention. Consideration of its ratification has been deferred for at least three years. The present economic difficulties do not permit the Government to bind itself to ensuring work for all who are available for and seeking work. Apart from these practical difficulties regarding ratification, the employment policy pursued does not differ from the principles laid down in Article 1 of the Convention.

GREECE

The policy carried out in the field of employment and article 27 (1) of the draft Constitution are devoted to the same aims as the Convention, namely the establishment of conditions in which employment is fully productive and freely chosen. The difficulties standing in the way of ratification consist in the fact that the necessary conditions for an effective application of the policy laid down by the Convention are not at present realised. However, when the study already undertaken on the reform of the employment policy has been completed, the question of ratifying the present Convention will be reconsidered.

GUATEMALA

Effect is given to almost all of the provisions of the Convention by virtue of provisions contained in the Constitution of the Republic, the Labour Code and the Government Resolutions of 23 and 24 December 1957.

The Ministry of Labour and Social Welfare, with the technical co-operation of the International Labour Office, has been endeavouring to extend the services offered by the National Employment Service. The Convention is being studied by the Council of State to decide whether it is appropriate to ratify it.

GUYANA

In view of the prevailing high incidence of unemployment it is considered unrealistic at this stage to adopt direct measures to implement the provisions of this Convention.

HUNGARY

The employment policy follows the principles of the Convention. The level of employment is one of the highest in the world. An increase in the productivity of labour is an important aim of the national economic plan, and the undertakings and

their workers have become more interested in reaching it since the introduction of a reform in the administration of the national economy on 1 January 1968.

The law guarantees the worker, without distinction of sex, age, nationality, race or origin, the free choice of his workplace, the continuation of his studies and the possibility of using the knowledge he has acquired. Government bodies regularly consult with the trade unions and the managers of undertakings on the general aims of employment policy.

The Government intends to reconsider the possibility of ratifying the Convention.

INDIA

The Government refers to information on submission which has been brought to the attention of the Conference in 1966 (see 50th Session, Report III (Part III)).

ISRAEL

The Government supplies detailed information on the parts of its programme of November 1965 concerned with employment policy. With regard to the aims of Article 1, section 2 (*c*), of the Convention the Government refers to its reports on the application of Convention No. 111 submitted under article 22 of the Constitution. Trade schools and apprenticeship schools have been organised to supplement the on-the-job training under the Apprenticeship Law, 1953. Statistical data based on regular review of the employment position are used in deciding on the state-promoted public works required to alleviate any unemployment which may be extant.

Steps are now being taken for the ratification of this Convention.

ITALY

The right to work is recognised to all citizens by the Constitution. In accordance with this principle, the broad lines of the employment policy contained in the Economic Development Programme for the years 1965-70 largely correspond to those of the Convention.

One of the main objects of the Programme is to encourage the development of employment in non-agricultural sectors so as to absorb the increase in numbers together with the workers leaving agriculture and ensure a fuller use of the labour force.

Since there is basic accord between the provisions of the national legislation and those of the Convention, the procedure for ratification has already been set in motion.

JAMAICA

A National Commission on Unemployment has been established to formulate a concerted effort on a national basis to eliminate unemployment within the shortest possible time. The Government's employment policy is designed, *inter alia*, to stimulate economic expansion with a view to increasing employment and to provide facilities for the acquisition of skills by workers to meet the demands of industry.

The Convention and its accompanying Recommendation are still under study.

JAPAN

Considering that full, productive and freely chosen employment can be realised not by employment policy alone, but in conjunction with monetary, financial, industrial and other policies, the contents and extent of the full employment policy to

be declared and pursued by each Member under the Convention are not always definite. On the other hand, article 1, paragraph 1, of the Employment Measures Law specifies that one of its purposes shall be to contribute to the attainment of full employment. Article 1 of the Convention must be examined to clarify its interpretation.

KENYA

While the Government supports the principles and aims of the Convention and is striving towards them, it is considered not possible at the present level of economic development, nor in the immediate future, to ensure full and freely chosen employment.

KUWAIT

The State is concerned in finding suitable jobs for able persons according to their abilities. A vocational training centre has been set up in order to promote the level of productivity. Time is needed to fulfil the requirements of the Convention.

LESOTHO

The Government refers to the establishment of various administrative bodies concerned with employment policy. Ratification of the Convention will be delayed by the fact that most, if not all, employment policies are still under review and it will be some time before they crystallise in an appreciable form.

LUXEMBOURG

Certain difficulties have been encountered in specifying exactly the formal obligations arising from Article 1 and even more from Article 2 of the Convention. Full employment has already been a fact for many years in Luxembourg, and the question arising is whether new measures should be taken to implement Article 2, and, if so, what they should be.

The Government programme provides for the reorganisation of the employment services through a reform of the National Employment Office. As soon as the Bill concerning this reform has been finally drafted, the question of ratifying the Convention, which has already been considered, may be taken up again.

MALAWI

Malawi is an agricultural country and the majority of the population are self-employed farmers. At this stage of development few can be absorbed in industry, while a number obtain employment in neighbouring States. It is considered that the provisions of the Convention do not suit the requirements of Malawi at present.

MALAYSIA

As a developing country, Malaysia cannot plan for the achievement of full employment envisaged in the Convention. The Government is doing its utmost to promote employment as an integral part of the National Development Plan. However, as a developing country with a high rate of population growth, it is not possible to plan for the achievement of full employment as an immediate objective.

The Government does not intend to ratify the Convention although it considers that its present policy and action to promote employment to meet the nation's present needs are in harmony with the objectives of the Convention.

MALI

The report states that the carrying out of an employment policy is one of the basic concerns of social policy in the Republic of Mali. The Constitution recognises to all men the right to work and rest, the right to strike and the right to associate as well as freedom in choosing employment. Moreover, the principle of non-discrimination is proclaimed by the Constitution and the Labour Code.

A broad programme of employment planning is at present being carried out. Important results have already been achieved in respect of literacy and vocational training. It is still necessary to institute measures for vocational guidance and for selection, and to hasten the establishment of an extensive system of vocational training.

MALTA

The Convention is applied with certain modifications. Article 3 of the Convention is not complied with.

MEXICO

The Convention was submitted for study to the Secretariat for Labour and Social Welfare, and subsequently came before the Senate of the Republic, which was not in favour of its ratification. This was due mainly to the fact that Article 1, paragraph 2 (c), of the Convention lays down that an employment policy should guarantee freedom of choice of employment irrespective of the national extraction of the worker.

However, the phase of economic consolidation which Mexico is now undergoing obliges it to attempt to ensure opportunities for employment to its nationals by giving them some preference over non-nationals. The Convention is a very recent one, for which reason the obstacles which prevent its ratification still persist in full strength.

MOROCCO

Morocco has undertaken an active policy for the promotion of full employment, which has been conceived in conformity with the spirit and the letter of the instrument. The Government has therefore before it the question of initiating the procedure for ratification.

NICARAGUA

This Convention was submitted to Congress by the Government in August 1967.

There is a plan to give effect to its provisions by setting up a National Human Resources Council.

There is no divergency between the legislation and the Convention, but its ratification would involve a commitment to set up an employment service, which would necessitate a budgetary allocation which the Government is not at present in a position to provide.

NIGERIA

Given the persisting problems of unemployment and underemployment, the decision of the federal Government that this Convention should not be ratified remains unchanged.

PAKISTAN

The policy of the Government is to promote employment through planned economic growth. The Manpower and Education Commission recently set up is in pursuit of the declared policy of full employment.

No difficulties prevent or delay ratification of the Convention.

RWANDA

An employment policy conforming to the provisions of the Convention is one of the chief objects of the Government, which is endeavouring to achieve it as far as possible. The directorate of employment that has just been established has certain functions similar to those required by Convention No. 122.

The difficulties in the way of ratifying the Convention arise from the slender economic resources that Rwanda has available for ensuring full employment.

SIERRA LEONE

The report states that nearly all the requirements of the Convention are covered by the provisions of the Employers and Employed Act, Cap. 212, of the laws of Sierra Leone; there is, however, no provision in the act for the setting up of an Employment Policy Committee on a tripartite basis, but such a committee has been set up at administrative level and has in fact functioned twice.

Consideration will be given to the ratification of the Convention as and when the legislative programme permits.

SINGAPORE

The Government is in general agreement with the provisions of this Convention. It is proposed to consider giving full effect to the terms of this instrument.

SPAIN

The report states that ratification of the Convention is under consideration and that, in principle, there does not appear to be any difficulty which might prevent or delay it.

SWITZERLAND

Nothing new has occurred during the period under consideration. The Government refers to Division IV of the report on the 48th Session of the International Labour Conference made by the Federal Council to the Federal Assembly on 26 February 1965.

SYRIAN ARAB REPUBLIC

The Government has submitted the Convention to the competent legislative authority. An I.L.O. expert is to visit the country to study the system of employment and make his recommendations in this field.

TANZANIA

The provisions of the Convention appear to be useful guides to employment development policies and the possibility of ratifying the Convention will be kept in mind.

TOGO

No measure is being considered for the ratification of the Convention. There is no difficulty to prevent or delay ratification of the Convention.

TURKEY

The report indicates that the 1961 Constitution, the aims of the present plan and the laws of the country are in perfect harmony with the provisions of the Convention.

Full employment, however, despite the measures that have been adopted cannot be achieved in the immediate future, since the country is a developing country with an annual increase in population of 3 per cent. In spite of the measures that have been taken, the problem of unemployment has not yet been solved and no unemployment insurance has been established.

For these reasons it is impossible at present to undertake to ratify the Convention.

UNITED STATES

There is a nation-wide network of public employment offices operated jointly by the federal Government and the states, with special services for various categories of workers—veterans, older workers, the physically handicapped, etc. The Manpower Development and Training Act of 1962, amended in 1966, provides various programmes of basic or further training. Sixty-five per cent. of government expenditure on employment is presently devoted to attacking the problem of the hard-core unemployed. The Economic Opportunity Act of 1964 was amended in 1965 to provide special programmes in this context, and again in 1967 to co-ordinate all of the work and training problems at federal level and to make federal assistance available to employers and organisations involved in such training. Additionally, in 1968, the President proposed a new Job Opportunities in the Business Sector (JOBS) Program, involving a partnership between government and industry to train and hire the hard-core unemployed.

The Age Discrimination and Employment Act of 1967 was enacted to promote employment of older workers and to prohibit arbitrary age discrimination, the individuals protected by law being those in covered industries who are at least 40 but less than 65 years of age. Other forms of discrimination in employment are prevented by various Executive Orders and the relevant provisions of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission, established by the above Act, not only investigates discrimination complaints but also makes grants to state and local fair employment practice agencies. These grants amounted to \$700,000 in 1967 and 23 states participated in a programme designed to increase minority employment in particular industries and geographical areas. The Commission also has a conciliation programme. Although fewer than a quarter of the cases analysed by the Commission related to hiring, major steps were taken to correct general hiring practices which contribute to job discrimination. In several cases the conciliation set up agreements between employers and representatives of local minority organisations to promote referrals of minority group members for available jobs.

Various other Acts are directed to helping particular categories of workers and, although the content of the Convention is mainly the concern of the U.S. Department of Labor and the Office of Economic Opportunity, the implementation of a vital employment policy is in fact a total government effort. Total federal commitment is also being followed at the local level through the Co-operative Area Manpower Planning System. Area Manpower Co-ordinating Committees were convened in March 1967 in 68 major labour areas to answer the need for joint governmental action in providing manpower and related services at the state and local levels.

UPPER VOLTA

The existing employment policy is considered to be in harmony with the Convention. The Government considers that at the present stage in the country's economic development it would be wiser to postpone ratification.

VENEZUELA

Early in 1968 the Government once more proposed to Congress that this Convention be given legislative approval with a view to ratification. The principles enshrined therein are already embodied in Venezuelan legislation and ratification would entail no far-reaching adaptation of domestic legislation to the standards contemplated in the Convention.

Nevertheless, the Legislative Chambers have already reached the end of their session, and it may well be that ratification will be postponed until 1969.

VIET-NAM

Article 15 of the new Constitution of 1967 states that the nation will endeavour to obtain work for every citizen. Apart from this article there is no law or regulation concerning employment policy.

The Government does not consider ratifying the Convention in present circumstances.

ZAMBIA

The Government wishes to reserve ratification of this Convention until a later date, although it fully agrees with the intentions and spirit of the instrument. Taking account of the stage of economic development of the country, the Government considers ratification not appropriate at the moment.

V. WAGES

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

AUSTRIA

The Government supplies detailed information on the minimum wage fixing machinery which has been created by the Minimum Wage-Fixing Act, *B.G.Bl.* No. 156/1951 and by the Home-Working Act, *B.G.Bl.* No. 105/1961, after consultation with the employers' and workers' organisations.

No specific provision for consultation of employers' organisations is made in the Minimum Wage-Fixing Act, but under article 2, paragraph 1, of the Act, as well as under article 30, paragraph 5, of the Home-Working Act, employers and workers are represented on equal terms and with equal rights when the minimum wage rates are decided upon. Under article 3, paragraph 4, of the Minimum Wage-Fixing Act, article 45, paragraph 5, of the Home-Working Act and article 17, paragraph 4, of the Collective Agreement Act (*B.G.Bl.* No. 76/1947), minimum rates of wages may be subject to abatement by collective agreement; it would seem as though these provisions run counter to Article 3, paragraph 2 (3) of the Convention, unless they can be considered as "general authorisations" of the competent authority.

Minimum wage rates are published, and under article 3, paragraph 1 (*e*) of the Labour Inspection Act, the payment of minimum wages is supervised by the Labour Inspection Department. Article 52 of the Home-Work Act contains a similar provision. Repeated or substantial underpayment is a punishable offence under article 64 of the Home-Work Act.

The existing legislation is not considered as being wholly in accordance with the Convention; the necessary modifications have not been envisaged so far, mainly because of the current redrafting of basic rights under the Constitution, which is to reflect the priority of collective agreements over other wage fixing machinery.

The Government does not wish these legislative amendments to be forestalled by ratification of the Convention which is considered not to emphasise specifically the priority of collective agreements.

BYELORUSSIA

The Government supplies detailed information on minimum wages and the wage policy in general.

Minimum wage rates are fixed by the Government; according to section 59 of the Labour Code, wages may not be less than the compulsory minimum fixed by special decree. Minimum wage rates are under constant study by government organs and are systematically raised with the growth of economic resources and the increasing requirements of the workers.

The minimum wage at present in force for workers and employees of all kinds is 60 roubles; in industry this is the rate applying to unskilled workers.

Bonuses are paid to workers who more than fulfil their production norms. The minimum wage is tax free.

In addition, social funds are drawn on, *inter alia*, for the payment of pensions, children's allowances and paid holidays. Medical care is free of charge.

Systematic training of workers and increase in wages (priority being given to the lower-paid workers) results in a steady reduction of minimum-wage earners.

COSTA RICA

The Chairman of the National Wages Council has just been asked for his views as to the possibility of ratifying this Convention.

CYPRUS

Since 1951, no minimum wage orders have been made under the Minimum Wage Law. The labour policy of the Government is to rely rather on the institution of free collective bargaining than on legislative or semi-legislative measures for the determination of wages and other conditions of employment. Certain groups of workers (mainly female and poorly organised workers) are comparatively underpaid; the appropriate measures to deal with this problem cannot yet be decided upon, but it is hoped that wage levels will rise through further encouraging collective bargaining and through technical training.

For all these reasons it is believed that to satisfy the Convention would be paying lip service to its provisions. There are also some doubts whether the legislation does give full effect to the Convention.

DENMARK

It is not proposed to give effect to the terms of the instrument. In view of the highly developed system of collective bargaining and collective agreement the introduction of legislation on minimum wages is not considered expedient.

ETHIOPIA

The Convention will be taken into consideration as soon as the survey which is under way is completed and the report approved.

FINLAND

Wages are generally fixed by collective agreements and there is no minimum-wage legislation except for forestry and floating work. For this reason, it has not been possible to ratify the Convention.

GREECE

The report indicates that the legislation on wage fixing, and in particular Act No. 3239 of 1955 concerning the manner of settling collective labour disputes, contains very little that is in conflict with the Convention. The Government will consider the possibility of adapting the existing legislation to the provisions of the Convention with the view to ratification.

IRAN

The Government refers to its report on unratified Conventions, submitted to the Conference in 1958 (see 42nd Session, Report III, Part II).

ISRAEL

The Government refers to its report on unratified Conventions for the period ending 31 December 1956. There have been no changes in legislation since then. The character of trade unionism ensures a continuing and increasing tendency to bargaining labour conditions with national coverage. Home-working trades do not exist to any substantial extent.

JAPAN

The Central Minimum Wages Council is at present deliberating the fundamental policy to be adopted under the Minimum Wages Law, 1959, which was amended in May 1968, and the Government is prepared to take the necessary measures with regard to the conclusions reached by the Council. The problem of ratifying the Convention will be examined after the results have been obtained.

KUWAIT

The economic instability has so far made it difficult to agree to minimum wage fixing. As the economic situation and employment market are tending towards stability, it is hoped that in future amendments to the labour law the provisions of the Convention will be considered.

MALAYSIA

Wages Regulation Orders issued under the Wages Council Ordinance, 1947, lay down minimum rates of wages for certain categories of employees. The wage-fixing machinery and procedures established in accordance with the Ordinance and the regulations made under it are in full conformity with the requirements of the Convention. The Government intends to take steps to ratify the Convention.

PAKISTAN

Under the Minimum Wages Ordinance, 1961, and the rules framed thereunder, Minimum Wages Boards on a tripartite basis have been created and maintained to give effect to the Convention.

No difficulties prevent or delay ratification of the Convention.

PHILIPPINES

The Government refers to its report on unratified Conventions submitted to the Conference in 1958 (see 42nd Session, Report III (Part II)). No new measures have been taken to give effect to the provisions of the Convention.

POLAND

The Government supplies detailed information not only on minimum wages but on the wage structure as a whole, including various extra benefits and additional payments received by minimum wage earners. The minimum wage of workers is being fixed uniformly for the whole national economy. The number of persons who are fully employed and receive a minimum wage is being reduced every year. Decisions on increasing minimum wages are taken by the Council of Ministers in agreement with the Central Council of Trade Unions after analysis of the level and structure of payments, nominal average payments and changes in cost of living.

These data are elaborated by the Committee of Labour and Wages, which is the organ of state administration established in April 1960 in order to ensure the appropriate policy of wages. Minimum wages are obligatory and cannot be reduced by any means. The text of the decisions increasing the minimum wage is distributed among all establishment plants. The execution of the relevant provisions is supervised by the labour inspection. Every worker of any socialised plant who does not receive the minimum wage has the right to claim the amount due by judicial proceedings.

SINGAPORE

It is not possible to give effect to the requirements of this Convention as the need for a minimum wage-fixing machinery does not arise in the prevailing situation in Singapore, where the regulation of wages is adequately taken care of in practice.

TURKEY

Section 33 of the Labour Act, No. 931 of 1967, provides for a central board for the fixing of minimum wages, on which the State, the employers and the workers are represented. This board is empowered to fix minimum wages, nationally, regionally or by branch of activity. Employers who do not pay the wages fixed render themselves liable to penalties. The workers can turn to the courts when the minimum wages are not paid. The labour inspectors supervise the application of the legislation.

The new legislation will have to be applied during a certain period, however, before ratification of the Convention can be considered. The minimum wage board has held only a few preliminary meetings under the new legislation.

UKRAINE

Under section 59 of the Labour Code wage rates may not be lower than the official minimum determined for each period by the competent state authorities in respect of the particular category of employment. Payment of wages below the minimum level is not permissible.

UNITED STATES

The Government supplies detailed information on minimum wage fixing, at both federal and state levels, and by statute and wage determination procedures authorised by statute. The Federal Fair Labor Standards Act—the wage law of broadest applicability—was amended in 1966 to include more workers, particularly in certain retail and service enterprises, and to increase the minimum wages of those already covered. Certain categories of workers may be exempted by certificates issued under the Act. These amendments were enacted after full consideration of the views of workers' and employers' organisations, and after open hearings in the legislative process.

Under the Act, also, the Secretary of Labor is authorised to make regulations concerning industrial homeworkers; such home work is in any event prohibited without a special certificate covering each worker and issued to him.

For employees in the Virgin Islands, American Samoa, and Puerto Rico, industry wage orders, issued after proceedings before special and representative industry committees, may set the wage rates below the statutory minimum to prevent curtailment of employment; these wage orders are subject to judicial review.

Also on a federal level, equality and non-abatement of wages are provided for: by the Code of Federal Regulations in respect of foreign labour; and by the Walsh-Healey Public Contracts Act, the Davis-Bacon Act and the Service Contract Act in respect of government contract, subcontracted and construction works. In addition, a Wages Appeal Board, established by the Secretary of Labor, has the task of deciding questions arising under these Acts and related statutes.

On a state level, 38 jurisdictions have minimum wages laws. Approximately half of these are in terms of statutory rate laws not including authority for establishing industry wage boards, while ten jurisdictions have both statutory rate laws and industry wage boards, and the rest provide for industry wage board procedure only. Where the combination of statutory rate and wage board is found, the principal use of the latter is for the recommendation of supplementary standards and the incorporation of the statutory rate in orders relating to these standards. In addition, 38 states and the District of Columbia have enacted prevailing wage laws similar to the federal legislation, applicable to Public Works employees.

The matters dealt with in the Convention are considered to be appropriate, in whole or part, for action by the states.

Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99)

ARGENTINA

The report states that the system with regard to minimum wages is established by Act No. 16459, which stipulates that every worker over 18 years of age shall receive remuneration which shall not be lower than the minimum living wage. The general nature of this provision means that cattle ranch and agricultural workers are also covered.

The Act gives a definition of the minimum living wage, this being the remuneration whereby in each area the worker and his family may be ensured sufficient food and clothing, adequate housing, education for their children, medical care, transport, holidays, recreation, insurance and the possibility of saving.

In no case may wages or salaries be paid which are lower than those fixed in accordance with the law. Infringements are punished by fines.

The Act set up the National Minimum Living Wage Council (this wage being geared to a sliding scale), which is made up of an equal number of representatives of the State, workers and employers and whose essential purpose is to determine the minimum living wage annually and for each area. The Act also establishes the standards for determining the minimum living wage and cases in which it may be increased or reduced.

The report also states that the Conditions of Employment for Agricultural Workers (Decree No. 28169 of 1944, approved by Act No. 12921, with regulations made by Decree No. 34147 of 1949) are applied, provided they do not infringe the provisions concerning the minimum wage established by Act No. 16459, mentioned above.

AUSTRALIA

Nauru

Agricultural activity being limited to home consumption, the Convention is inapplicable.

Norfolk Island

Agricultural activity being limited to small-scale farming on family farms, the Convention is inapplicable.

BELGIUM

The Government is in a position to ratify the Convention. A Bill to approve it has been submitted to Parliament. This has already been passed by the Chamber of Representatives and is at present before the Senate.

BOLIVIA

The bulk of agricultural activities are engaged in by persons who own the land they are working on, but, since work in the service of another person has been introduced under the agrarian reform scheme of 1953, a minimum wage for agriculture has been fixed by Presidential decree since that scheme came into operation.

The Convention is being studied with a view to probable ratification as soon as economic conditions permit.

BULGARIA

In the co-operative system which incorporates the vast majority of farms in the country, different wage fixing methods are in force. These methods prove efficient under the existing social and economic conditions; therefore the Government abstains from ratification of the Convention for the present.

BURMA

Burma is in the course of forming People's Peasants' Councils throughout the country. Any decision on ratification will have to wait for the time being so as to reach the necessary position.

BYELORUSSIA

See under Convention No. 26.

CANADA

The subject-matter of the Convention is partly within federal competence and partly within the authority of the legislatures of the provinces. Legislation in the field covered by this Convention does not at present correspond with the Convention's provisions.

CHILE

The report states that, in accordance with section 50 of Act No. 16250, dated 21 April 1965, the minimum wage established for workers in industry and commerce has now been extended to include agricultural workers. In accordance with section 6 of Act No. 14622, 1961, the minimum wage is automatically adjusted in proportion to changes in the living wage of employees in the private sector in the province of Santiago. In this way the organisations which are most representative of employers and workers do not participate in fixing minimum wages in agriculture. For this reason Article 3, paragraphs 2 and 3, of the Convention, is not applied, which is why it is impossible to ratify this Convention.

The minimum wage rates which are fixed annually are binding on both employers and workers and cannot be lowered. Only workers under 18 years of age may be paid lower wages than the fixed minimum.

Furthermore, at least 75 per cent. of the minimum wage of agricultural workers must be paid in cash. The remaining 25 per cent. may be paid in kind. Accommodation which, in accordance with section 76 of the Labour Code, the employer must provide for the agricultural worker and his family, cannot be considered as payment in kind constituting part of the minimum wage.

CHINA

The Temporary Regulations governing the Adjustment of Basic Wages, which were promulgated on 16 March 1968, fix the basic wage for workers engaged in industrial undertakings, mines, communications and transport, public utilities, agriculture, forestry, fishery and animal husbandry; the adjustment of the basic wage shall be made by a committee to be organised by the competent authorities and industrial organisations. No worker shall receive a wage inferior to the basic wage stipulated (article 7).

The possibility of ratifying the Convention has been under government consideration since the promulgation of the above-mentioned Regulations.

COLOMBIA

There is no difficulty in complying with the Convention in Colombia and the Government has therefore submitted it to Parliament for approval.

CONGO (KINSHASA)

The Government has already ratified the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26). This Convention is broadly applied by the national legislation, which, moreover, leaves it to the workers' and employers' organisations to use the collective bargaining procedure both on a general basis and for each branch of activity, including agriculture.

Although there is no major difficulty in the way of ratifying Convention No. 99, the Government considers that, for the present, Convention No. 26 is adequate, since it is applicable to all sectors of economic activity.

CYPRUS

See under Convention No. 26.

DAHOMEY

The wage-fixing machinery established by Ordinance No. 33 of 28 September 1967 is applicable to the agricultural sector as well as the industrial and commercial sectors. Where collective agreements are lacking, the Government of Dahomey has fixed the wages of agricultural workers by order or decree, issued under section 82 of the above-mentioned Ordinance, every time that the wages of industrial or commercial workers have increased. The labour inspectorate supervises the application of the wages fixed, which are brought to the knowledge of those concerned through publication in the *Official Gazette*.

Dahomey can ratify the Convention without any difficulty.

DENMARK

See under Convention No. 26.

DOMINICAN REPUBLIC

The provisions of this Convention are put into effect through the National Wage-Regulation Directorate (section 420 to 433 of the Labour Code). Although this Code empowers the Wage-Fixing Committee to lay down minimum rates for workers in all branches of the economy, including agriculture, Act No. 26 (27 September 1966) specifies that all rural workers shall draw a daily minimum of RD \$2 for an eight-hour day.

The Convention, not yet having been ratified by Congress, has been brought to the notice of the competent authorities.

ETHIOPIA

The Convention will be taken into consideration as soon as the survey which is under way is completed and the report approved.

FINLAND

See under Convention No. 26.

GHANA

The Government maintains adequate machinery whereby minimum rates of wages can be fixed for workers employed in all sectors of the economy. No special minimum rates of wages have been fixed for workers employed in agricultural undertakings and related occupations.

The report states that the national system of fixing minimum wages does not permit the ratification of the Convention, which has a special application to agricultural undertakings and related occupations.

GREECE

The minimum wages are insufficient to attract enough workers to agriculture. The Government is studying the question in the light of the movement of workers and the reorganisation of the employment services with a view to finding the best solution. In this connection the Government also refers to its report on Convention No. 122.

GUYANA

Wages of a substantial portion of agricultural workers are determined by collective bargaining. Additional wage fixing machinery is provided in legislation. In view of the satisfactory position, it is not considered necessary to provide specific measures for wage fixing in agriculture in this country.

HUNGARY

Under section 61 (1) of the decree to promulgate the Labour Code, wage rates shall be fixed by the Minister of Labour in agreement with the Minister concerned. Wages shall in no circumstances be fixed at rates below the official minima. Under

section 2 of Decree No. 7/1967 of 8 October 1967, issued by the Minister of Labour, wages cannot be paid in kind except within the limits laid down by the Minister; allowances in kind may include only such articles or services as may satisfy the needs of the worker's family.

In accordance with section 12 (2) of the Labour Code, wage rates must be fixed in agreement with the trade union concerned. Under section 2 (2) of Government Decree No. 62/1967 of 27 December 1967, the employer who does not pay the workers the wages due to them may be fined.

The Government intends to reconsider the possibility of ratifying the Convention.

INDIA

The matters dealt with in the Convention are covered by the Minimum Wages Act, 1948, and the rules made thereunder by the central and state Governments. The Government refers to its report on unratified Conventions submitted to the Conference in 1958 (see 42nd Session, Report III (Part II)).

IRAN

The Government refers to its report on unratified Conventions, submitted to the Conference in 1958 (see 42nd Session, Report III (Part II)).

IRAQ

The Convention was submitted to the "I.L.O. Conventions Committee" in the Ministry of Labour and Social Affairs which recommended that the ratification should be postponed for the time being. The Convention will be submitted to the competent authorities in accordance with article 19 of the Constitution.

ISRAEL

The Government refers to its report on unratified Conventions for the period ending 31 December 1956. There have been no changes in legislation since then. The character of trade unionism ensures a continuing and increasing tendency to bargaining labour conditions with national coverage, the resulting collective agreements being eminently suitable to extension by ministerial order to all employers and employees not organised.

ITALY

Article 36 of the Constitution of the Republic lays down that the worker shall be entitled to remuneration in proportion to the quantity and quality of his work (in every case sufficient to enable him and his family to live a free and decent life).

The present situation shows that, owing to the system of free collective bargaining and the legal measures for the application of article 36 of the Constitution, the minimum wage is practically guaranteed.

In view of the existence in law and in fact of the conditions indispensable to the realisation of the aims set forth by the instrument in question, the Government considers that it can be ratified without delay.

JAMAICA

The policy of the Government is to promote wage determination through collective bargaining in agriculture. The sugar industry statutory wage determination

has been superseded by collective bargaining since 1942 and the practice of wage determination through free collective bargaining machinery is being progressively applied in other agricultural undertakings. It is therefore not proposed to ratify the Convention.

JAPAN

See under Convention No. 26.

KENYA

A Wages Council established by Legal Notice No. 275 of 1965 already covers employees in agricultural and related occupations. Representatives of employers and workers take part in the operation of the Wages Council. The Regulation of Wages and Conditions of Employment Act, and the Regulation of Wages (Agricultural Industry) Order, Legal Notice No. 275 of 1967, are considered to fulfil the other requirements of the Convention.

Kenya is considered to be at present in a position to ratify the Convention, and necessary arrangements are being made.

KUWAIT

As Kuwait is not an agricultural country, and workers of this category are rare, the legislature has not paid much attention in this respect. However, if a change in the present agricultural conditions takes place, the Government will meet the sequences.

LESOTHO

The Government refers to its report on the application of this Convention submitted to the Conference in 1960, in accordance with articles 22 and 35 of the Constitution (see 44th Session, Report III (Part I)). Since then, agricultural activity has not advanced to any appreciable extent and the Wages Proclamation No. 37 of 1936 has not been materially amended. There does not appear to be any need for a legislative change since such change will not be related to prevailing conditions. The initiative for change in this regard will be brought about by the employers' and workers' representatives through their respective organisations—hence the delay in ratification.

LUXEMBOURG

Ratification of the Convention is not being considered since there are not yet any regulations concerning wages in agriculture. The number of agricultural workers is very low and most farms are family concerns.

MALAYSIA

The award of the Industrial Court under the Industrial Relations Act, 1967, in relation to the Malayan Agricultural Producers' Association and the National Union of Plantation Workers, may be said to apply the Convention to all estate workers employed by employers members of the above Association. No wages regulation orders have so far been made under the Wages Councils Ordinance, 1947, in regard to agricultural workers; wage rates are basically regulated by collective agreement.

As the present collective bargaining procedures have been working satisfactorily, it is not considered necessary to set up any specific machinery for wage fixing in the agricultural sector. The Government does not intend to ratify the Convention.

MALI

Guaranteed inter-occupational minimum wages are fixed by decree of the President of the Government (section 86 of the Labour Code). The guaranteed agricultural minimum wage is fixed at present by Decree No. 50 PG/RM of 21 April 1967, as amended by Decree No. 184 PG/RM of 5 December 1967. The decree fixing guaranteed inter-occupational minimum hourly wages of workers in agricultural undertakings is submitted, like all texts issued under the Labour Code, to the Central Labour Board (section 339 of the Labour Code). For workers to whom the employer supplies food or housing or either of these benefits in kind, the guaranteed minimum cash wage is determined by deducting fixed sums (section 86 of the Labour Code; Order No. 4305 of 22 December 1954). No exception is allowed to the rate of the guaranteed minimum wage. The inspectorate of labour is responsible for supervising the application of the guaranteed agricultural minimum wage. Section 89 of the Labour Code also provides that the minimum wage rates shall be posted up in the places where workers are paid. The worker who receives a wage lower than the legal minimum rate is entitled to recover the amount due to him by bringing the matter either to the labour inspector or direct to the competent Labour Court (section 241 ff. of the Labour Code).

MALTA

It seems that the Convention is fully applied by the Conditions of Employment (Regulation) Act, No. XI of 1952, which provides for the setting up of wages councils. An Agriculture and Allied Industries Wages Council was established in 1967 (Order published by Government Notice No. 81 of 1967).

The only difficulty which has still to be resolved is whether the field of operation of the said Wages Council, which seems wide enough, suffices for the purpose of Article 1, paragraph 1, of the Convention.

NICARAGUA

The Government submitted this Convention to Congress for ratification in August 1967.

Effect is being given to it through the National Minimum Wages Board, which applies the general standards laid down in the legislation, which are in accordance with the terms of the Convention.

NIGERIA

At the present stage of development, the Convention cannot be ratified. The Wages Boards Act, 1957, provides for the establishment of a Wages Board for the fixing of minimum rates of wages in any trade or industry; it is therefore not considered necessary to create special minimum wage fixing machinery for agriculture. In addition, many agricultural workers are covered by collective agreements and, although the country is largely agricultural, the system of farming is based on family holdings. Even if minimum wages were fixed, the inspectorate staff would at present be unable to ensure their effective implementation.

NORWAY

When the question of ratifying this Convention was raised in 1952, no reason was found to depart from the existing system under which the problem dealt with by the

Convention is covered by negotiated agreements. The content of these agreements is still in principle left to the parties concerned and there is no public control of the implementation of these agreements.

PAKISTAN

There is no legislation regulating the minimum wages in agriculture. Moreover, agricultural labour is not organised here and therefore it is still premature to ratify the Convention.

POLAND

The Government refers to its report on Convention No. 26. In the state agricultural farms the level of wages is generally higher than the obligatory minimum so that the provisions on minimum wages need only be applied in exceptional cases. Besides their wages and extra benefits referred to in the report on Convention No. 26, workers receive in the establishment plant, free of charge, lodging and 30 acres of land for particular cultivation. The wages of seasonal workers employed in individual agricultural farms are generally high and the provisions concerning minimum wages need not be applied.

RWANDA

The provisions of the Convention will be respected in the drafting of the Act governing agricultural workers provided for by section 186 of the Labour Code. The guaranteed minimum wage is already fixed uniformly for all sectors.

SINGAPORE

It is not proposed to give effect to the requirements of the Convention as the need for a minimum wage fixing machinery does not arise in the prevailing situation in Singapore, where the regulation of wages is adequately taken care of in practice. The number of agricultural undertakings is small and may be considered negligible.

SPAIN

The report states that ratification of the Convention is now under consideration and that in principle there seems to be no difficulty standing in the way of it.

SWEDEN

It is not proposed to give effect to the Convention. In Sweden there is a highly developed system of collective bargaining and agreement, under which the organisations of employees and workers are themselves responsible for the wage fixing. In view of this fact, it would hardly be appropriate to consider the introduction of legislation on this subject. The authorities and organisations consulted have expressed definite objections against any departure from the wage fixing system hitherto applied.

SWITZERLAND

The Government gives information on the provisions adopted by the various cantons on minimum wages and indicative wages.

The obstacles set forth in the report of the Government on unratified Conventions submitted to the Conference in 1958 still stand in the way of ratification (see 42nd Session, Report III (Part II)).

TANZANIA

The legislation covering the subject-matter of the Convention does not make special distinctions in respect of agriculture; the requirements of the Convention will be under constant review.

TOGO

No measure is being considered for the ratification of the Convention. Under section 95 of the Labour Code there is a single form of wage-fixing machinery for industrial, commercial and agricultural establishments. Guaranteed inter-occupational minimum hourly wages are fixed by Order of the President of the Republic on the proposal of the Minister of Labour, Social Affairs and the Civil Service and after consultation with the Labour Advisory Board. Minimum wages for each occupational group are fixed or altered by a joint board.

There are no difficulties to prevent or delay ratification of the Convention.

TURKEY

The report indicates that the legislation in force fully covers the provisions of the Convention. There is no difficulty in the way of ratification. The discussion of the Bill to ratify the Convention is at present going on in Parliament.

UGANDA

Uganda has ratified Convention No. 26. The government policy and legislation based on this Convention covers all sectors of economic activity including agriculture. Article 2 of Convention No. 99 is applied through normal enforcement of Convention No. 95 and by the national Wages Regulation Order. The Government refers to its recent reports on the application of Conventions Nos. 26 and 95 (as regards Convention No. 26, see International Labour Conference, 51st Session, Report III (Part I)).

UKRAINE

The minimum wage fixing systems, in state farms and other state agricultural enterprises provide for the sale of agricultural produce to workers as part of their wages but only with the worker's consent and at his request. Proposals on wage questions are submitted to the trade unions and other public organisations before the Government takes the appropriate decisions in the light of the latter's opinions. Any change in the minimum wage rate is possible only through government decision. The correct payment of wages is supervised by ministerial authorities and trade unions. Workers may bring complaints before the labour disputes board which is set up at each undertaking and includes representatives of the workers and the management.

UNITED STATES

See under report on Convention No. 26. By the 1966 amendments to the Federal Fair Labor Standards Act, minimum wage requirements were extended to certain categories of farm workers. Such wages may include the reasonable cost of fair value of board, lodging and other facilities customarily provided. Twelve states and Puerto Rico have either established minimum wages for farm workers or provide authority to take such action.

UPPER VOLTA

There are few wage earners employed in agriculture. Decree No. 271/PRES/AST (31 December 1959) is alone in laying down guaranteed interoccupational minimum wages for workers in agricultural and analogous undertakings.

The Convention will be thoroughly considered in due course.

VENEZUELA

This Convention was submitted to Congress in 1951, with the recommendation that it be given legislative approval with a view to ratification. The Government then took the view that this instrument was one of the most important of those which ought to be embodied in national legislation, either by ratification or by any other means which, in the absence of ratification, it might be prudent to adopt.

By Presidential Decree No. 506, published in the Official Gazette on 10 March 1966, the Government laid down a minimum-wage-fixing procedure for agriculture and stock-raising.

At present a special Act is being prepared on work in these two fields. There is to be a special chapter defining the principles which must govern minimum wage fixing.

There would be no difficulty at all in ratification but since the Legislative Chambers are no longer sitting ratification is unlikely until 1969.

VIET-NAM

The Government refers to its report submitted under article 19 of the Constitution for the period ended 31 December 1956, and communicates the new provisions concerning the basic wage scale in rubber cultivation.

In view of the present state of war in Viet-Nam, the Government does not consider ratifying the Convention at present.

ZAMBIA

The Minimum Wages, Wages Councils and Conditions of Employment Ordinance, Cap. 190, and the rules made thereunder provide adequate machinery for determining minimum rates of wages for agricultural workers. There are no difficulties delaying ratification; however, the Government wishes to delay this for a while.

Protection of Wages Convention, 1949 (No. 95)

AUSTRALIA

Nauru

Under the Workers (Contracts of Service) Ordinance any contract of service is subject to the approval of the Administrator who will not approve it, *inter alia*, unless he is satisfied that its terms are fair and reasonable and that the requirements of the ordinance have been complied with.

No difficulties are foreseen which would prevent or delay extension of a ratification.

Norfolk Island

There is no legislation on the subject-matter of the Convention. However, practice is in accordance with applicable provisions of the Convention. No difficulties are foreseen to prevent or delay extension of a ratification.

BELGIUM

The Government intends to ratify the Convention. A Bill to approve it is being drafted and will shortly be submitted to Parliament.

BOLIVIA

The report lists the provisions in the General Labour Act which enforce Articles 1, 3, paragraph 1; 5 to 14 subparagraph (a) of the Convention. Furthermore, it states that national provisions on wages apply in general to all workers, including those in domestic service and apprentices (Article 2, paragraph 1, of the Convention), that the legislative provisions are published and the labour inspectors supervise their application and impose fines when they are infringed (Article 15 of the Convention). Furthermore, Article 2, paragraphs 2 to 4, does not apply to Bolivia and Articles 3, paragraph 2, and 4 are not applied except, in the former case, for the payment of benefits.

For the time being the Government does not intend to consider ratifying the Convention.

BURMA

Most of the Articles of the Convention are given effect to in the existing legislation. New labour laws are in the course of being drafted and enacted. Any decision concerning ratification of the Convention will have to wait for the passing of the new legislation unless there are strong reasons to the contrary.

CANADA

The subject-matter of the Convention is partly within federal competence and partly within the authority of the legislatures of the provinces. While there is considerable compliance with the provisions of this Convention, the legislative position does not warrant ratification at this time. High priority is being given by the Government to a study of this Convention and of the exact degree to which law and practice appear now to conform to the Convention.

CHILE

The national legislation contains similar provisions to those of the Convention for the protection of workers' wages. In the case of employees in the private sector, only some of these provisions are expressly established by law. This has delayed ratification, although in fact no differences exist. The Labour Code requires wages to be paid directly to the worker in money which is legal tender but allows payment to be made partly in kind to agricultural workers, on condition that 75 per cent. be paid in cash. The law only allows drugs to be used for medical purposes, which prevents wages from being paid in this way. Furthermore, labour legislation determines the

cases and conditions in which wages may be withheld, the possibilities of making deductions, the intervals, days and places of payment, and empowers the Labour Directorate (and in particular the labour inspectors) to supervise the application of regulations concerning wages.

CONGO (KINSHASA)

Part VI of the Labour Code guarantees the protection of wages, and there is no major difficulty in the way of ratifying the Convention.

CZECHOSLOVAKIA

The report indicates that national law and practice correspond in general to the principles of the Convention. The Convention has certain specific provisions that are not contained in the national legislation: some of them appear to have been overtaken by events, such as the prohibition against paying wages in the form of liquor of high alcoholic content or of noxious drugs, or the prohibition against any coercion of the workers to make use of company stores. The possibility of ratification will be considered in the light of the legislative measures now being prepared.

DENMARK

It is not proposed to give effect to the terms of the instrument. The Convention largely provides for mandatory legal provisions, while in Denmark it is a generally accepted principle that, as far as possible, freedom of agreement should be maintained also in the field of protection of wages.

DOMINICAN REPUBLIC

This Convention is applied in practice and its clauses are reproduced in the Labour Code. Implementation is the responsibility of the National Wage-Regulation Directorate and of the Labour Department Inspectors.

The National Wages Committee is responsible for laying down minimum wage rates for the workers in all branches of the economy, and for deciding on the form which the payment of wages shall take. Rates are reviewed by the Committee as part of its duties, at least once every three years.

ETHIOPIA

The Convention will be taken into consideration as soon as the survey which is under way is completed and the report approved.

FINLAND

According to paragraph 1 of section 18 of the Contracts of Employment Act of 1 June 1922, wages may be paid in whole in the form of allowances in kind. It is not possible to require that the allowances in kind are appropriate for the personal use and benefit of the worker; in respect of their fair value, the worker is not protected either unless his distressed situation or ignorance has been exploited.

Deductions from wages with a view to ensuring a direct or indirect payment by a worker to an employer are not directly prohibited, but certain provisions of the Contract of Employment Act might probably be applied to such cases. The payment of wages in taverns, shops or places of amusement is not prohibited under existing legislation.

As the legislation, although based on the same general principles, does not fully comply with the Convention, it has not been possible to ratify the Convention.

FEDERAL REPUBLIC OF GERMANY

The Government refers to its report on unratified Conventions submitted to the Conference in 1954 (see 37th Session, Report III (Part II)), and to a letter of August 1955. The legal situation does actually correspond in general to the requirements of the Convention, but the following obstacles to ratification exist: in a number of areas, namely those covered by Article 3, paragraph 1, and Articles 4, 7 and 12, paragraph 2, actual practice generally meets the requirements of the Convention but appropriate legal provisions exist only in certain respects; in the absence of any known cases of abuse, it is not proposed to give the requirements of the Convention additional statutory effect. As regards Article 11, paragraphs 1 and 2, of the Convention, wages are privileged debts under section 61 (1) of the Bankruptcy Regulations, but this privilege is not so rigidly regulated as under the Convention. The existing procedure has, however, proved sufficient to secure employees' wage privileges. It does not appear possible to incorporate the relevant provisions of the Convention into the legislation. As regards Article 13, paragraph 2, of the Convention, there is no absolute prohibition of payment of wages in taverns; exceptions in this respect may be authorised by local administrations under section 115 (a) of the Factory Regulations.

It is not intended to introduce any absolute prohibition, because exceptions may prove necessary in certain instances; no cases of abuse have become known.

GHANA

Part VII of the Labour Decree, 1967 (N.L.C.D. 157), gives effect to the provisions of the Convention except Articles 5, 10, 11, 12, 13 and 14. It is therefore proposed to make regulations under paragraph 72 (1) of the decree, which will give effect to these Articles and thus permit ratification of the Convention.

INDIA

The Payment of Wages Act, 1936, the Minimum Wages Act, 1948, and the rules made thereunder, the Code of Civil Procedure, 1908, and the Fair Wage Clause and the Central Public Works Department Contractors' Labour Regulations cover some of the matters dealt with in the Convention. The Government refers to its report on unratified Conventions submitted to the Conference in 1954 (see 37th Session, Report III (Part II)).

IRAN

Sections 4, 21 and 24 of the Labour Act dated 17 March 1958 deal with wages protection. The Government will shortly undertake the formal ratification of the Convention.

IRELAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1954 (see 37th Session, Report III (Part II)). The obstacles to ratification of this Convention are currently being re-examined by the Government.

JAMAICA

Certain provisions of the Convention are given limited effect by the Minimum Wage Law, Cap. 252; the Shops and Offices Law, 1957; the Shops Regulations, 1961; the Bank of Jamaica Law, 1960; the Bankruptcy Law, Cap. 32 and the Labour Officers (Powers) Law, Cap. 203. In order to meet all the provisions of the Convention, it would be necessary to enact new legislation and amend existing legislation; this is not considered necessary, having regard to local practice.

JAPAN

The Government refers to its report on unratified Conventions submitted to the Conference in 1954 (see 37th Session, Report III (Part II)). The Convention is in principle given effect by national legislation and practice. However, the problem of ratifying the Convention must be examined further, because there are some technical difficulties.

KENYA

The new Employment Act being currently drafted is considered to be in full conformity with the Convention. The Employment Act (Cap. 226) at present in force applies in most respects only to workers whose wages do not exceed 200 shillings per month.

KUWAIT

Article 30 of Labour Law No. 38 protects any worker from buying food or other commodities from a store or from the products of the employer without the worker's consent. The provisions of the Convention will be taken into consideration when the labour law is amended.

LESOTHO

Part VI, sections 44 to 54 of the Employment Act, No. 22 of 1967, relates to the protection of wages. There are no difficulties which prevent the ratification of this Convention.

LUXEMBOURG

The ratification of this Convention depends on the examination of a number of questions concerning the conformity of the present legislation with its text. The first difficulty is due to the fact that the Act of 12 July 1895 concerning the payment of workmen's wages excludes agricultural and domestic workers from its scope.

Work is at present going on in an interministerial committee with a view to reconsidering the present legislation dealing with the wage earner's legal situation in the event of the employer's bankruptcy. A solution is sought that would give absolute priority to the claim of the wage earner to a part of the wages due to him at the moment when bankruptcy was declared.

MALAWI

Section 36 of the Employment Ordinance No. 14 of 1964 provides that the wages of every employee shall be paid to him in legal tender, provided that those earning not less than £10 per month may be paid by cheque. Under subsection 3 of the said provision, any terms in any contract as to the place at which, or the manner in which, or the person with whom, any wages paid to the employee are to be expended, shall to that extent be unenforceable.

There is no legislation with respect to Articles 7 and 13, paragraph 1, and, as regards workers on other than written contracts, Article 14 of the Convention, but these provisions are normally complied with in practice.

MOROCCO

The provisions of the Convention are reproduced in the labour legislation, and in particular the Dahir of 24 January 1953 (8 Jumada I 1372) respecting the calculation and payment of remuneration, company stores, and lawful and unlawful sub-contracting.

In order to work out a detailed procedure for a possible ratification, a study will be made of the question of excluding certain groups of persons from the application of the provisions of the Convention, or some of them, in accordance with the possibility referred to in Article 2.

NEW ZEALAND

Most, but not all, of the Convention's requirements are to be found in the Wages Protection Act of 1964. Since provisions to meet the remaining requirements relate only to workers engaged in the particular field with which the respective enactments are concerned, there is no over-all coverage for every requirement of the Convention, in particular as regards Articles 4 (2), 8 (2), 9, and 10; while the requirements of Article 7 are not particularly appropriate to the situation in New Zealand.

NICARAGUA

Effect is given to the Convention now through the Labour Code, the Social Security Act and its General Regulations, and the Political Constitution.

This instrument was submitted to Congress by the Government in August 1967. There is nothing in law nor in practice to prevent its ratification.

PAKISTAN

The Payment of Wages Act, 1936, and the rules framed thereunder relate to the protection of wages. No difficulties prevent or delay ratification of the Convention.

RWANDA

The protection of wages is guaranteed by the Labour Code in the provisions of Part V that deal with the determination of wages, the limitation of action for the recovery of wages, deductions from wages and company stores.

Serious consideration will be given in coming years to ratifying the Convention, since there is no difficulty in the way of its being effectively applied in law and in practice.

SINGAPORE

Existing legislation and practice satisfies most of the requirements of the Convention. However, as the legislation covers only certain categories of workers and as there are no legislative provisions to satisfy fully the requirements of Article 10 of the Convention, it is not possible to ratify this instrument.

SWEDEN

It is not proposed to give effect to the Convention, which contains to a considerable extent mandatory legal provisions, while in Sweden a principle is generally accepted that, as far as possible, freedom of agreement should be preserved also in the field of protection of wages. In addition, legislation and practice are not in line with a number of Articles of the Convention, especially Articles 1, 8 and 11.

SWITZERLAND

Nothing new has occurred during the period under consideration. The Government refers to its report on unratified Conventions submitted to the Conference in 1954 (see 37th Session, Report III (Part II)).

UNITED STATES

The Government refers to its report on unratified Conventions submitted to the Conference in 1954 (see 37th Session, Report III (Part II)) and supplies detailed information on various legislative amendments.

On the federal level, section 3.6 of the Secretary of Labor Regulations (Part 3 of Title 29 of the Code of Federal Regulations) as revised up to 4 January 1964, provides conditions for payroll deductions permissible with the approval of the Secretary of Labor.

All but four of the states have enacted legislation concerning the frequency of wage payments, in approximately two-thirds of the cases giving comprehensive or fairly comprehensive worker coverage. Thirty-six jurisdictions require payment in lawful money (including cheques) only, and a further five have provisions regulating the use of scrip or payment in goods. Approximately four-fifths of the states have a requirement for prompt payment on termination of employment, either by the employer or the employee or in both cases. In 17 states, workers must be informed by posted notice or in writing of the time and place of the payment of wages. Twenty-seven jurisdictions authorise their administrative agencies to use legal procedures to assist workers in collecting unpaid wages.

VENEZUELA

Early in 1968 fresh proposals were made to Congress for the legislative approval of this Convention, with a view to its ratification. There would be no call for any major legislative upheaval to bring domestic legislation into line with the standards set forth in this instrument.

Hence its ratification should cause no difficulty. But since the Legislative Chambers are no longer in session ratification may have to be delayed until 1969.

VIET-NAM

The protection of wages is ensured by Chapter VII of the Labour Code. Section 118 of the Code provides that wages shall be paid in legal tender at the

workplace and in no case on a day when the worker is entitled to rest. Under section 119, wages shall be paid at least once per month. Wages are given the status of preferred claims (section 127 of the Labour Code). Deductions from wages are authorised only within the limits of sections 132 to 134 of the Code. Company stores are allowed on the threefold condition that workers shall not be obliged to obtain their supplies there, that goods shall be sold there exclusively for cash and without profit, and that the accounts of company stores shall be entirely independent. Their operation is placed under the supervision of the Labour Inspector, who, where he finds evidence of an abuse, may order the temporary closing of the store.

The Government is considering the early submission of the Convention to the competent authority for ratification.

ZAMBIA

The protection of wages is ensured by the Employment Act, 1965, and the Employment Regulations, 1966, made thereunder. There are no difficulties which delay the ratification of the Convention.

VI. SOCIAL SECURITY

Social Security (Minimum Standards) Convention, 1952 (No. 102)

ARGENTINA

The report supplies detailed information on the extent to which the provisions of the Convention are applied. Thus, with regard to medical care, this is provided for everyone through the public health services. Furthermore, the friendly societies and welfare services of the trade unions grant their members medical and pharmaceutical benefits at reduced prices.

In accordance with the Conditions of Employment for Agricultural Workers, the rural employer is obliged to pay the costs of medical, dental and pharmaceutical treatment for his workers without reducing their wages during illness.

With regard to sickness benefits in cash, there is no national health insurance but, in accordance with the provisions of the Commercial Code, employees and wage earners have the right to receive full wages for between three and six months during illness and to keep their employment for a period of up to one year.

There is no insurance in Argentina against unemployment.

Furthermore, the report states that with regard to old-age benefits there are three types of pension (ordinary, old-age, and invalidity) and details are furnished with regard to qualifying conditions and the amounts due.

With regard to benefits in the event of industrial accidents or occupational disease, the law makes employers responsible for such contingencies and contains provisions with regard to compensation. In all cases of industrial accidents, the employer is obliged to provide free medical and pharmaceutical care and may transfer this obligation, as well as that of paying compensation, to a recognised insurance company.

With regard to family allowances, these have been established by the various legal instruments (Act No. 16459, Decrees Nos. 7913 of 1957, 7914 of 1957, their amendments and Act No. 15223). The Family Allowances Fund for employees in commerce is entrusted with the application of the scheme in all civil, commercial and rural activities. Family allowance funds have been set up for the payment of family benefits and allowances to those employed in commerce and industry as well as to dockworkers.

Maternity insurance is administered by the Maternity Fund, which comes under the Social Security Secretariat of the Ministry of Social Welfare. This insurance is compulsory for all female employees and wage earners in commercial and industrial undertakings of whatever kind, even those of a professional nature or welfare institutions. The report contains details with regard to contributions, and states that the insured persons are entitled to free treatment by a doctor or midwife.

With regard to survivors' benefits, national legislation establishes the persons entitled or eligible to receive a pension at the death of an insured person and fixes the amount of benefit. No distinction whatsoever is made between nationals and foreigners with regard to the right to social security benefits.

AUSTRALIA

Nauru

There is no direct taxation nor are there any other rates or taxes from which a social security scheme could be financed. Social welfare services provided free of charge by the Administration include medical, dental and hospital treatment, and education. In addition, age and invalidity pensions, widows' pensions, wives' allowances, sickness benefits and child endowment are provided for in the Social Services Ordinance which is administered by the Local Government Council.

Norfolk Island

There is no income tax nor are there any other rates or taxes from which a social security scheme could be financed. The island Administration makes allowances to elderly or infirm residents who are in need of assistance. Medical and hospital benefits can be obtained by contributing to one of the recognised medical benefit funds in Australia. There is at present no workers' compensation legislation operating.

AUSTRIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1961 (see 45th Session, Report III (Part II)). Since then, the obstacle to ratification of Part II of the Convention has been removed through the repeal of sections 146 and 147 of the General Social Insurance Act. With regard to Part VII the Dependants Compensation Act, 1967, lays down benefits in excess of the minimum benefits required under the Convention. The possibility of ratifying Parts III, IV, V, VI, IX and X of the Convention is at present being re-examined in the light of the conclusions of the Committee of Experts on the Application of Conventions and Recommendations (see International Labour Conference, 45th Session, 1961, Report III (Part IV)).

BOLIVIA

The reports states that the provisions of the Social Security Code cover all persons, whether nationals or aliens, working within the territory of the Republic in the service of an employer, and that the social insurance scheme protects workers and their families in respect of the following contingencies: sickness, maternity, occupational risks, invalidity, old age and death.

BRAZIL

This Convention was despatched to Congress in June 1959. Congress was against ratification. But in view of present legislation on the matter the possibility of ratification is now being examined.

BULGARIA

The text of the Convention was brought to the notice of different bodies concerned with social security in order that they might take it into consideration when executing and interpreting legislation in this field.

At present the Government is not in a position to ratify the Convention owing to certain relevant regulations which are inconsistent with it. Any modification of these regulations would for the time being prove unsuitable and groundless from the economic point of view.

BURMA

The Social Security Act and Regulations which came into force on 1 January 1956 provide for contingencies referred to in Parts II, III, VI and VIII of the Convention. However, as the social security scheme is limited in respect of geographical and employment coverage, it is difficult to ratify the Convention at present.

BYELORUSSIA

The Government refers to its report on unratified Conventions for the period ending 31 December 1959, and supplies detailed information on the legislation enacted since. The Collective Farm Members' Pensions and Allowances Act of 14 July 1964 provides for old-age and disability pensions, including survivors' pensions for disabled persons in a collective farm member's family and maternity benefits without qualifying period. Under the Act pensions and allowances are paid out of a central collective farm members' social security fund built up from contributions out of the income of the collective farms and from state credits. Effective as of January 1968, the pensionable age has been set at 60 for men and 53 for women. As a supplement to the Act, the collective farms have included clauses in their statutes providing for the payment of sickness allowances, maternity benefits, etc., the protection offered being equivalent to that enjoyed by wage and salary earners. The decree of 26 September 1967 concerning the further improvement of pension protection provided for the elimination of discrepancies between the security enjoyed by collective farm members on the one hand and wage and salary earners on the other.

By decrees enacted on 31 December 1964 and 26 September 1967, the pensions paid to persons disabled in the Second World War and to the families of deceased ex-servicemen were increased. From 1 January 1968 temporary incapacity benefits equivalent to 100 per cent. of earnings are payable to salary and wage earners either disabled in the Second World War or employed without interruption for at least eight years; after five years' employment, benefits are equivalent to 80 per cent. of earnings.

CANADA

The subject-matter of this Convention is partly within federal competence and partly within the authority of the Legislatures of the provinces. There is considerable compliance with most Parts of the Convention. Consideration has been given to the possibility of ratification, and the implications of such action will be further explored over the coming months.

CHILE

The legislation is based on principles similar to those embodied in the Convention, which would permit of its ratification with the sole exception of Part IV, which refers to unemployment benefit. There is an insurance scheme in respect of this for private salaried employees, but not for wage earners, to whom such benefit is payable through the Social Insurance Service, not in the form of real insurance, but out of the Compensation Fund.

The Convention was submitted in April 1958 to the National Congress, which has it under consideration.

CHINA

The Government refers to a letter of 19 February 1968 in which it indicated that the total number of people covered by various schemes of social security represents

only a small section of the population; there are neither unemployment nor family benefits, and all other types of benefits do not meet the standards required by the Convention. The draft Social Insurance Law is still being examined by the Legislative Yuan. In view of the divergencies between the existing social security schemes and the Convention, it is considered appropriate to postpone ratification.

COLOMBIA

The report states that the Colombian Social Insurance Institution is embarking upon a policy of increased geographical coverage in respect of all the types of benefit provided for in the Convention, with the exception of unemployment benefit and family benefit. These latter two types of benefit are, however, paid by the family compensation funds to the employees of undertakings with a specified amount of capital which employ not fewer than ten permanent employees.

The requirement in Article 5 of the Convention is holding up ratification.

CONGO (KINSHASA)

The social security scheme established by national law lays down employment injury benefits, invalidity, retirement and survivors' pensions, and family allowances. Speaking broadly, the Government applies the general principles of the Convention.

The report indicates that the establishment of a social security scheme depends on the economic and social situation of the country and particularly its financial resources. A strict application of the provisions of this instrument is therefore impossible, but it is to be brought about gradually.

COSTA RICA

The Government states that it has already requested the insurance institutions to communicate their views as to the desirability of ratifying the Convention, prior to submitting the instrument to the Legislative Assembly for ratification.

CUBA

National legislation on the subject, consisting of the Social Security Act, No. 1100, of 27 March 1963, as amended and supplemented by Act No. 1165 of 23 September 1964 and various ministerial resolutions, covers the contingencies of maternity, ordinary and occupational illness, ordinary and occupational accidents, incapacity, old age and death, providing for a full series of benefits which guarantee the subsistence and health of the workers. The scheme goes beyond the requirements of the Convention in vitally important respects such as its scope and the size of benefits.

Nevertheless, the minute detail into which the Convention goes in regulating certain types of services and cash benefit places obstacles in the way of its application by Cuba, in addition to which there are some discrepancies between the Social Security Act and the Convention. The protection of a worker's spouse and children in the event of sickness, to which Part II of the Convention refers, is guaranteed and taken care of as regards both its preventive and curative aspects by the official medical and hospital services, but there is no specific provision for this in the social security legislation. Furthermore, the provisions governing these services and those governing the social security scheme itself make no reference to domiciliary visiting. The Social Security Act does not provide for or regulate unemployment insurance, nor does it contain provisions governing family responsibilities or allowances.

With reference to Part III of the Convention, the report states that the percentage payable under the Social Security Act in the case of ordinary illness requiring hospitalisation is lower than that stipulated by the Convention, and with reference to Part V, it states that the legislation does not provide for "reduced benefits".

The social security scheme is different in a number of specific respects which prevent ratification of the Convention.

CYPRUS

It was decided to submit this Convention to the competent authorities with a recommendation for its ratification.

CZECHOSLOVAKIA

The Government refers to the reports submitted under article 22 of the Constitution of the I.L.O. on Conventions concerning social security that have been ratified by Czechoslovakia and indicates that the application of the provisions of the present Convention is ensured by national law and practice.

The protection of unemployed workers is ensured in a different way from that laid down by Part VI of the Convention. With regard to the submission of the Convention and the Recommendation concerning social security to the competent authority, the Government will reconsider the possibility of ratifying the Convention.

DAHOMEY

Despite its financial difficulties, Dahomey has instituted a family benefits scheme covering all wage earners except permanent officials of the administration and an employment injury scheme that also covers all wage earners except those in the public service.

The budget of the Equalisation Fund set up to finance family benefits and employment injury benefits is difficult to balance at present, and it is therefore impossible to consider ratifying the Convention in the immediate future.

DOMINICAN REPUBLIC

The provisions of this Convention are to be found in Act No. 1896 (30 December 1948) and the amendments thereto, which provide for compulsory, optional and family social insurance to cover sickness, childbirth, invalidity, old age, and death.

For attainment of the purposes of this Act the Dominican Social Security Institute has been set up. Its workings and financial management are supervised by an Executive Council, on which the State, the employers and the workers are represented.

Another piece of legislation which gives effect to the provisions of this Convention is Act No. 385 (on Occupational Accidents), dated 3 November 1932.

The Convention is being studied by the appropriate department with a view to its submission for ratification to the Legislative Chambers.

ECUADOR

The Government intends to recommend to the Senate that this Convention be ratified, in so far as the social security institutions, which have been consulted, are in favour of ratification.

ETHIOPIA

Before measures are taken to implement the Convention, the survey which has been partially completed with I.L.O. assistance will have to be followed up.

FINLAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1961 (see 45th Session, Report III (Part II)). In 1964 the Act on General Compulsory Sickness Insurance came into force. It has not been fully clarified to what extent this Act would enable Finland to ratify the said Convention in respect of parts concerning medical care and sickness benefits. According to the Finnish Sickness Insurance Act (Appendix 4) cost of hospitalisation care is not covered by the scheme; on the other hand, about 80 per cent. of the expenditure of state and communal hospitals are paid out of public funds.

The possibilities of ratification are under consideration.

FRANCE

Ratification, which has long been under consideration, has been postponed several times for different reasons.

It was established in 1965 that the minimum conditions laid down for ratifying the Convention were far more than met. Nevertheless, it was not considered desirable at the time to initiate the procedure for ratification without delay because of the close relations between this Convention and two other instruments (the European Code of Social Security and the Protocol to it) adopted more recently by the Council of Europe, which had been under study since 1964 with a view to possible ratification by France.

Moreover, because of recent important reforms in social security and in aid to the unemployed, a further examination of the possibilities of ratifying several of the technical parts of these various instruments became necessary. This new study has now been completed and there no longer seems to be anything in the way of instituting the procedure for ratification in the near future.

GABON

The social security scheme covers family allowances, employment injury and retirement. The risk of employment injury is covered in a way that amply meets the standards of the Convention as they are laid down in Part VI.

Benefits are also paid in conditions conforming to the Convention, except that the qualifying period is four months instead of three. The rules of the retirement scheme do not fully conform to the provisions of Parts V and XI of the Convention.

GHANA

The Social Security Act, 1965, provides for benefits in respect of superannuation, invalidity, survivors, and sickness. The provisions of the legislation are not considered incompatible with Parts XI, XIII and XIV of the Convention. The legislation is being amended to provide for equality of treatment of non-national residents; this will remove the existing incompatibility between the law and Article 68 of the Convention.

There are no difficulties which will prevent or delay the ratification of this Convention when such action is decided upon by the Government in due course.

GUATEMALA

Effect is given to several of the Parts of the Convention, mainly through accident prevention campaigns and schemes for the protection of mothers and children, and in general in the campaign against sickness. In all these cases every possible effort is being made to extend the social security services of the country.

Nevertheless, such campaigns are not yet sufficiently numerous to enable Guatemala to comply with the provisions of the Convention. That is why it has not ratified it.

GUINEA

The provisions of Parts II to X of the Convention are largely applied in the country by the Social Security Code, which covers family allowances, employment injury, sickness and invalidity, and questions of old age, retirement and death, in a way that meets the obligations deriving from the Convention.

GUYANA

The Government has established a National Insurance Office and is currently considering proposals by an I.L.O. expert with a view to adopting a social security scheme which would take into account the standards laid down by the Convention. Steps will be taken to consider the possible ratification as soon as the national insurance scheme has been established.

HUNGARY

With regard to most of the minimum standards laid down by the Convention, the national law lays down the granting of more valuable benefits, but there are, nevertheless, certain differences preventing ratification.

Workers are entitled to hospitalisation without any limitation of time, but members of their family are entitled only to 90 days per year. Family allowance for one child is granted only to an unmarried woman worker. The granting of entitlement to this benefit to unmarried men workers is under consideration. For a worker who has reached the age of 36 years, the qualifying period for invalidity and survivors' benefits is ten years' employment. There are differences in the standard case and the calculation of benefits.

The Government also refers to its report on unratified Conventions submitted under article 19 of the Constitution for the period ended 31 December 1959.

INDIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1961 (see 45th Session, Report III (Part II)). Since then, the Employees' State Insurance Act, 1948, has been amended to cover all persons earning Rs. 500 and below per month, and the daily rate of certain benefits has been raised.

Law and practice broadly satisfy the minimum requirements for ratification on the basis of compliance with Parts II, VI and VIII of the Convention. But the following difficulties still stand in the way of ratification: the present legislation does not cover 50 per cent. of all employees as required by the Convention; hospitalisation

facilities provided under the present scheme do not cover the families even though other medical facilities are available to them.

IRAQ

The Convention was submitted to the "I.L.O. Conventions Committee" in the Ministry of Labour and Social Affairs which noted that the social security scheme covers at present establishments employing 20 workers or more, and recommended that the ratification of the Convention should be postponed until the social security scheme applies to all workers. The Convention will be submitted to the competent authorities in accordance with article 19 of the Constitution.

JAMAICA

The National Insurance Scheme which came into effect in 1965, provides for old-age benefit, invalidity benefit, survivors' benefit, and family benefit. Consideration is also being currently given to employment injury benefit under the National Insurance Act; in the meantime, this aspect is covered to some extent by the Workers' Compensation Law.

As, however, neither the National Insurance Act nor the Workers' Compensation Law fully covers the provisions of the Convention the Government is not yet in a position to ratify the Convention.

JAPAN

Parts II, VIII and X of this Convention are not satisfied by the extent and level of benefits under present schemes; no effective scheme exists as to Part VII and there are certain technical difficulties as to Part VI of the Convention. With regard to amendments under these various Parts, examination will be undertaken where necessary under over-all consideration of national demand tendencies.

KENYA

The Government supports the ideals and standards set out in the Convention. There is a contributory National Social Security Fund which provides for benefits to be paid in lump sums. At the present stage of economic development it is not considered possible to provide for periodic payment of benefits from the Fund. For this reason it is considered that Kenya is unable at the present time to ratify the Convention.

KUWAIT

The Public Assistance Law No. 19 of 1962 has been amended by Law No. 5 of 1968, in which some gaps which were noticed during the application of the previous law were eliminated.

LESOTHO

Ratification of the Convention will be delayed by the absence of relevant conditions and economic scope.

MALAWI

Schemes of social security which would comply with the provisions of this Convention are not yet in operation.

MALAYSIA

A Bill to set up a social insurance scheme will shortly be submitted to Parliament. The scheme will initially provide for employment injury benefit and for invalidity benefit. It will be extended by stages to cover other contingencies. Until the scheme can be further developed and extended to meet the standards of social security required by the Convention, ratification is not contemplated.

MALI

The Social Welfare Code governs a family allowances scheme, a scheme for the compensation and prevention of industrial accidents and occupational diseases, a retirement scheme and a sickness insurance scheme. These schemes, which are administered by the National Social Welfare Institute, have been established for the benefit of all workers as defined in section 1 of the Labour Code.

At present there is an inter-undertaking medical service in each of the six administrative regions. Workers and their families receive essential medical care and pharmaceutical products free within the limits laid down in sections 63 to 67 of the Social Welfare Code. Maternity benefits include medical attendance before, at the time of, and after, confinement (sections 14 to 23 of the Social Welfare Code). The sick worker receives medical attendance throughout his illness. However, his contract of employment may be terminated after six months if the employer is obliged to replace him.

Sickness allowances are paid by the employer either in the conditions laid down in section 35 of the Labour Code or in accordance with the more advantageous provisions of collective agreements.

There is no unemployment benefit; the large number of state undertakings has made it possible to provide work for many of the unemployed.

Old-age allowances (sections 151 and following of the Social Welfare Code) are payable to all workers at the age of 55, provided that they have had a minimum of ten years of wage-earning activity, including at least three during which contributions have been paid.

Employment injury benefit, which is guaranteed to all wage earners and certain other groups of persons referred to in section 72 of the Social Welfare Code, covers the contingencies provided for in Article 32 of the Convention and includes the care and services listed in Article 34 of the Convention, a daily allowance payable during temporary incapacity and pensions granted to victims of permanent incapacity and, where death occurs, to their survivors.

The Social Welfare Code provides for the payment of family allowances, equal to 11 per cent. of the fixed monthly wage, for each child aged between 1 and 14 years (sections 6 and following, 25 and following), pre-natal allowances (sections 14 and 18) and maternity allowances (sections 19 to 23), a daily allowance for pregnant women wage earners (sections 31 to 35) and leave on the birth of the child for the wage-earning head of the family (sections 36 to 38).

Section 166 of the Social Welfare Code grants a worker's widow a pension equal to half that which was received or would have been received by her husband; each dependent child receives an allowance equal to 10 per cent. of the pension that the deceased would have received (section 169).

Residents who are not nationals enjoy equal treatment in respect of social security (see under Convention No. 118).

The social security policy followed has made it possible to reach the minimum standard for certain contingencies and even to go beyond certain standards of the Convention (all wage earners being covered). The benefits granted are sufficient to enable the beneficiaries and members of their families to live in decent conditions.

MALTA

The National Insurance Act (No. VI of 1956), the National Assistance Act (No. VIII of 1956) and the Old-Age Pension Act (No. XXV of 1948) give effect with modification to the provisions of the Convention; the main difficulties which prevent ratification are the following: the legislation does not provide for medical care except in the case of a person who suffers injury arising out of and in the course of employment; sickness and unemployment benefits paid are below the standard laid down in Part XI of the Convention; the rate of old-age benefit and invalidity benefit is higher than 40 per cent. but it is a uniform rate; employment injury benefit does not meet all the requirements of the Convention; family and maternity benefits are not provided; survivors' benefit is below the standard laid down in Part XI.

MOROCCO

Ratification of the Convention has not yet been possible, for certain standards in social security are lower than those of the instrument. The social security scheme, however, is a comparatively recent institution, since it was established by a Dahir dated 31 December 1959 (30 Jumada II 1379), and its effective application for all benefits did not begin until 1 April 1961. Future developments may be expected to lead both to an increase in the rates of benefit paid by the National Social Security Fund and to an extension of the coverage given by this Fund to new contingencies and new classes of beneficiary.

NEW ZEALAND

Although, under the Social Security Act of 1964, some progress has been made towards greater conformity with the Convention, there remain a number of divergencies which preclude ratification: the term "ordinarily resident" is not applied in all sections of the Act and its definition of "maternity benefit" would not meet in all cases the requirements of Articles 49 (2) (b) and 52 of the Convention; certain restrictions as regards sickness and unemployment benefits under the Act have no parallel in the Convention; and not every claimant has a right of appeal under the Act. These are the principal reasons why New Zealand does not propose to ratify the Convention.

NICARAGUA

The report states that the Convention is applied in the country as far as Parts I, III, V, VI and VIII to XIV are concerned. Part IV will be applied as soon as unemployment insurance comes into force. In order to ratify Parts III, V, VI, VIII and X of the Convention, the Government will have to avail itself of the exceptions provided for in Articles 15 (d); 27 (d); 36 (b); 48 (c); 55 (d) and 61 (d) thereof. Parts II and VII are not in accordance with national legislation. The Convention was submitted to Congress in August 1967 for consideration.

NIGERIA

At the present stage of development ratification is considered impossible. Sickness, unemployment, old-age and invalidity benefits are provided for in the National Provident Fund Act and employment injury benefit is provided for in the Workmen's Compensation Act. The Labour Code provides for maternity protection including partially remunerated absence from work. These provisions are considered adequate in the present circumstances.

PAKISTAN

A scheme of social security providing medical care and cash benefits in the contingencies of sickness, maternity and employment injury has been introduced in West Pakistan in March 1967. Medical care, sickness benefit, employment injury benefit and maternity benefit are provided for by the West Pakistan Employees' Social Security Ordinance, 1965.

It is, however, not possible to ratify the Convention in view of Articles 9, 15, 33 and 48. As the West Pakistan Social Security Scheme covers at present a small percentage of the working population it is not possible to implement these provisions. It is also not possible to give full effect to the provisions of Part XI of the Convention which prescribe the standards to be complied with by periodical payments.

RWANDA

The Act of 15 November 1962 and the Labour Code adopt the principles of the Convention as aims to be reached gradually in accordance with the possibilities.

Ratification of the Convention raises serious difficulties: the Social Security Act does not cover all the contingencies set forth in the Convention and does not provide the same benefits; moreover, the material and financial resources available do not permit the adoption of a Social Security Act conforming to the Convention.

SIERRA LEONE

Because of the scope of the Convention and in view of the economic position of the country, effect has not been given to the provisions of the Convention.

SINGAPORE

At present, national law and practice does not cover any of the benefits envisaged in Parts III to V and VII to X of the Convention. Benefits provided for medical care and employment injury do not fully satisfy the requirements of the Convention. It is not possible at this stage of the social and economic development to ratify the Convention.

SPAIN

For the time being there are no plans to give effect to the provisions of this instrument in view of the discrepancies which exist between these provisions and the legislation in respect of the following points: the Convention appears to interpret hospitalisation in a much broader sense than the national social security scheme (Article 10 of the Convention); in addition to providing for a waiting period of three days, the legislation stipulates that the illness must last for at least seven days (Article 18 of the Convention); for seasonal workers to become entitled to unemployment benefit the legislation requires it to last for more than four months in a year (Article 24 of the Convention); under the national social security scheme, survival beyond a prescribed age has to be accompanied by cessation of work for an employer by reason of that age (Article 26 of the Convention); permanent invalidity only gives entitlement to a periodical payment in cases of total incapacity for all kinds of work incurred after the person concerned has reached 45 years of age, while total incapacity incurred before reaching that age carries entitlement to a proportionately higher amount (Article 36 of the Convention); inability to engage in any gainful

activity which persists after the exhaustion of cash sickness benefit gives entitlement to a periodical payment, but not for more than six years (Article 54 of the Convention); as for the discrepancies with Article 56 of the Convention, see under Article 36, with the variation that there is no provision as in that Article for the replacement of the periodical payment by a lump sum.

SWITZERLAND

The Government refers to its report on unratified Conventions submitted under article 19 of the Constitution for the period ended 31 December 1959.

SYRIAN ARAB REPUBLIC

The report indicates that the present national situation does not permit the implementation of all the provisions of the Convention.

TOGO

For the present no measure is being considered to give effect to the provisions of the Convention. Nevertheless, laws and regulations have been adopted to implement the provisions of Parts II, VI, VII and VIII. A National Social Security Fund has been established to cover the branches: family allowances, employment injury, and social insurance with the Old-Age Pension Fund. With regard to Part V, one class of worker is entitled to old-age benefit.

There is no difficulty to prevent or delay ratification of the Convention.

TUNISIA

The report indicates that, in general, Tunisia could fulfil engagements relating to the application of this instrument only in respect of Part VI.

The most important difficulties preventing ratification are as follows: the system for the direct granting of medical care allows no possibility of home visits or the granting of care outside the hospitals; the law fixes the period during which cash benefit is not paid at ten days, except in certain cases of long illness; there is no unemployment benefit in the country. Furthermore, although an Act has been adopted respecting an old-age scheme, the methods of implementation are still being studied.

TURKEY

In view of the legislation in force there is no difficulty in the way of ratifying this Convention. Ratification has been delayed by problems of domestic politics, but the Bill drafted for the purpose has been submitted again to the Council of Ministers after amendment.

UGANDA

The Government provides free medical care to everybody in the country. Full salaries are due to government employees for a sickness leave ranging from 24 to 180 days according to salary scales, and similar provisions are made in the various Minimum Wages Regulation Orders for periods ranging from ten to 18 days of

absence. The Social Security Act, 1967, adequately applies objectives of Part V of the Convention. As regards Part VI of the Convention, the Government refers to its previous reports made under article 22 of the Constitution on the application of Convention No. 17. A draft Bill to amend legislation on employment injury benefits will be presented to Parliament shortly.

UKRAINE

The Government supplies detailed information on the national standards of social security with respect to Part III and Parts V to XI of the Convention. In view of the fact that medical care is provided free of charge the benefit referred to in Article 10 is not covered by legislation. There is no unemployment benefit since unemployment has been liquidated as reflected in section 98 of the Constitution.

State social insurance covers all employees, as well as collective farm mechanics and specialists. Under section 8 of the Regulations for the establishment and payment of state social insurance pensions, temporary incapacity benefit is payable from the first day of loss of capacity for work and until recovery or until confirmation of invalidity. In the case of non-occupational diseases benefits are granted for not more than two successive months and up to three months in a year (section 9 of the above-mentioned regulations). In the event of temporary incapacity for work as a result of non-employment injury, benefit is payable from the sixth day of incapacity.

Under the State Pensions Act and the Collective Farm Members' Pensions and Grants Act, wage and salary earners and collective farm workers are entitled to old-age pensions upon reaching the age of 60 subject to a qualifying employment period of not less than 25 years in the case of men, and at the age of 55 and subject to a qualifying period of not less than 20 years in the case of women. Pensions are granted on more favourable terms to persons employed in harmful or arduous conditions, and to other special categories of workers.

Employment injury benefit equivalent to previous earnings is provided until recovery of capacity for work or until confirmation of invalidity. In addition such assistance as considered necessary by the board of medical examiners is provided by the enterprise or organisation. Invalidity pensions in respect of employment injury are granted to wage and salary earners irrespective of their period of employment.

Existing legislation provides for state benefit for mothers already having two children, upon the birth of the third child and each child born thereafter, as well as for unmarried mothers.

Under section 70 of the Benefit Regulations, maternity benefit is payable to women wage earners and salaried employees for 56 days before confinement and 56 to 70 days after. This benefit is paid at the full rate of earnings for women having worked for three years including two years of uninterrupted employment and at a rate of two-thirds of earnings for women having worked for less than one year. Women members of collective farms are entitled to maternity benefit irrespective of their period of employment.

Under the State Pensions Act, invalidity pensions are awarded to wage and salary earners irrespective of the time of occurrence of invalidity, whether during employment, before entry into employment or after ceasing employment. Collective farm members are awarded invalidity pensions on the basis of the Collective Farm Members' Pensions and Grants Act. Under the Decree of 26 September 1967 concerning the further improvement of pension protection, pensions were introduced with effect from 1 January 1968, for collective farm members suffering from third-group invalidity as a result of employment injury or occupational disease.

A survivor's pension calculated as a percentage of a deceased wage earner's, salaried employee's or pensioner's average monthly earnings is payable to family members who are unable to work.

With respect to Part XII of the Convention, the Government refers to the information supplied with regard to Convention No. 118.

UNITED STATES

The Government refers to its report on unratified Conventions submitted to the Conference in 1961 (see 45th Session, Report III (Part II)) and draws attention to changes made since.

Medical Care.

Federal legislation enacted in July 1965, to become effective in July 1966, established two related health insurance programmes, known as *Medicare*, for persons aged 65 or over: (A) a basic plan providing protection against the cost of hospital and related care; and (B) a voluntary supplementary plan providing physicians' and other medical and health services not covered by the basic plan. The same legislation established a single medical assistance programme, designed to replace and extend those existing under the Social Security Act, for certain categories of persons classified as medically indigent. This programme is administered by the state in accordance with federal standards and with federal matching funds, and is known as *Medicaid*.

On 31 December 1967, 38 state programmes were in operation, providing in-patient and out-patient hospital and physicians' services so as to qualify for federal financial participation under *Medicaid*.

Under *Medicare* Part A benefits are available to all persons aged 65 and over who are cash beneficiaries under the social security programme or the railroad retirement programme, while Part B benefits are available to almost all persons aged 65 and over who voluntarily subscribe. Benefits are of unlimited duration except under *Medicare* with respect to hospitalisation and institutional care for mental illness and for convalescence during any given spell of illness.

The level of benefits for morbid conditions is generally consonant with the Convention, except that pharmaceutical supplies are provided only for use by in-patients of hospitals or extended-care facilities under *Medicare*. Certain pregnancy and confinement benefits are available under *Medicaid*, the federal employees' voluntary programme and under specified federal programmes. Some cost sharing is provided for under the latter.

Unemployment Benefit.

Federal laws providing a framework for federal-state programmes include federal payment of costs of administration and federal tax credit.

The estimated number of persons covered in an average week of 1966 was 54.7 million out of 69.1 million employees.

Given the average weekly earnings of an ordinary adult male labourer in December 1967 of \$124 for a 40-hour week, 53 of the programmes of unemployment insurance in the United States, that is approximately one-third, when measured against this earning standard, meet the requirements of the Convention for periodical payments. These programmes protect about two-thirds of all employees in the United States covered by unemployment insurance and about one-half of the total number of employees in the United States.

Old-age Benefit.

Out of a total economically active population of 77 million, 73.4 million were estimated to be covered in December 1966.

Federal legislation of 1967, becoming effective in 1968, results in an average monthly benefit of \$165 to a retired worker and his wife, a minimum for a worker being set at \$55 and the maximum at \$218, except for workers at present on the rolls where it is \$160.50. A wife retiring at 65 qualifies for a supplement of 50 per cent. to her husband's pension up to a maximum of \$105. With the wages of a skilled manual male employee in 1968 calculated as averaging \$522 per month, the standard old-age beneficiary in this category would receive \$274.70, or 52.62 per cent. of the average wage.

Employment Injury Benefit.

Estimated number of persons covered in December 1967 was 56 million out of 71.7 million employees.

For both temporary and permanent total disability, over 50 per cent. of the average weekly wage is being paid in all and over 65 per cent. in most jurisdictions, with maximum total benefit of \$62 per week in 21 jurisdictions and between \$50 and \$61 in 14 and 15 respectively. Survivors' benefits for a widow and children are from 50 to 85 per cent. of recent average wages (65 per cent. or more in most jurisdictions), up to a weekly maximum of \$56 or more in 28 jurisdictions and \$45 to \$55 in 11 jurisdictions. Medical benefits are provided in full by 43 jurisdictions with some special exceptions in eight of them; 11 jurisdictions provide limitations in time, money or both.

Of 54 programmes in the United States, about 24, covering over half of all employees, meet the Convention standards for periodical payments for incapacity; 21, covering 40 per cent. of all employees meet them for invalidity; and 28, covering about 60 per cent. of all employees, meet them for survivors.

Family Benefit.

Residence requirements, which exist in all but 13 jurisdictions, are at present under constitutional challenge.

Average benefit in 1967 was \$161.70 per family and \$39.50 per recipient. Legislation in 1967 also authorised federal financial participation in emergency assistance to families with children under 21.

Maternity Benefit.

There is no general law providing for maternity benefits. Paid maternity leave is available to federal employees. Grants are made to the states to help finance approved state programmes of maternal and child health services. Benefits under state legislation are limited in Rhode Island to a 14-week period beginning six weeks before expected birth, with benefits at other times in complicated cases; in New Jersey to four weeks before and four weeks after expected delivery; in California to a period of disability continuing more than 28 days after termination of pregnancy; in New York to disability occurring after return to work for at least two weeks following termination of pregnancy.

Invalidity Benefit.

Out of a total economically active population of 77 million, 73.4 million persons are estimated as having been covered in December 1966.

The qualifying period for federal disability insurance is either (a) at least five years of covered employment in the last ten years for all persons aged 31 or over before 1972, and thereafter for all persons aged 31 to 42; or (b) for persons under age 31, covered work equal to one-half the period between aged 21 and 31 with a minimum of one-and-a-half years; or (c) after 1971, for persons over age 42, a requirement exceeding five years of covered work by one calendar quarter of covered work for each additional year of age to a maximum requirement of ten years of covered work (of which five years must have been in the ten-year period immediately preceding disablement).

The average monthly benefit to a disabled worker in 1967 was \$101.63, yielding a benefit of \$202.40 to a standard disability beneficiary family. Legislation enacted in 1967, to become effective in 1968, increased these amounts by approximately 13 per cent. In the case of the skilled manual male employee, the standard disability beneficiary family would now receive \$384.10 or 73.58 per cent. of his wages.

Survivors' Benefit.

About 95 per cent. of all young children and their mothers are currently eligible for monthly benefit if the family breadwinner dies.

To qualify for benefits a breadwinner who attains the age of 21 after 1950 must have one-and-a-half years of covered work by the end of the year in which he attains the age of 28, and one additional calendar quarter of work for each year thereafter before the year in which he dies or through the year in which he attains age 61 (maximum of ten years) whichever occurs first. A breadwinner who attained the age of 21 before 1951 must have at most 17 quarters of covered work (four-and-a-quarter years) in 1968 and one additional quarter for each calendar year thereafter until he dies, reaches age 65 or acquires ten years of covered work. Survivors under 62, and all widowed mothers of qualified orphans, may qualify if the breadwinner had covered work for one-and-a-half out of three-and-a-quarter years immediately prior to death.

The average monthly benefit awarded in December 1967 was \$71.42 to widowed mothers and \$65.36 to orphans, and to a standard survivor beneficiary family \$172.80. Legislation enacted in 1967, to become effective in 1968, raised these amounts by approximately 13 per cent. Thus the benefit of the standard survivor beneficiary family of the skilled manual male employee becomes equivalent to \$384 or 73.56 per cent. of his wages.

* * *

Administrative appeals are permitted in all cases concerned with old-age, survivors' or invalidity benefits under *Medicare*; appeals to the federal courts are also allowed where the amount in controversy exceeds \$1,000.

The financing of *Medicare* is based on employer-employee contributions (Part A) and on premiums for subscribers matched by funds from general federal revenue (Part B). *Medicaid* is financed by general state revenues with matching federal grants from general federal revenues.

Medicare is administered by the federal Government through its social security administration with assistance of intermediaries in direct contact with the providers of services. *Medicaid* is administered locally by the state welfare agencies under the federal medical services administration. The federal Acts concerned with employment injury benefit are all administered by the Bureau of Employees' Compensation of the United States Department of Labor.

* * *

Under the constitutional system of the United States, the Convention is appropriate in part for action by the federal Government and in part for action by the states. Although at the present time federal legislation appears to be in conformity with the provisions of Part V, Part IX and Part X concerning old-age, invalidity and survivors' benefits respectively, and with the relevant provisions of Parts XI, XII and XIII of the Convention, it will cease to be in conformity with those provisions of Parts IX and X which prescribe maximum qualifying periods for invalidity and survivors' benefits after 1971. Under the circumstances, unless the qualifying periods in the United States are changed to bring them into conformity with those prescribed by the Convention, it is unlikely that the United States will seek to ratify the Convention.

UPPER VOLTA

Act No. 3/59/ACL (30 January 1959) set up a system of compensation for occupational accident and disease, applicable to all wage earners in private or public employment (excluding officials). The risks provided against, and the benefits envisaged, are the same as those mentioned in Articles 32 and 34 of the Convention. Invalidity pensions are provided for as well.

Decision No. 1029/ITLS/HV (6 December 1955) sets up a family-allowances system for the benefit of wage earners. The benefits include periodical payments to protected persons and free medical care for their families.

Act No. 78/60/AN (6 October 1960), setting up an old-age pension scheme for all workers subject to the Labour Code, provides for payment of a retirement pension to wage earners, a widow's or orphan's allowance in the event of the death of a wage earner or retired wage earner, and a "solidarity allowance" for the elderly worker who cannot claim at least ten years in wage-earning employment.

Economically the Upper Volta is not yet in a position to contemplate a social security system covering all the risks envisaged in the Convention.

VENEZUELA

The new Social Security Act, in force since 1 January 1967, has considerably extended social security coverage as regards the geographical area to which it applies, the number of persons covered and the benefits offered under the scheme. In 1967 the system of contribution by class of wage earner was replaced by calculation of contributions by percentages of the wages earned by each worker and the degree of risk assigned to undertakings.

The work done by the Venezuelan Social Security Institute is very considerable and protection has been gradually extended to all wage earners and all parts of the country in accordance with the aims proclaimed by the Government in the Act itself. But the Convention still provides for benefits such as those mentioned in Parts IV and VII (unemployment and family allowances) which the present social security system does not, in the short run, provide for. Furthermore, although ratification of the Convention would be possible as far as most of its Parts are concerned, this state of affairs is so recent, and the problems with which the social security authorities have been struggling have been so considerable, that no decision has yet been possible as to whether it would be in Venezuela's interests to subscribe to all the obligations deriving from this instrument.

For some Parts of the Convention ratification would be possible and there are no internal reasons why it should not take place. However, the Legislative Chambers are no longer in session so that ratification could not take place until 1969. There is no reason to suppose that the Convention will not be ratified since all preparatory work in this connection has been done and since with respect to certain Parts only of the Convention does our Social Security System not obey international standards.

VIET-NAM

The Government refers to its report on unratified Conventions, submitted to the Conference in 1961 (see 45th Session, Report III (Part II)). Decision No. 1065 (20 June 1966) supplemented by Decisions Nos. 205 (28 September 1966) and 141 (27 June 1967), describing how Administrative Decree No. 023/65 (9 October 1965) on occupational disease shall be applied, contains further provisions for the prevention of occupational diseases and compensation for them when they occur.

The Government does not, for the time being, contemplate ratification of the Convention since the other eventualities mentioned have not yet been covered by legislation or regulations.

ZAMBIA

The Government considers it unwise to ratify the Convention at the present stage of development. Ratification could be considered at a later date when the country's economy and manpower situation can sustain the obligations imposed by the Convention.

Equality of Treatment (Social Security) Convention, 1962 (No. 118)

ARGENTINA

The equality in the eyes of the law of all inhabitants of the country ordained by the Constitution ensures that, as far as social security is concerned, aliens are entitled to the same benefits as nationals. It should be added that agreements for reciprocal treatment in this respect have been signed with a number of countries with a view to alleviating the difficulties which nationals of the States in question may have in complying with the requirements of the relevant legislation in order to establish their eligibility for the various benefits.

AUSTRALIA

Nauru

Social security benefits provided free of charge by the Administration include medical, dental and hospital treatment. Old-age and invalidity pensions as well as sickness benefits are provided for under the Social Services Ordinance.

No difficulties can be seen which could prevent or delay extension of the Convention to Nauru.

Norfolk Island

The Convention would have little, if any, application on Norfolk Island. There is no legislation in operation covering any of the matters referred to in this Convention.

No difficulties can be seen which could prevent or delay extension of a ratification by Australia.

AUSTRIA

Legislation concerning social security is almost exclusively governed by the principle of territoriality so that in principle nationals and non-nationals receive equal treatment with regard both to the persons covered and to eligibility for benefits.

Authoritative central organs and representative bodies have expressed objections to ratification of the Convention, in particular with respect to the obligation to provide equality of treatment under Article 4, paragraph 1, without any condition of residence as this would restrict the discretionary power of the autonomous insurance carriers in approving residence abroad. Efforts to make these bodies change their attitude have so far proved fruitless. It is now being considered in the light of recent changes in domestic law whether ratification is in any way facilitated.

BELGIUM

The Government is not in a position to propose ratification of the Convention, which could be ratified only after substantial amendment of the existing legislation. The provisions of national legislation which are not in conformity with the Convention are the following:

- (a) a 20 per cent. lower pension rate for foreign workers;
- (b) a condition of residence in Belgium for children to be eligible for family allowances;
- (c) a condition of residence in Belgium for entitlement to the supplementary allowance in case of need for sufferers from occupational diseases whose incapacity is less than one-third.

The Government has no plans at the moment to change the legislation in respect of these points.

BOLIVIA

The Government states that for the time being there are no plans for ratifying the Convention.

See also under Convention No. 102.

BRAZIL

This Convention was referred to Congress in 1966. Congress was in favour of ratification.

BULGARIA

The text of the Convention was brought to the notice of the different bodies concerned with social security in order that they might take it into account when executing and interpreting legislation in this field.

At present, the Government is not in a position to ratify the Convention owing to existing difficulties of legislative character.

BURMA

Regulations 211 and 212, issued under the Social Security Act of 1954, relate to equality of treatment of nationals and non-nationals in social security. Owing to the limitation of the social security scheme in respect of geographical and employment coverage, it is difficult to ratify the Convention.

BYELORUSSIA

Under existing legislation foreigners working in Byelorussian organisations, institutes and establishments are eligible for social security benefits similar to those enjoyed by citizens, together with state old-age and disability pensions, while the members of their families are eligible for survivors' pensions. Foreigners can obtain free medical care. Whenever a minimum period of employment is required for eligibility to state pensions, foreigners are eligible for pensions after two-thirds of the requisite period.

CANADA

The subject-matter of this Convention is partially within federal legislative jurisdiction and partially within provincial legislative jurisdiction. The possibility of ratifying this Convention has been under consideration and no decision has yet been reached.

CHILE

Since no distinction has ever been made in Chilean legislation between nationals and aliens as far as the acquisition and enjoyment of social security rights is concerned, Chile is in a position to ratify this Convention, which has been submitted for approval to the National Congress, where it is now under discussion.

COLOMBIA

No difficulties stand in the way of ratifying the Convention. The Government has therefore submitted it to Congress, which has not yet approved it.

COSTA RICA

The Government has asked the Manager of the Costa Rican Social Insurance Fund for his opinion as to the feasibility of ratifying the Convention, with a view to considering the possibility of submitting it to the Legislative Assembly for ratification.

CUBA

The national legislation on social security, embodied in Act No. 1100 of 27 March 1963, as amended and supplemented by Act No. 1165 of 23 September 1964, and various ministerial resolutions administering the provisions of these Acts, makes no distinction whatsoever on the ground of nationality or citizenship between workers and other beneficiaries covered by its provisions. This legislation is in conformity with the Convention, but it does not provide for nor authorise in specific terms the payment of cash benefits to beneficiaries residing elsewhere than on Cuban territory. In practice such payments are not authorised to persons resident abroad, save in exceptional cases.

CYPRUS

See under Convention No. 102.

CZECHOSLOVAKIA

The legislation makes no distinction between non-nationals and nationals in respect of social security.

As concerns periods of work performed abroad which have to be taken into consideration for the calculation of benefit, these alone are still governed by different

regulations in the case of non-nationals, for whom ten years of employment in Czechoslovakia are required. Furthermore, benefits are not paid abroad and, in the event of permanent residence abroad, are not payable to beneficiaries unless otherwise stipulated by an international agreement.

The Government is anxious to build up a system of bilateral agreements, and has already concluded them with several States.

For the reasons mentioned above, ratification has not been contemplated up to now.

DAHOMÉY

The legislation permits application of the Convention in respect of maternity benefit, employment injury benefit and family benefit.

However, it is only later on that Dahomey will be able to contemplate ratification.

DENMARK

The Convention which has been accepted by a Parliamentary Resolution of 21 January 1965, is likely to be ratified in the very near future. The question of ratification has been subject to deliberations about the application of the Convention in Greenland and the Faroe Islands: it is intended to ratify the Convention subject to reservations, as far as those territories are concerned.

DOMINICAN REPUBLIC

The memorandum indicates that the foreign workers residing in the Dominican Republic enjoy all the benefits open to Dominicans under the legislation now in force.

The Labour Code regulates the number of foreigners an undertaking may employ and the percentage of over-all wages which must be paid to Dominican workers; the labour inspectors see that undertakings abide by the Code.

The Dominican Republic has entered into a Social Co-operation Agreement with Spain, according to which the two Governments reaffirm the principle of equality and reciprocity in labour matters.

This Convention, which has not yet been ratified by Congress, has been brought to the notice of the authorities concerned.

ECUADOR

See under Convention No. 102.

ETHIOPIA

Before measures are taken to implement the Convention the survey which has been partially completed with I.L.O. assistance will have to be followed up.

FINLAND

In 1966 the Parliament adopted the Convention and authorised the Government to take the necessary measures for its ratification. The conditions to be fulfilled are clarified as regards sickness benefits and employment injury benefits; in respect of medical care, some additional clarifications are probably necessary; it seems, however, that the Convention can be ratified in the near future.

The Government also refers to the information on the submission to the competent authorities of Conventions and Recommendations communicated to the Conference in 1966 (see 50th Session, Report III (Part III)).

FRANCE

Studies carried out with a view to possible ratification have revealed obstacles deriving from the provisions of the legislation which would oblige France, in the event of ratification, to exclude certain branches of social security.

Major reforms have recently been carried out which make it necessary to examine the possibilities of ratification again. This examination will take place as soon as possible.

GABON

Foreign workers employed in Gabon are entitled to the same social security benefits as nationals. This is likewise the case in practice for the dependants of persons killed in industrial accidents, whatever their place of residence.

FEDERAL REPUBLIC OF GERMANY

In its principles domestic law corresponds to the requirements of the Convention, but the following provisions are not in harmony with it:

Under section 313, paragraph (5), of the Reich Insurance Regulations, no death grant is payable in respect of an eligible person dying abroad. It is proposed to abolish this provision in the Act to amend the sickness insurance regulations. Sections 315 ff. of the Reich Insurance Regulations, 94 ff. of the Salaried Employees' Insurance Act and 105 ff. of the Reich Mineworkers' Act state the circumstances in which a pension is suspended if the eligible person lives abroad. No change in these provisions is contemplated in the foreseeable future. As regards unemployment assistance the Employment Promotion Bill provides for unrestricted equality of nationals and non-nationals but it imposes as a general qualifying condition a period of residence of not less than six months. It must be seen whether Parliament will eliminate this divergence from Article 4, paragraph (2), of the Convention. The first regulations under the Federal Family Allowances Act provide that family benefits for children living abroad shall be payable only with respect to nationals of E.E.C. member countries living in one of those States. It cannot be said whether these conditions will be abolished as the Government does not intend to apply Article 6 of the Convention.

So long as the legislative provisions listed above are not brought into line with the provisions of the Convention, ratification is not contemplated.

GHANA

The Social Security Act, 1965 (Act No. 279), exempts non-citizens of Ghana from the application of the provisions of the Act. It is, however, proposed to amend the law by the removal of this exemption. If the law is amended as stated above, it will permit ratification of the Convention, which could then be considered by the Government.

GREECE

Equality of treatment of nationals and non-nationals in social security exists by virtue of bilateral agreements concluded with various countries.

With a view to securing the general application of the principles embodied in the Convention, the Government will explore the possibilities for ratification of the Convention in connection with the proposed social insurance reform, after consideration of the likely economic and other repercussions.

GUYANA

See under Convention No. 102.

HUNGARY

Hungarian laws and regulations in respect of social security are applicable to workers and their families employed by any type of employer in Hungary, whether the workers are nationals or non-nationals. Therefore nationals and non-nationals enjoy equal treatment in this respect.

Under the terms of Articles 4, 5 and 6 of the Convention, equality of treatment in social security has to be accorded without any condition of residence. It is by means of bilateral agreements that Hungary ensures equality of treatment for persons resident either on its territory or on the territory of the other contracting party.

IRAQ

The Council of Ministers decided in September 1966 to postpone the ratification of the Convention because greater experience was needed in the operation of the social security scheme recently enacted before ratifying the Convention.

JAMAICA

The National Insurance Scheme which provides for old-age benefit, invalidity benefit, survivors' benefit and family benefit covers foreigners who are employed in the country irrespective of the term of the office. The National Insurance (Classification) Regulations, however, allow exemptions where foreigners are employed in Jamaica as members of foreign embassies, missions or armed forces or as members of an international organisation of which Jamaica is a member.

Consideration is being given to the inclusion of employment injury benefit in the National Insurance Scheme and the position will be reviewed at a later date.

JAPAN

In view of the fact that a small number of migrant workers are at present interchanged between Japan and other countries and that there exists a remarkable imbalance in the levels of benefits under the social security schemes of various countries, the Convention will be implemented where necessary by means of bilateral agreements for the time being.

KENYA

The National Social Security Fund accords equality of treatment to both nationals and non-nationals in respect of invalidity, old-age and survivors' benefits.

It is considered that Kenya is in a position to ratify the Convention and the necessary arrangements are being made.

KUWAIT

Non-Kuwaiti workers exceed 90 per cent. of the total manpower. They are not stable. The Government therefore believes that stability of the employment market should precede any possibility of applying the Convention.

LESOTHO

There is no national practice, administrative or statutory provision covering any branch of social security listed. Ratification is unlikely in the near future.

LUXEMBOURG

Ratification of this Convention is rendered difficult by the terms of Article 5, concerning the transfer abroad of certain social security benefits. Under the legislation the fixed (non-contributory) part of the pension can be exported only with government authorisation.

MALAWI

Schemes of social security which would comply with the requirements of the Convention are not yet in operation, therefore the provisions of this Convention cannot be applied.

MALAYSIA

Statutory social security benefits are accorded to all qualified persons whether they are citizens of Malaysia or not. Thus the principle of equality of treatment of nationals and non-nationals is already applied.

However, as legislation is being drafted to set up a modern social insurance scheme, the Government wishes to study all the implications of the scheme before considering the possibility of ratifying the Convention.

MALI

The equality of treatment of nationals and non-nationals in social security is ensured by the national laws. Under section 2 of the Social Welfare Code, this Code applies to workers irrespective of their nationality. Under section 8, foreign workers who have entered the Republic regularly are entitled to family allowances. The legislation concerning protection against disease, workmen's compensation and the retirement scheme is also applicable without distinction of nationality. Special provisions protect foreign workers who cease to reside in Mali.

Mali has ratified Convention No. 19. Moreover, reciprocity agreements have been concluded with two countries.

MALTA

The National Insurance Act (No. VI of 1956) gives effect to the provisions of the Convention with certain modifications. The legislation does not provide for medical care, maternity and family benefits and allows the payment of employment injury benefit outside Malta only when the extent of disablement has been finally assessed.

The possibility of ratifying the Convention will be considered in respect of those branches of social security with which the legislation seems to conform in full.

MEXICO

The report states that the Articles of the Convention largely coincide with national law and practice. All the benefits listed in Article 2, with the exception of the last two (unemployment benefit and family benefit), are covered by Mexican law.

MOROCCO

A study is to be carried out for the purpose, firstly, of determining nine of the branches mentioned in the Convention which, having regard to the present financial position of the social security scheme, could form the basis of a possible ratification, and, secondly, of examining the procedure for the application, if the Convention were ratified, of the provisions of Article 4 respecting the according of equality of treatment without any condition of residence.

NEW ZEALAND

The Social Security Act of 1964 provides for equality of treatment between nationals and non-nationals. It follows from Article 10 (2) of the Convention that ratification would have relevance only to one or more of the following branches of social security: medical care, maternity benefit, employment injury benefit, family benefit. Full compliance with the respective provisions of the Convention appears practicable except for Articles 4 and 5 (1); there are also difficulties regarding Articles 7 and 11.

Ratification is not precluded by any inequality of treatment as such; but the residential qualifications for the various benefits under the Convention are generally less than required under this country's social security legislation.

NICARAGUA

This Convention was submitted to Congress by the Government in August 1967. Effect is given to it under the Political Constitution and the laws on social security. It is applied in all the branches of social security listed in Article 2, paragraph 1, of the Convention except those under (*h*) and (*i*), which have not yet been covered. There is no discrepancy with the legislation.

NIGERIA

Necessary steps are being taken to submit the Convention to the competent authority. The re-examination of some aspects of the Convention by a subcommittee of the National Labour Advisory Committee has not been completed in view of the present situation in the country.

PAKISTAN

The Government has already decided to ratify the Convention. As at present a scheme of social security is in operation in West Pakistan only, the instrument of ratification of the Convention will be registered with the I.L.O. as soon as the East Pakistan Social Security legislation is enacted.

RWANDA

The Government is not ready to give immediate effect to the Convention, bearing in mind the difficulties which stand in the way of international standardisation of social security schemes. Within the country non-nationals enjoy the same social benefits as nationals, but problems of currency exchange and benefits in kind arise when they return to their homelands. As far as Rwanda is concerned, all the pension contributions a worker has paid are reimbursed to him at his personal request.

Ratification of the Convention will depend in part upon the revision of the Social Security Act and in part upon such international agreements as may be signed in this connection.

SENEGAL

Senegal has ratified Convention No. 19 and concluded two bilateral agreements according equality of treatment as between the nationals of the parties thereto.

The following difficulty prevents or delays ratification: equality of treatment in social security is not yet accorded by virtue of any law or regulation. However, a review of the social legislation is at present taking place.

SIERRA LEONE

The Workmen's Compensation Act (Cap. 219) of the Laws of Sierra Leone, as amended by Decree No. 37 of 1967, provides employment injury benefits, without discrimination, to workers who are eligible under its provisions. Because of this scope of the Convention, consideration has not yet been given to its ratification.

SINGAPORE

There is no legislation covering the country's own nationals in respect of any of the social security branches listed in Article 2 of the Convention. However, existing legislation which covers certain categories of employees and which provides maternity and employment injury benefits to a limited extent, does not differentiate between nationals and non-nationals.

In the circumstances, the question of ratifying the Convention does not arise.

SPAIN

The report states that there are no plans to give effect to the provisions of the instrument.

The maintenance of rights in course of acquisition as provided for in Articles 7 and 8 of the Convention constitutes an obstacle to ratification, since the legislation provides for the possibility of laying down standards for the maintenance of rights in course of acquisition in the case of all persons transferring from one social security scheme to another throughout their working life, but does not contain an analogous provision in respect of persons who have ceased working, unless they find themselves or can place themselves in one of the situations assimilated to being in employment.

SWITZERLAND

The Government refers to the Federal Council's report to the Federal Assembly on 1 March 1963 concerning the 46th Session of the International Labour Conference. The main obstacles which at that time prevented the total or partial ratification of this instrument have not been eliminated, and in particular Switzerland cannot agree to the payment abroad of non-contributory benefits under the invalidity, old-age and survivors' insurance scheme.

TOGO

There are no plans for ratifying the Convention. Equality of treatment of nationals and non-nationals in social security is accorded.

There are no difficulties preventing or delaying ratification of the Convention.

TURKEY

In respect of medical care, sickness benefit, maternity benefit and employment injury benefit, nationals and non-nationals are treated on an equal footing under Act No. 506 on social insurance. In respect of invalidity benefit, old-age benefit and survivors' benefit, section 3 (2) (a) of the Act provides that they shall be granted to non-nationals, subject to prior application.

There is no difficulty in the way of ratifying the Convention. The procedure for ratification is already under way.

UGANDA

The Public Health Act, Social Security Act and the Workmen's Compensation Act provide adequately for medical care, sickness benefit, employment injury benefit and old-age benefit. The Government refers to its reports on the application of Convention No. 17.

UKRAINE

Under sections 120, 162, 180 and 181 of the Regulations concerning the award and payment of state pensions, non-nationals living in the Ukraine may be awarded old-age, invalidity and survivors' pensions. Where there is a qualifying period of employment such persons and their dependants are awarded the relevant pensions, provided that two-thirds of the qualifying period have been spent in the U.S.S.R. Citizens of countries with which the Soviet Union has social security agreements, who are resident in the Ukraine, are eligible for social security protection on an equal footing with Soviet citizens.

UNITED KINGDOM

See under Convention No. 103.

Bahamas

This Convention is unsuitable for adoption in the Bahamas.

Bermuda

The Contributory Pensions Act, 1967, provides for old-age benefit. Legislation is proposed which will provide financial assistance towards the cost of hospitalisation. No other legislation or administrative measures are proposed at present to give effect to the terms of the instrument.

British Honduras

Nationals and non-nationals receive equal treatment under the existing laws with regard to employment injury benefit and maternity benefit. The general policy of the Government is one of non-discrimination allowing for equal treatment to nationals and non-nationals under the laws of the country.

British Solomon Islands

Obligations under Article 2 (a) and (g) are accepted and are the only ones feasible at the present state of development.

Brunei

At the present stage of development the Convention is not applied although some of its provisions are given effect to in practice. The Government will keep the provisions of the Convention under consideration.

Fiji

None of the legislative provisions concerning social security discriminates against non-nationals, nor do the general medical services provided by the Government.

Gibraltar

Equality of treatment is accorded without any condition of residence or nationality to all persons employed, in respect of Article 2, paragraphs (e) and (f), of the Convention under the Social Insurance Ordinance and in respect of Article 2 (g) under the Employment Injuries Insurance Ordinance. The Government also refers to its reports on the application of the Conventions Nos. 35, 39, 17, 19 and 42.

Gilbert and Ellice Islands

The Convention is partly applied by the Workmen's Compensation Ordinance (Chapter 16), which has been amended by the Workmen's Compensation (Amendment) Ordinance, 1966.

Guernsey

Existing social security legislation provides all the benefits listed in Article 2, paragraph 1, of the Convention, with the exception of maternity benefit, the inclusion of which is being considered.

With the exception of a residence test which has to be satisfied by claimants of family benefit who were not born in Guernsey, Articles 3 and 4 of the Convention are being applied. Articles 5 and 6 cannot be implemented in full. The payment of benefit to non-residents is restricted to old-age and survivors' benefits except in the case of a national of a country with which Guernsey has entered into a reciprocal agreement on social security, which it is at all times prepared to do.

Hong Kong

Medical service provided by the Hong Kong Government is available to both nationals and non-nationals without discrimination. Existing social security legislation (namely the Industrial Employment, Holidays with Pay and Sickness Allowance and the Workmen's Compensation Ordinance) covers Article 2 (b) and (g) of the Convention and does not discriminate against non-nationals.

Jersey

Medical care under the Health Insurance (Jersey) Law is not restricted to nationals. All benefits provided under the Insular Insurance Law are applicable to nationals and non-nationals provided the contribution requirements are complied with. Equality of treatment is given under various reciprocal agreements and contributions paid in the participating country are treated as having been paid in Jersey.

Montserrat

There are no legislative nor administrative regulations applying this Convention.

St. Helena

St. Helena lacks the necessary resources to provide its own citizens with anything more than elementary social security benefits and must give priority to expanding them before undertaking binding obligations in respect of non-nationals.

St. Vincent

There is no legislation covering any of the branches of social security referred to in Article 2 of the Convention.

Swaziland

The extent to which it is proposed to give effect to the terms of the instrument will be referred to the Labour Advisory Board for consideration. The Government has under review a report on the establishment of a National Provident Fund which would cover many of the requirements of the Convention.

It is not envisaged at the present time that any real difficulties would arise in respect of eventual ratification.

UNITED STATES

With the exception of maternity and family benefit, all the branches of social security specified in Article 2 of the Convention are operative in the United States, although a compulsory programme for sickness benefit exists only in four of the states. Nationality is not normally a qualifying factor, but the place of residence of entitled aliens, if outside the United States, may be an element in respect of payment of certain benefits. In addition, there is a requirement of five years' residence (after admission for permanent residence) for gratuitous payments to non-citizens who have not fulfilled the ordinary qualifying period or transitional period for old-age benefits and, also, for the Supplementary Medical Insurance Program. Equality of treatment is otherwise afforded to all residents of the United States, irrespective of nationality, other than persons admitted in educational and consultative capacities or where the exceptions apply equally to United States citizens.

Payment of old-age, survivors' and invalidity benefits abroad are made without restriction to United States nationals and also to nationals of countries which make such payments to United States nationals outside their territories. However, death benefit payments, under state employment injury benefit programmes, to non-resident alien dependants are excluded by four states and made on a reduced basis by 26.

The United States does not participate in international schemes for the maintenance of acquired rights and rights in the course of acquisition but has a treaty with Italy and current discussions with five other governments on the subject. There are also in force 19 bilateral treaties providing for mutually equivalent treatment of aliens with nationals.

Under the United States Constitution, the Convention is considered appropriate for both federal and state action. It has been referred to the latter with respect to such matters as may concern them and, also, in 1963, to Congress. The Secretary of State then made it clear that federal legislation was not in conformity with the Convention but that the Government was not prepared to recommend the necessary amendments at that time. This remains the case.

VENEZUELA

In June 1968 the Government once more submitted this Convention to Congress for ratification. The Government then took the view that there were no reasons why

ratification should not take place, or should be held up, since the provisions of the Convention had for many years past been in force in Venezuela.

Nevertheless, the Legislative Chambers having come to the end of their session, ratification cannot take place until 1969 when the new constitutional period begins.

VIET-NAM

The report indicates that Viet-Nam has a legislation that is applied effectively throughout its territory for the following branches of social security: medical care, maternity benefit, employment injury benefit and family benefit. Under the Labour Code, as under the other legislation and administrative practice, there is no inequality of treatment between nationals and non-nationals in respect of social security. Employment injury benefit, however, is subject to a reciprocity clause (section 246 of the Labour Code).

On account of the war, the Government does not at present consider ratifying the Convention.

VII. MINIMUM AGE

Minimum Age (Industry) Convention (Revised), 1937 (No. 59)

ARGENTINA

The report states that provisions similar to those of the Convention are contained in Act No. 11317 in respect of the employment of women and children. This Act makes it unlawful for children under 12 years of age to be employed by a third party on work of any kind, including agricultural work. The Act applies similarly to children over this age but who, when of school age, did not terminate their compulsory schooling. The latter may nevertheless be allowed to work when this is indispensable to their livelihood or that of their parents or brothers and sisters, provided they comply satisfactorily with the statutory provision concerning minimum schooling and that they are only employed on light work which is not harmful to their health and does not exceed two hours per day.

Furthermore, the law prohibits the employment of children under 14 years of age in domestic service or in industrial or commercial undertakings, with the exception of those in which only the members of the same family are employed. It is also prohibited for children under 14 years and single girls under 18 years to engage, either on their own account or on that of a third party, in any occupation which is exercised in the street, squares or public places. It is similarly prohibited for women and children under 18 years to be employed in industries or on tasks which are dangerous or unhealthy. The Act lists a series of industries to which the above-mentioned ban applies.

AUSTRALIA

Nauru

Under the Compulsory Education Ordinance, children between the ages of 6 and 16 (6 and 15 in the case of children of European parents) are obliged to attend school and are thus precluded from employment in any occupation during school hours. No difficulties are foreseen which could prevent or delay extension of a ratification.

Norfolk Island

Under the Education Ordinance, children between the ages of 6 and 15 years must attend school and are thus precluded from employment during school hours. No difficulties are foreseen which could prevent or delay extension of a ratification.

BELGIUM

The report indicates that ratification will be possible only when the minimum age for admittance to industrial employment is raised from 14 to 15 years. At present there is no prospect of modifying the minimum age: the problem is closely linked with that of compulsory school attendance, which covers a period of eight years, and it is not possible to modify this minimum age unless the school-leaving age is modified at the same time.

BOLIVIA

The legislation stipulates that young persons under 14 years of age may not work. The report states that, since the Minimum Age (Industry) Convention, 1919 (No. 5), has been ratified, the possibility of ratifying Convention No. 59 may be considered later.

BRAZIL

The Permanent Social Law Committee has come out against ratification, considering that: "manpower shortages in Brazil are the factors chiefly responsible for keeping a minimum age less than that prescribed in the Convention."

BURMA

The Government refers to Part II, Article 8, of the Convention. Section 26 (1) read together with section 3 (c) of the Burma Mines Manual fix the minimum age for employment in mines, quarries and other works for the extraction of minerals at 15 years.

No difficulties are envisaged in the ratification of the Convention, since the minimum age of labour fixed by it is identical to that prescribed by the Burma Mines Manual.

CANADA

The subject-matter of the Convention is partly within federal competence and partly within provincial legislative jurisdiction. A study recently made by the Government and circulated to the provincial governments for their observations shows that there appears to be substantial compliance of Canadian law with the provisions of the Convention, although there still exist some gaps. Further consultations are planned between the Government of Canada and the provincial governments.

CHILE

The report states that young people under 18 and over 14 years of age can only be employed with the permission of their legal representatives. Children under 14 but over 12 years can only work when they have finished their compulsory schooling but may not do so in industrial undertakings, not even as apprentices, except in family concerns.

Employers who engage children under 16 years of age must keep a register.

Similarly prohibited for young people under 18 years of age are underground work and certain types of dangerous work as indicated in the Labour Code, as well as night work.

The fact that labour legislation establishes at 14 and not 15 the minimum age for admittance to industrial work constitutes the main obstacle to ratification of the Convention.

COLOMBIA

The Government does not intend for the time being to implement the provisions of the Convention, since, for economic and other reasons, it has as yet not been possible to provide schooling for a high proportion of children under 15 years of age.

CONGO (KINSHASA)

The national legislation lays down that the engagement or the maintenance in employment of persons aged under 14 years shall be prohibited. A person aged from

14 to 16 years may be engaged or maintained in employment only for the performance of light and healthy tasks, which are specifically defined.

A medical certificate establishing physical fitness must be issued by a doctor before the commencement of the work.

The report indicates that there is no major difficulty in the way of ratification.

COSTA RICA

There appears to be no reason to prevent ratification, and the Government considers that it should take the necessary steps to submit this Convention to the Legislative Assembly for ratification.

CYPRUS

Article 2 of the Convention conflicts with section 3 (3) of the Children and Young Persons (Employment) Law which prohibits the employment of children under the age of 14 years in industrial undertakings. The existing gap between the school-leaving age, which is usually 12 or 13 years, and the age for admission to employment is creating a lot of inconvenience, and ratification of the Convention would only render this gap greater. It is suggested that ratification be deferred until the school-leaving age is raised to 15 years, a subject which is seriously being considered at present.

CZECHOSLOVAKIA

The report indicates that the application of the Convention is ensured by the legislation. The early submission of the Convention to the competent authority for ratification is under consideration.

DAHOMEY

Section 107 of Ordinance No. 33 of 28 September 1967 fixes at 14 years the age under which no child may be employed in any undertaking, even as an apprentice. Order No. 1781 of 12 July 1954 prohibits the employment of children under 18 years of age on work that is beyond their strength, offers risks, or is liable to cause them moral injury. Order No. 1783 of 12 July 1954 provides for exceptions to this prohibition only for domestic work or light seasonal work. No exception may be allowed if it would conflict with the provisions on school attendance. Every exception is verified by the labour inspectors.

The Government is in a position to consider ratifying the Convention.

DENMARK

It is not proposed to give effect to the terms of the instrument. The main obstacle to ratification of the Convention lies in the fact that the Occupational Safety, Health and Welfare Act provides for wider exceptions than does the Convention.

DOMINICAN REPUBLIC

Sections 222 to 243 inclusive of the Labour Code are borne in mind as far as the protection of working minors is concerned.

The Women and Minors Section of the State Secretariat of Labour is responsible, with the corps of inspectors assisting it, for implementing the relevant legislation.

Work by children under 14 years is forbidden (Code, section 223), and young persons under 18 years may not (section 229) be employed on unhealthy or dangerous work.

A committee was set up in March 1966 to review the Labour Code. It is endeavouring to bring Dominican labour legislation abreast of all the Conventions and Recommendations adopted by the International Labour Conference so that fresh legislation, submitted in due course to the competent authorities for approval, may fill any gaps observed in national legislation and practice with regard to the Conventions not ratified by the Dominican Republic.

This particular Convention is being studied by the appropriate government department with a view to its submission for approval.

ECUADOR

The Government does not intend, when submitting this Convention to the Senate, to recommend its ratification, which would presuppose the revision of the Labour Code. As it is, the Code prohibits the employment of young persons under 14 years of age, whereas the Convention fixes the minimum age at 15 years. The Code further permits the employment of children between 12 and 14 years of age to be authorised if they have completed their schooling, on condition that they are obliged to work for their living or to maintain members of their families who are incapacitated for work.

ETHIOPIA

The present legislation lays down the age of 14 as the minimum age; the Convention may be partially acceptable while the first part requires amendment of the actual legislation.

FINLAND

The Act respecting the Protection of Young Workers, No. 669/67 of 29 December 1967, which covers mines, construction works, transport of passengers and goods by road or rail, the handling of goods at docks, quays and wharves, warehouses and also employment relationships based on Public Law, permits the employment of persons who have attained or will attain in the current year the age of 15 and are not liable to compulsory education. According to section 10 of the Seamen's Act (No. 341/55) no person under 15 years of age shall be employed on board a vessel in inland transport, either. According to the Primary School Act (No. 247/57) compulsory education comes to an end if it is not completed earlier in the year in which the child attains the age of 16. As a rule a pupil has attained or will attain the age of 15 in the year in which he receives his school-leaving certificate. At present a new system for compulsory basic education is being introduced, which will raise the school-leaving age. Section 3 of the Apprenticeship Act (No. 422/67) fixes the minimum age for apprenticeship at 15 years; under section 5, paragraph 2, of the same Act young persons may be admitted to employment during the year in which they have attained or will attain the age of 14 if the work to be performed is particularly light and is carried out during vacations. In principle this provision does not prevent the employment of children in an industrial undertaking during their vacations. Such cases are, however, considered so rare in practice that the legislator has not found it necessary to include in the Act any provision which would prohibit the industrial employment.

Section 16 of the Act on Young Workers obliges the employer to keep a register of children and their dates of birth, but does not apply to the employers referred to in subparagraphs 3 and 4 of paragraph 1 of section 2.

Under section 4, paragraph 2, of the Act on Young Workers the employment of young persons in work which may be dangerous for them can be prohibited or submitted to certain conditions by decree. Section 7 of the Act fixes the minimum age for shift work at 16 years. The Government supplies detailed information on various legislative provisions prohibiting the employment of young workers in certain fields and jobs.

The laws and regulations on the protection of young persons do not comply fully with the provisions of Articles 2 and 4 of the Convention.

FRANCE

In accordance with section 2 of Book II of the Labour Code, as amended by section 5 of Ordinance No. 67-830 of 27 September 1967, children may not be employed in or admitted to industrial establishments, *inter alia*, before having been normally released from the obligation to attend school. Moreover, the Ordinance of 6 January 1959 provides that children born after 1 January 1953 shall come under the compulsory school attendance system up to the age of 16 years. Under paragraph 2 of the above section 2, it is not forbidden to admit children to undertakings during the last year of school attendance for courses of practical training.

These courses, however, may take place during the last two years of school attendance up to 1972, and children reaching the age of 14 years before the beginning of the new school year in 1968 may, exceptionally, be admitted to an undertaking as apprentices, provided they have obtained special exemption (section 6 of the Ordinance of 27 September 1967). These transitional measures prevent the ratification of the Convention in the immediate future.

FEDERAL REPUBLIC OF GERMANY

The Youth Employment Act, 1960, as amended up to 1966, largely corresponds to the Convention in its actual effects. The principal difficulty opposing ratification lies in the fact that nine-year compulsory school attendance has not yet been introduced in Bavaria so that young persons can begin employment before completing their fifteenth year. In the other provinces it is not guaranteed in all cases that young persons are not released from school attendance before the age of 15. Until these difficulties are overcome ratification does not appear possible.

GREECE

The Government, having taken account of the provisions of this Convention and those of Acts Nos. 2271 of 1920 concerning the ratification of Convention No. 5 and 429 of 1912 and the Royal Decree No. 14 of 26 August 1913, is considering the possibility of ratifying this Convention.

GUATEMALA

By means of legislation and the practice followed by the labour authorities, an effort has been made to broaden the scope of the guarantees afforded to young persons as required by the Convention. The Labour Code prohibits the employment of young persons under 14 years of age. The employment of young persons under

18 years of age in establishments selling alcoholic beverages for immediate consumption is forbidden. It also prohibits the employment of young persons at night or on overtime. The Code regulates the exceptional cases in which authorisation may be granted for the employment of young persons under 14 years of age, the power to grant such authorisation and responsibility for supervision being vested in the General Inspectorate of Labour.

Guatemala would not be able to ratify the Convention without making substantial changes in the legislation and in the systems of employment at present operative in the country.

GUINEA

The report is restricted to indicating that the Minimum Age (Industry) Convention (No. 5), which was ratified in 1959, has not yet been denounced and remains in force.

GUYANA

The Government proposes to ratify (and give full effect to) this Convention as soon as practicable.

HUNGARY

The report indicates that, although the minimum age for the employment of children fixed by the national legislation is lower than that fixed by the Convention, the situation is practically the same as that laid down by the Convention, if not better. In fact, about 80 per cent. of the children completing at the age of 14 years their eight classes at the general school continue their studies the same year at secondary schools, establishments for the training of qualified workers or shorthand-typing schools. Some of the children leaving the general school do not even wish to take up employment. About 10 per cent. of the children concerned do, therefore, enter into an employment relationship, and this is the sole divergence from the provisions of the Convention.

Although the present situation is favourable, the Government is not considering ratification, because for social reasons, including the importance of protecting young people, it must be possible to employ children leaving the general school who do not continue their studies.

INDIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1960 (see 44th Session, Report III (Part II)). The minimum age for admission to employment has since been laid down in the Motor Transport Workers Act, 1961, and the Beedi and Cigar Workers (Conditions of Employment) Act, 1966. While the former Act prohibits the employment of children under 15 years of age, the latter fixes the age at 14 years and empowers state Governments to grant exemptions from certain of its provisions. The Medical Inspectorate of Mines referred to in the above-mentioned report has been set up but is yet to start functioning in full strength. A proposal to amend the relevant rules to provide for medical examination of all persons employed or seeking employment in mines is under consideration.

IRAN

The Government refers to its report on unratified Conventions submitted to the Conference in 1960 (see 44th Session, Report III (Part II)).

IRELAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1960 (see 44th Session, Report III (Part II)).

ISRAEL

The Government refers to its report on unratified Conventions for the period ending 31 December 1958. The legislative measures listed in that report have remained in force. The Government provides the text of a number of amendments which have since been introduced. The Youth Labour Law, 1953, covers every type and kind of employment but it has fixed the minimum age of employment at 14 years, and it is not thought that a higher minimum age can be substituted in any foreseeable future. There is, however, under consideration the raising of the school-leaving age, possibly in two stages of one year each. If this should be carried out, children under that age would be practically precluded from employment when and in so far as they will in fact attend school as required. With respect to Article 5 of the Convention, the Government supplies detailed information on work prohibited and restricted for juveniles and for children under section 5 of the Youth Labour Law and by ministerial regulations.

JAMAICA

Part VIII of the Juveniles' Law fixes the minimum age for employment in industrial undertakings at 15 years; a minimum age of 16 years is provided only for night work and for the feeding or working of a sugar mill. Consideration is being given to raising the minimum age for employment in industrial undertakings; because of Article 5 of the Convention, in particular, the ratification is not envisaged before the law is amended to this effect.

JAPAN

The Labour Standards Law implements the provision of the Convention to the effect that children under the age of 15 years shall not be employed in any industrial undertaking. But as to the provision of the Convention which prohibits the employment of children under the minimum age in undertakings in which only members of the employer's family are employed, in the case of employment dangerous to life, health or morals of the persons employed therein, the Labour Standards Law has no corresponding provisions and it is not intended to enact such provisions for the present.

KUWAIT

The Labour Law prohibits the employment of young persons of either sex under the age of 14 years, and allows the employment of young persons between 14 and 18 years in unarmful and non-dangerous industries.

LESOTHO

Part IX of the Employment Act No. 22 of 1967 relates to the employment of young persons and children. The only apparent difficulty which is likely to delay ratification is the lack of scope for the engagement of children in industrial employment due to the relative absence of industry.

MALAWI

Under the Employment of Women, Young Persons and Children Ordinance no person under 12 years of age may be employed in any private or public undertaking, and no person between 12 and 14 years of age may be employed in any industrial undertakings other than those in which only members of the same family are employed. Employers in industrial undertakings are required to keep a register of all persons employed under the age of 16 years but not of their dates of birth.

MALAYSIA

In West Malaysia, under the Children and Young Persons (Employment) Act, 1966, a child under 14 years of age may be employed in an industrial undertaking only if it involves light work suitable to his capacity and if the undertaking is run by his family; or where he performs work, approved or sponsored by the Government, in any school, training institution or training vessel or where he is employed as an apprentice under a written apprenticeship contract approved by the Commissioner. A young person who has reached the age of 14 years may be employed in an industrial undertaking suitable to his capacity. In East Malaysia the employment of children under the age of 14 years in any industrial undertaking is prohibited.

The Government does not envisage ratification.

MALI

Order No. 1270 of 23 April 1954 prohibits the employment during school hours of children aged under 14 attending a public or private teaching establishment and lays down stringent measures of supervision for young workers. Section 17 and those that follow of the same Order contain special provisions concerning dangerous and unhealthy employment, which is prohibited to children and young people.

The difference between the minimum age provided for by the legislation and that laid down by the Convention prevents the ratification of the latter. However, the question of the minimum age for the admittance of children to industrial employment may be studied during the current discussions on the draft decree to fix the types of work and the classes of undertakings prohibited to young people, as well as the age at which the prohibition applies. This decree is to be issued under section 239 of the Labour Code.

MALTA

The Convention is applied by the Employment of Children (Regulation) Ordinance, 1944, except for the minimum age of employment, which is fixed at 14 years. This age limit seems to be the only difficulty which hinders ratification.

MEXICO

The main impediment to ratification has been the disparity between the minimum age fixed by legislation (12 years) and that stipulated by the Convention (15 years).

Mexico has always had the firm intention of raising the minimum age for admission to employment. As a result the legislation has now been reformed to bring the minimum age up to 14 years.

It will be seen from the above that there is still not entire concordance between the instrument and the legislation, though the discrepancy between the ages prescribed by one and the other has been reduced to only one year.

MOROCCO

Under section 9 of the Dahir of 2 July 1947 (13 Shaaban 1366) to regulate employment, no child under the age of 12 years shall be employed in or permitted to enter any industrial establishment. The draft Labour Code at present being prepared raises the age for admittance to employment from 12 to 14 years.

The adoption of this provision would not yet be enough to permit ratification of the Convention, but it would bring the national legislation appreciably closer to the standard laid down by it.

NETHERLANDS

It is now proposed to give full effect to the terms of the instrument. The amendment to the Labour Act, 1919, raising the minimum age for admission to employment in industry from 14 to 15 years has already been adopted by Parliament but has not yet entered into force. It is hoped that this amendment will have entered into force early in 1969.

NICARAGUA

This Convention was submitted to Congress for ratification in August 1967.

There is a divergency between the Convention and the Labour Code as regards the minimum age for admission to industrial employment, which under national legislation is 14 years.

POLAND

Legislation prohibits employment of all persons who are under the age of 15 years. A decree of November 1958 (*Dziennik Ustaw*, 1959, item 19) obliges the plants or their organisational units to keep lists of employed juvenile workers, including, *inter alia*, their dates of birth. Regulations aiming at adequate protection of health and normal physical development of juveniles prohibit, among others, employment of juveniles of both sexes under the age of 18 years at occupations harmful to health as listed in a decree of September 1958 (*Dz. U.*, 1958, item 312). Permission for employment of juveniles over 16 years in some kinds of work prohibited for juveniles, in the scope necessary for the teaching of a profession, can be issued by decree in agreement with the Minister of Health and Social Welfare and the Central Council of Trade Unions.

RWANDA

The Labour Code prohibits the engagement of children under 14 years of age without authorisation by the Minister. All measures have been taken to protect the health and the moral and intellectual development of adolescent workers.

The genuine putting into effect of section 24 of the Labour Code will perhaps enable the Government to consider the possibility of ratifying the Convention.

SENEGAL

Under section 140 of the Labour Code, children may not be employed in any undertaking before the age of 14 years, without exemption by ministerial order. So far, no exemption has been granted. An Order of the Minister of Labour and Social Security determines the type of work prohibited to young persons and the age under which the prohibition applies.

The minimum age for employment of 14 years enables the child who has completed his primary schooling to enter at once on an active life. To wait for him to reach the age of 15 years would mean leaving him unemployed for a year. This difficulty stands in the way of ratifying the Convention.

SINGAPORE

Existing legislation provides for the minimum age for admission of children to employment in industrial undertakings, as defined in the Convention. However, the provisions of Articles 2 (1) and 4 are not satisfied. Existing legislation provides that a child who has reached the age of 12 years may be employed in an industrial undertaking. In view of this, it is not possible to ratify the instrument at present.

SPAIN

The report states that for the time being there are no plans to give effect to the provisions of the Convention.

Section 171 of Book 2 of the Contracts of Employment Act, approved by Decree of 31 March 1944, which fixes the minimum age for admission to employment at 14 years, is not in harmony with Article 2 of the Convention, which stipulates a minimum age of 15 years.

SWEDEN

It is not proposed to give effect to the terms of this instrument. The main obstacle to ratification is that the Workers' Protection Act allows for wider exceptions than does the Convention. There is also a slight difference between the scope of the Act and that of the Convention.

SWITZERLAND

The exceptions allowed by the Act respecting work to the prohibition from employing children under the age of 15 years are broader than those of the Convention. Children forming part of the employer's family may be employed, whatever their age, in purely family undertakings and, to some extent, in mixed undertakings. During part of the school holidays, children of 14 years of age for whom school attendance is still compulsory may, subject to certain restrictions, be entrusted with light tasks. In cantons where compulsory school attendance comes to an end before the age of 15 years, the cantonal authority may, in specific cases, permit the regular employment of children aged over 14 years who have left school. The vocational schools are not employers of their pupils, and for this reason the activities of the pupils do not come under the Act respecting work.

Certain dangerous activities are prohibited to all young persons; others, less dangerous, are prohibited only to young persons who have not reached the age of 16 or 18 years.

Switzerland cannot ratify the Convention as long as the above-mentioned differences between its provisions and those of federal legislation remain.

SYRIAN ARAB REPUBLIC

The provisions governing the employment of adolescents (Book 3, Cap. 3, of the Labour Code) are not in full conformity with the Convention.

TOGO

The adoption of provisions to ratify the Convention is not being considered. There are no difficulties in the way of its ratification.

TURKEY

Industrial employment is defined in section 6, paragraph 1, of the Labour Act, No. 931 of 1967. Section 173 of the Public Health Act (No. 1593) prohibits the employment of children aged under 12 years in industry. Although the Labour Act contains no specific provision to say so, children of from 12 to 18 years of age may be employed in industry. However, section 68 of this Act prohibits the employment of children aged less than 18 years on work carried out underground or under water; section 1 of the regulations concerning arduous and dangerous work prohibits the employment of children under 16 years of age on the type of work listed in these regulations; section 67 of the Labour Act and section 173 (2) of the Public Health Act prohibit the employment of children aged under 16 years for more than eight hours per day. Section 67 also provides that hours of work shall be so arranged as not to interfere with primary-school attendance, and that school hours shall be included in the working day of eight hours.

In view of the age for admittance to industrial employment indicated above, it is not possible to ratify the Convention.

UGANDA

Provisions in the Employment of Children Act comply with the Convention. The minimum age for admission to employment in industrial undertakings, as defined in Article 1, paragraph 1 (*a*), (*b*) and (*c*), of the Convention, is 16 years. The Act allows minors below 16 years to be employed in light work so approved by the Labour Commissioner.

UNITED KINGDOM

Legislation and practice are largely in accord with the provisions of the Convention, but ratification is not possible as existing legislation does not meet the requirements of Articles 2 and 5 of the Convention. The Government refers in this connection to its report on unratified Conventions submitted to the Conference in 1960 (see 44th Session, Report III (Part II)).

Bahamas

The Employment of Children Prohibition Act (Cap. 246), as amended, prohibits the employment of children under the age of 14 years in any industrial undertaking.

Bermuda

The Convention, which has been declared applicable without modification, is applied by the Employment of Children and Young Persons Act, No. 213 of 1962.

British Honduras

Article 2 of the Convention is not fully satisfied by section 157 (1) of the Labour Ordinance, 1959, which fixes the minimum age for admission of children to industrial

employment at 14 years. However, the existing practice invariably precludes employment of children under the age of 18. Regulations will be made under section 164 of the Labour Ordinance whenever it is found necessary to restrict the employment of children under the age of 15 years in any public or private industrial undertaking.

British Solomon Islands

The Convention is substantially applied by the Labour Ordinance (Cap. 28) as amended up to 1964.

Brunei

The Government refers to its report on unratified Conventions for the period ending 31 December 1958.

Fiji

The Employment Ordinance (Cap. 75) substantially applies the terms of the Convention.

Gibraltar

The Employment of Women, Young Persons and Children Ordinance (Cap. 41) substantially applies the terms of the Convention. There is no statutory provision covering the requirements of Article 5 of the Convention. However, there are few, if any, employments which might be dangerous to life or health.

Gilbert and Ellice Islands

Under the Employment Ordinance, 1965, no person under the age of 18 years may be recruited for industrial work. Light work may be authorised over the age of 15 years.

Guernsey

The existing legislation does not permit a child to leave school before the age of 15 years. It follows that a child who has not attained that age cannot secure employment in an industrial undertaking.

Hong Kong

The Convention, which has been declared applicable with one modification (the minimum age having been fixed at 14 years), is applied by the Factories and Industrial Undertakings Ordinance (Cap. 59) and the regulations made thereunder. As the normal school-leaving age is between 12 and 13 years, juvenile delinquency and other problems may be aggravated if the minimum age for employment were fixed too high. As it is, few people under the age of 16 are employed in industries.

Jersey

The 1912 Education (Jersey) Law makes full-time education compulsory until the age of 15 years. Employers are not required by law to maintain a register of all persons under 18 years of age employed; however, everyone employed must have a social security card, and different cards are provided for persons under 18 years of age. The draft Children (Jersey) Law makes it an offence for any person who has the custody, charge or care of a child under the age of 16 years to cause, procure or permit him to be ill-treated or exposed in a manner likely to cause him unnecessary suffering or injury to his physical or mental health.

Montserrat

The Government refers to its report on unratified Conventions for the period ending 31 December 1958.

St. Helena

Children under 18 years of age are not employed in industrial undertakings.

St. Vincent

Present law prohibits the employment of persons under the age of 14 years in any industrial undertaking. No consideration has been given to prohibition of employment of persons between the ages of 14 and 15 years. While it is proposed to give effect to the terms of Articles 2 (2), 3, and 4 (which is already partially given effect to in law), there has been no consideration to giving legal effect to Article 5 of the Convention.

Swaziland

The Labour Advisory Board as now set up will be requested to examine the Employment Proclamation No. 51 of 1962 in the light of the Convention. The question of ratification would appear to present no real problem but certain delays may be inevitable.

UNITED STATES

The matters contained in the Convention are regulated at both federal and state levels. Under the Federal Fair Labor Standards Act, enterprises of a certain size or type engaged in inter-state or foreign commerce are prohibited from employing young persons under 16 years of age, or under 18 years of age where the Secretary of Labor has declared the occupation to be hazardous. These standards are largely reproduced in the Federal Government's own rules for employment.

Additionally, the employment of 14- and 15-year-old minors is limited to certain occupations for periods and under conditions which do not interfere with their schooling, health or well-being.

Employers are urged to obtain age certificates for minors, where claiming to be under 18 years for any occupation, and where claiming to be over 18 years for non-agricultural hazardous ones.

Of the states, 20 set a minimum age at 16 years for work in manufacturing establishments at any time, and 22 states and Puerto Rico have the same basic minimum either for all employment during school hours or in all employment but domestic service or agriculture. Except in five states, age certificates are required for workers under 16 years of age, and in about half of the states these are also required for workers of 16 and 17 years of age. In addition, 51 jurisdictions prohibit the employment of minors under 16 years, and in some instances under 18 years, in hazardous occupations. Exemptions for apprenticeship programmes and vocational training appear in a number of these laws.

The Convention is regarded as being appropriate, in whole or part, for action by the states.

UPPER VOLTA

Section 125 of the Labour Code lays down that children may not be employed in any undertaking, even as apprentices, before the age of 14 years. The same section provides that exceptions may be authorised by ministerial decree. Thus Decision

539/ITLS (29 July 1954) allows the employment of children aged at least 12 in domestic work, or light seasonal work, provided this implies no breach of the legislation in force concerning education.

Upper Volta has already ratified Convention No. 5 so that there will be no difficulty in ratifying the present Convention, adapted to realities.

VENEZUELA

This Convention was referred to Congress in July 1968 and certain clauses therein were closely scrutinised by the Ministry of Labour. From this study it has been concluded that although the basic principles enshrined in the Convention are already applied in full in Venezuela, special social characteristics and the stage reached by the nation in its economic development render it impossible for the time being to raise the minimum age for employment from 14 to 15 years. Hence the Convention cannot, as things are at present, be ratified.

VIET-NAM

The Government refers to its report on unratified Conventions, submitted to the Conference in 1960 (see 44th Session, Report III (Part II)).

ZAMBIA

The report states that the Employment Act, 1965, and the Employment of Women, Young Persons and Children Ordinance (Cap. 191) fully comply with the Convention. There are no impediments to ratification.

VIII. MATERNITY PROTECTION

Maternity Protection Convention (Revised), 1952 (No. 103)

ARGENTINA

Maternity protection is organised on the basis of Act No. 11933, which applies to industrial and commercial undertakings and any branch thereof. This legislation does not cover rural workers unless their occupations are connected with industrial or commercial undertakings; nor does it cover homeworkers or those in domestic service. Administrative employees in non-commercial offices and self-employed workers are not covered either. The law stipulates that women shall receive payment equivalent to their full salary or wages for a period of 30 days prior to and 45 days after their confinement (during which period employment is prohibited). The Act also sets up a compulsory social security scheme and specifies how it is to be financed.

Act No. 11933 gives entitlement to free care by a doctor or midwife. The provision of these services is entrusted to the Maternity Fund, in accordance with the Decree made under the Act.

The guarantee of employment during the period prior to and following confinement is provided by sections 13 and 14 of Act No. 11317, which provides that maternity leave cannot constitute grounds for dismissal. Act No. 11932 provides that any nursing mother shall have two 30-minute periods a day to nurse her child.

AUSTRALIA

Nauru

There are no legislative provisions relating to maternity protection.

Norfolk Island

There are no legislative provisions relating to maternity protection.

AUSTRIA

The Maternity Protection Act was amended in June 1968 in order to remove a slight divergence from the Convention with regard to the provision of maternity leave of not less than 12 weeks. There would not appear to be any further obstacle to ratification of Convention No. 103 and it is therefore intended to initiate the procedure for ratification in the near future.

BELGIUM

The Government is not in a position to propose ratification of the Convention.

The following divergencies remain between the legislation and the Convention. Article 4 (6) of the Convention lays down that cash benefits provided under compulsory social insurance shall be at a rate of not less than two-thirds of the previous earnings: Belgian law grants a daily allowance of 60 per cent. of the wage,

the employer being responsible for the difference up to 100 per cent. for 30 days (salaried women employees) or seven days (women wage earners). Besides, Belgian law does not establish for a woman nursing her child the right to interrupt her work for this purpose once or more during the day (Article 5 of the Convention), since the Government has considered that such a provision would be very difficult to apply in view of existing practice in the country.

BULGARIA

Under Ministerial Decree No. 61 of 28 December 1967, the duration of paid maternity leave for pregnancy and confinement ranges from 120 to 180 days. The Government also refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

At present, there is only one formal obstacle to ratification: under article 156, paragraph 2, of the Labour Code, the payment of maternity benefits which amount to the total salary is subject to a preliminary service period of three months. In practice, non-payment of benefits for this reason is quite rare. During the current drafting of a new Labour Code, the question of the desirability and further preservation of the above-mentioned provision will undergo consideration.

BURMA

The Social Security Act, 1954, as amended in 1956, provides maternity benefit in cash and in kind to the insured women in cases of pregnancy and confinement. However, as the social security scheme is limited in respect of geographical and employment coverage, it is not possible to ratify the Convention.

CANADA

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

There is considerable interest in the subject of the Convention at the present time. While there is some compliance through collective agreements and personal policy, as well as legislation, there are gaps in coverage in the various legislative jurisdictions.

CHILE

The Labour Code establishes the protective legislation for female employees and workers. This legislation applies to all industrial, agricultural or commercial services and establishments or undertakings, as well as to women who work at home, provided the women concerned are members of an insurance fund or a similar body. Nevertheless, these provisions do not apply to domestic servants, who in any case are entitled to medical benefits through the National Health Service as well as to receive family allowances during the whole period of pregnancy.

A woman is entitled to maternity leave for six weeks before and six weeks after her confinement. In addition, she is entitled to extra leave in the circumstances specified by law.

A woman who is on maternity leave receives an allowance equivalent to her wages. Furthermore, a pregnant woman cannot be dismissed or asked to give up her job at any point during that pregnancy and up to one month after the end of maternity leave except on just grounds, recognised by court decision; lower output

may not be considered as just grounds. Nursing mothers are entitled to two paid rest periods per day to nurse their babies, provided total time off does not exceed one hour.

In accordance with Acts No. 15966 of December 1964 and No. 16464 of 1966, women who are members of a social insurance scheme, and wives of members are entitled to family allowances throughout their pregnancy.

The legislation thus complies with the provisions of the Convention, except only for some benefits to domestic employees, which does not prevent the Convention being ratified. With this in view, the Convention was submitted to Congress.

CHINA

The Government refers to a letter of 19 February 1968 in which it stated that the provisions of Article 1 of the Convention regarding the scope of the protection, Article 3, paragraph 2, regarding the period of maternity leave and the compulsory leave after confinement, and Article 4 regarding cash and medical benefits, are not met by existing legislation. At present maternity protection is granted under article 37 of the Factory Law which provides eight weeks of paid maternity leave but covers only industries under Article 1, paragraph 2 (*a*) and (*b*) of the Convention. It has been decided to postpone ratification.

COLOMBIA

Colombia has ratified Convention No. 3 of 1919, which has been revised by the 1952 Convention. The Government has had difficulty in complying in full with the requirement in Convention No. 3 that 12 weeks' paid leave be granted to mothers-to-be. In view of the fact that the implications of the revised Convention are even greater, the Government does not intend to give effect to its provisions.

CONGO (KINSHASA)

National law takes account of certain provisions of the Convention. However, in view of the small number of women wage earners and the fact that the improvement of the living and working conditions of workers in general and women workers in particular depends on the economic and social development of the country, the possibility of implementing the provisions of this Convention fully is not yet under consideration.

COSTA RICA

The Government refers to the report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)), and adds that section 144 of the Education Code entitles pregnant schoolteachers to three months' leave prior to confinement and a further month afterwards, on full pay. Schoolteachers who have to have recourse to this section after the third month of the school year are deemed to be suspended from their posts for the rest of the school year and are entitled to half pay during the months succeeding the period mentioned above.

CZECHOSLOVAKIA

An amendment to the legislation on maternity protection is being drafted in order to improve the protection given at present. The possibility of ratifying the Convention may be considered in the light of the results obtained.

DAHOMEY

Under section 105 of Ordinance No. 33 of 28 September 1967, every woman who is pregnant shall interrupt her work for 14 consecutive weeks, and the interruption of her work shall not be considered a cause for terminating her contract. Eight weeks of the period must be taken after confinement, and the interruption may be extended by three weeks in the event of illness duly certified and arising out of pregnancy and confinement. During this period the employer may not dismiss her and she retains the right to her wage in full, which shall be paid in accordance with the procedure followed by the National Social Security Fund, as well as free care and benefits in kind. Under section 106 of the same Ordinance, a mother shall have the right to periods of rest for nursing her child not exceeding one hour per day during the 15 months following the birth of the child.

These provisions are applicable to all women wage earners except those in the public service, for whom another text lays down an equally favourable system. The Government can therefore ratify the Convention.

DENMARK

It is not proposed to give effect to the terms of the instrument. The legislation contains no general provisions on protection against dismissal or on interruption of work for the purpose of nursing, nor does it comply with the requirements of the Convention in regard to the categories of persons protected or to the rates of cash benefits.

DOMINICAN REPUBLIC

This Convention is applied in the Dominican Republic by the Labour Code (sections 209 to 221) and Acts No. 4099 of 15 April 1955 on prenatal and postnatal rest (Official Gazette 7826) and No. 1896 of 30 December 1948 on social insurance.

The following are specific provisions of the legislation. "No woman may be dismissed from her employment on account of pregnancy." "Every dismissal of a pregnant woman shall be submitted in advance to the Department of Labour or the local authority acting for it so that it may be established whether the dismissal is due to the woman's state of pregnancy."

"During the period of breast feeding, the woman shall be entitled to three special rest periods a day of not less than 20 minutes each at the place where she works."

"Prenatal and postnatal rest shall be paid at the same rate as the normal work of the woman salaried employee or wage earner, and during this rest she shall retain her employment and all the rights arising therefrom."

This Convention has been brought to the knowledge of the National Congress, but has not been ratified.

ETHIOPIA

The present legislation does not conform with the requirements of the Convention; revision of the legislation is necessary before the Government is prepared to ratify.

FINLAND

It has not been possible to ratify the Convention, even after the coming into force in 1964 of new legislation relating to national pensions. Under this legislation, maternity benefits in cash are only paid for a period of 54 days, and the employment of women during the first six weeks after confinement is prohibited only in commerce

and offices. The level of cash benefits under the Finnish sickness insurance legislation is considerably lower than that provided for by the Convention, and there is no provision on the interruption of work for nursing the child. Despite the fact that under the Act respecting Contracts of Employment, employers are not entitled to rescind contracts of employment with women workers during maternity leave, this provision has not been considered to prevent the employer from giving notice to a woman worker during that period if he follows the provisions of the contract. Accordingly the legislation would not seem to comply fully with Article 6 of the Convention.

FRANCE

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). Since then, section 29 of Book I of the Labour Code has been amended by Act No. 66-1044 of 30 December 1966 respecting the guarantee of employment in the event of maternity. The purpose of this Act has been to increase protection in respect of the contract of employment of a woman who is pregnant or confined and to bring the national legislation into harmony with Conventions Nos. 3 and 103 on this point. The Government provides detailed information on the new provisions of section 29 of Book I of the Labour Code.

The difficulties mentioned in the report referred to above concerning Article 3 (5) of the Convention no longer exist, since the provisions of the new section 29 of Book I of the Labour Code are in harmony with the Convention on the point in question.

Similarly, it has been accepted since the last report that, where confinement takes place after the presumed date, the period of postnatal rest giving rise to the payment of a daily allowance remains fixed at eight weeks, even if this increases the total period of rest with the payment of allowances to more than 14 weeks.

The following difficulties remain. With regard to the right to maternity leave, the report states that the legislation does not lay down additional prenatal leave in the event of illness medically certified to be due to pregnancy. With regard to maternity insurance benefits, the daily allowance is equal only to one-half and not to two-thirds of the basic wage, except under the provisions concerning insured women who already have two dependent children.

GABON

A woman who is pregnant is entitled to interrupt her work during the six weeks preceding confinement and she may not be employed during the eight weeks following confinement, the latter period being subject to extension by three weeks in the event of illness. During this interruption of her work the woman is entitled to free treatment and half her wage at the cost of the Equalisation Fund for Family Benefits.

It appears from these provisions that the half wage granted to the woman during her maternity leave, increased by the amount of the prenatal allowance calculated at the rate of 1,000 francs per month, does not represent the rate of not less than two-thirds of the previous earnings required by Article 4 of the Convention. It is on this point that national law diverges from the provisions of the Convention.

FEDERAL REPUBLIC OF GERMANY

The Maternity Protection Act as amended in 1965 satisfies the requirements of the Convention even more fully than hitherto and in some respects it considerably exceeds those requirements. In some areas, however, it does not correspond with the

Convention. A small number of women, namely those not covered by compulsory sickness insurance, receive maternity benefits from the employer in contrast to Article 4, paragraph 8, of the Convention.

Any complete adaptation of the Maternity Protection Act to the provisions of Convention No. 103 is not at present contemplated.

The differences between the Convention and domestic law at present prevent ratification.

GHANA

Maternity protection is provided for by the Labour Decree, 1967, the Civil Service General Orders and collective agreements. No further legislation or regulations are proposed.

There will be some difficulties in the application of Article 4, subsections 4, 5 and 8 of the Convention, as the compulsory National Social Insurance or Social Assistance Fund Schemes do not at present cover maternity benefits in cash although this is envisaged at some future date. In this respect, the Government also refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)), where it explained that the payment of remuneration by the employer during maternity leave under article 42 of the Labour Decree might be considered as being contrary to Article 4, subsection 8 of the Convention; in this case, it would be difficult to apply the Convention, since it is not considered necessary to make any changes in this regard in the legislation or administrative instructions.

GREECE

The Government, having taken into consideration the provisions of this Convention as well as those of Act No. 2274 of 1920 respecting ratification of Convention No. 3 and Act No. 429 of 1912 (section 13) and the Royal Decree of 14/26 August 1913 (section 4), intends to ratify the present Convention. A Bill is being drafted for the purpose.

GUATEMALA

The Government refers to the report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The Ministry of Labour is studying the ratification of the Convention. Nevertheless, despite the efforts of the competent authorities, available budgetary resources are not yet sufficient to enable the programme to be carried out in full. For these reasons the Convention cannot yet be ratified.

GUINEA

The Government states that Guinea ratified the Maternity Protection Convention, 1919 (No. 3), in 1966.

GUYANA

Under the proposals for a national insurance scheme now being formulated, provision has been made for maternity benefits based on the standards laid down by Conventions Nos. 102 and 103. Steps will be taken to consider the possible ratification of the Convention as soon as the national insurance scheme has been established.

INDIA

The Central Maternity Benefit Act, 1961, and the Employers' State Insurance Act, 1948, provide for maternity benefits to industrial workers on the scale envisaged

in the Convention. The Central Maternity Benefit Act is applicable to factories, mines and plantations; the state governments may extend the benefits to any other class of establishments.

The difficulties that prevent ratification are as follows. Even if the exceptions provided for in Article 7 are availed of, it may not be possible for India to meet the requirements of the Convention regarding coverage. It is not possible to respect the individual's sentiments in choosing a doctor or between a public and a private hospital until the availability of resources increases. Only the benefits provided under the Employees' State Insurance Scheme and those afforded to government servants conform to the requirements of Article 4, paragraphs 4 and 8. Otherwise, the provision of maternity benefits under existing legislation is the direct responsibility of the employer.

IRAN

Sections 18 and 19 of the Labour Act (17 March 1958) and sections 57 and 58 of the Social Insurance Act dated 2 June 1960 deal with the protection of mothers.

The Convention could be ratified only if certain exceptions were authorised, as provided for in Article 7.

The Government refers in addition to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

IRAQ

Article 2 (*a*), (*b*) and (*c*) of the Labour Law of 1958, as amended, provides for exemptions not permitted by the Convention; article 23 of the Labour Law provides for benefits less than those provided for by Articles 3 and 4 of the Convention; and the medical benefits under Article 4 of the Convention are not provided for by the Labour Law. Therefore, the ratification of the Convention should be postponed at present. The Convention will be submitted to the competent authorities in accordance with article 19 of the Constitution.

IRELAND

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The Social Welfare Acts have been amended up to 1967 to increase remuneration limits and maternity allowances.

ISRAEL

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The legislation referred to has substantially remained in force. The provisions of the Employment of Women Law, 1954, as they now stand, are safeguarding the application of the Convention in respect of almost the entire female labour force. A certain restriction in coverage results from a 1964 amendment to subsection (*b*) of section 9 of the above Law in so far as occasional and temporary women workers are not protected against dismissal during pregnancy unless they have been in the same employment for at least six months. Any extension of the protection from dismissal in these circumstances is thought to be detrimental to the chances of employment for women in general.

While adopting the requirements of Article 6 of the Convention in respect of the maternity leave as defined by paragraphs 1 to 3 of Article 3 of the Convention, dismissal during pregnancy prior to the pre-confinement maternity leave has been

made subject to a permit from the Minister of Labour, who shall not give his permission if the dismissal is in his opinion connected with the pregnancy. It is thought that the adoption of the broader requirements of Article 5 of the Convention would operate to the detriment of the employment chances of women.

ITALY

The Government gives detailed information on the provisions adopted for maternity protection. Under section 1 (c) of Decree No. 568 of 21 May 1953, only certain relations of the employer living with him as dependants are excluded from the scope of Act No. 860 of 26 August 1950 on the physical and economic protection of wage-earning mothers. Section 5 of this Act provides for compulsory maternity leave of a minimum period of 14 weeks, which is extended to 16 weeks in agriculture and three months plus eight weeks in industry; eight weeks of this last period must be granted after confinement. Sections 5, 6 and 7 of Act No. 860 provide for the extension of this leave in cases including those covered by Article 3 (4), (5) and (6) of the Convention.

All women workers insured against sickness receive maternity benefits in cash and in kind. Section 17 of Act No. 860 of 26 August 1950 (as amended by section 3 of Act No. 7 of 9 January 1963) provides that women employed by private employers are entitled during the whole of the compulsory absence from work to an allowance representing 80 per cent. of their wage. Female salaried employees of the State receive their salaries in full. Since, however, these benefits are not granted either to female agricultural workers who are not salaried employees or to female home-workers, sections 22 and 25 of the Act of 26 August 1950, as amended by the Act of 9 January 1963, prescribe the granting to these groups of an allowance calculated as a percentage of the wage.

The medical, surgical and pharmaceutical benefits mentioned in the Convention are covered by section 8 (section 22 for women agricultural workers) of the Act of 26 August 1950 and by section 32 of the Regulations issued under it on 21 May 1953.

Sections 9 and 10 of the Act of 26 August 1950 and sections 22 to 24 of the Regulations issued under it provide for two daily pauses for breast-feeding of one hour each, counted as hours of work and paid accordingly, during the year following the birth.

With regard to Article 6 of the Convention, dismissal of a woman worker is prohibited by section 3 of the Act of 26 August 1950 during the whole period of pregnancy and until the child reaches the age of 1 year.

In view of the high level of the legislation on maternity protection, the procedure for submitting to Parliament the Bill ratifying the Convention is already under way.

JAMAICA

The Government refers to its report on unratified Conventions for the period ending 31 December 1963. Since then, maternity leave regulations in the public sector have been improved and the trade unions continue to achieve favourable maternity provisions through collective bargaining. It is, however, not considered advisable to introduce legislation, at this stage, to regulate the employment and working conditions of women before and after childbirth.

This country's social security scheme does not at present provide for maternity benefits. Compulsory application of the provisions of this instrument might result in severe restrictions on the employment of women, pregnant or otherwise. In addition, the great majority of small agricultural holdings are family owned and operated, which would make implementation impractical.

JAPAN

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

KENYA

At the present stage of economic development it is not considered possible to ensure compliance with the terms of the Convention.

KUWAIT

Sections 25 and 26 of the Labour Law entitle women to maternity leave with pay for 30 days preceding and 40 days after delivery. The Law permits an additional sickness leave without pay of 100 days due to pregnancy and delivery on presentation of an approved medical certificate.

It is hoped that in future amendments to the labour legislation the provisions of this Convention will be given the utmost consideration.

LESOTHO

Section 75 of the Employment Act, No. 22 of 1967, does not fully apply the provisions of the Convention but it is a step in its direction.

The absence of a social security scheme in this regard and the inadequacy of existing legislative provisions render ratification difficult.

LUXEMBOURG

The report states that this Convention, which is in process of ratification, is at present before the Council of State. Since the occupational chambers have all expressed their opinions, ratification may be expected to take place this year.

MALAWI

It has not yet been decided to what extent provisions of this Convention may be incorporated in amendments to the Employment of Women, Young Persons and Children Ordinance, Cap. 97 of the Laws, which are under consideration.

MALAYSIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The position remains unchanged except for the fact that in the states of Malaya maternity allowance has been increased and the provisions on maternity have been extended to apply to all persons employed under a contract of service and earning wages not exceeding \$500 per month.

The Government is drafting legislation to set up a social insurance scheme which would at a later stage be extended to cover maternity. Consideration would then be given to providing the standard of cash and medical benefits envisaged in the Convention.

MALI

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). Since then the ceiling for the daily allowance provided for under section 236 of the Labour Code during the

period of maternity leave (14 consecutive weeks) has been raised from 50,000 francs to 75,000 francs.

The legislation on maternity protection does not apply to women wage earners working at home, since they are not legally subordinated to an employer. However, this class of worker hardly exists in the Republic of Mali.

MALTA

It is a condition of service in the public sector, and the prevalent custom in other sectors of employment, that women relinquish their job on marriage. In view of this fact, it is not felt necessary to provide for maternity leave and other advantages which would normally be required by a woman worker who has family responsibilities.

MAURITANIA

The protection of mothers is dealt with by Act No. 63-023 (23 January 1963) introducing the Labour Code, and especially by section 33, Book I, and sections 15 and 16 of Book II, and also by the General Decision No. 5254 IGTL/AOF (19 July 1954), as amended by Decision No. 10-300 (2 June 1965), on work by women, including pregnant ones. Under this legislation a pregnant woman can abandon her work without giving prior notice. On confinement a woman is entitled to suspend her contract of employment for 14 weeks, eight of them after the birth of her child. This period may be prolonged for three weeks. During this time, her employer may not give her notice. No woman may be employed during the six weeks following childbirth. For 15 months after the birth, she is entitled to one hour's break per working day to suckle her infant. While her contract of employment is suspended the woman continues to draw her full wage for a period equal to the prior notice given, after which she draws half of it.

Although the Convention has not been ratified, it is felt that existing national legislation is equivalent.

MEXICO

The Government refers to the report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The main reason which has prevented ratification of this instrument up to now is that the benefits granted to pregnant women under national legislation are less than those prescribed by paragraphs 5 and 6 of Article 3 of the Convention.

MOROCCO

Only women employed on industrial and commercial work are entitled to daily maternity allowance; those working in other branches of economic activity or on domestic work do not receive this allowance. In industry, commerce and the liberal professions, additional leave is not granted before confinement. Women wage earners, however, receive half their wages during a period of ten weeks surrounding the date of confinement. Besides, certain undertakings belong to mutual organisations that grant medical benefits and bonuses for a birth, but membership of these organisations is not compulsory. Payment during breaks in work for nursing a child is not laid down by law, except for women wage earners in agriculture.

The benefits granted under the Convention would represent an additional burden for the employers or the State that it is undesirable to place on them in the present economic situation. In these circumstances it is not yet possible to adopt measures to amend the existing legislation.

NETHERLANDS

Legislation in the field of maternity protection is to a great extent in line with the provisions of the Convention. However, the provisions of Article 4 of the Convention still prevent ratification.

NEW ZEALAND

There is no present intention of giving greater effect to the Convention than exists at this time. The absence of any legislative provision for any form of paid maternity leave, except in the public service and the teaching service, precludes ratification of this Convention.

NICARAGUA

This Convention was submitted to Congress for ratification in August 1967.

There are discrepancies between the Convention and the Social Security Act in that the latter does not provide for freedom of choice of medical practitioner or hospital, and between the Convention and the General Regulations governing the National Social Security Institution with respect to the percentage payable.

NIGERIA

Maternity protection is provided for under the Labour Code. The submission of the Convention to the competent authority has been delayed by the situation in the country.

NORWAY

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). Since 1967, child-birth benefits have been increased and the lowest category entitled to sickness benefits has been abolished.

The Equal Pay Council is working on a report on legislation and practice concerning the rights of mothers employed in Norway and in other countries. On the basis of the report it will be possible to discuss in more detail the position in Norway in relation to the standards set forth in the Convention.

PAKISTAN

Existing maternity benefit legislation places the responsibility for the payment of maternity benefit on the employer contrary to paragraph 8 of Article 4 of the Convention. The West Pakistan Employees' Social Security Ordinance, 1965, which has at present been applied to the textile workers only, provides for medical care during maternity as well as maternity benefit for 12 weeks only of which not more than six weeks shall precede the expected date, contrary to paragraph 4 of Article 3 of the Convention. It is therefore not possible to give full effect to the Convention and as such it cannot be ratified.

PHILIPPINES

As regards Article 3, paragraph 2, of the Convention the maternity leave period allowed for under the law (section 8 of R.A. 679, as amended) is 14 weeks, six weeks before the expected date of delivery and another eight weeks after delivery. The law does not provide for a compulsory leave after confinement but only declares that a

waiver of the eight weeks' post-delivery period is contrary to public policy as laid down in topic, 1, paragraph 8, of Department Order No. 9 of 1963. The provisions of Article 3, paragraph 3, of the Convention have been partially adopted in a Bill submitted to Congress providing for four weeks' compulsory and two weeks' optional leave before delivery and for six weeks' compulsory and two weeks' optional leave after delivery.

As regards Article 4 of the Convention, only cash benefits are provided for under section 8, subsection (a), of R.A. No. 679, as amended. A Bill submitted to Congress specifies that maternity benefits will or shall be paid under a social insurance scheme by the employer and the employees.

RWANDA

Maternity protection is dealt with by sections 127 to 130 of the Labour Code. The delay in ratifying the Convention is largely due to the fact that an adequate social security system has not yet been established. At present, a pregnant woman is entitled during the period when her contract is interrupted to free medical attendance and two-thirds of the wages she has been receiving, and she retains the right to benefits in kind.

SENEGAL

The employment of women comes under sections 137 to 139 and 141 of the Labour Code. Under section 138, every woman who is pregnant is entitled to interrupt her work for 14 consecutive weeks, including eight weeks after confinement. The interruption may be extended by three weeks in the event of duly established illness; it may also be preceded by a period of unpaid rest determined by a medical certificate. During the period of interruption of work, the employer may not dismiss the pregnant woman. Section 139 provides for a break for nursing a child of not more than one hour in the working day during the 15 months following the birth of the child.

The following difficulties prevent or delay ratification of the Convention. In the present state of the legislation a woman is not entitled to postpone her prenatal leave of six weeks to the end of the postnatal leave of eight weeks, and the total period of maternity leave remains fixed at 14 weeks except in the event of duly established illness. During the maternity leave the social security legislation provides for the payment of half the wage by the Equalisation Fund for Family Allowances and Employment Injury as well as prenatal and postnatal medical attendance.

SIERRA LEONE

There is no legislation with regard to maternity protection but administrative regulations and a number of collective agreements give protection to workers during and after pregnancy. It is hoped that consideration will be given to the ratification of the Convention as and when the economic position warrants the practical application of all its provisions.

SINGAPORE

Existing legislation and practice comply with the requirements of the Convention to a limited extent. The cost of providing maternity benefits under the legislation is borne by the employers individually, contrary to paragraphs 4 and 8 of Article 4 of the Convention. At the present stage of the industrial and economic development the Convention cannot be ratified.

SWEDEN

It is not proposed to give effect to the terms of the instrument. In certain respects the Convention is more rigid than the national legislation, particularly as regards the scope and the right to protection against notice of dismissal.

SWITZERLAND

The Government states that the reasons in the way of ratification were set forth in its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The minimum maternity benefits guaranteed by the sickness insurance legislation remain inferior, both in nature and in duration, to the standards laid down by the Convention.

SYRIAN ARAB REPUBLIC

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

TANZANIA

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). At the present level of development, it is not possible to give effect to all the requirements of the Convention, especially in regard to Articles 3 and 4.

TOGO

No measure is being considered for the ratification of the Convention, although all the necessary arrangements are made for maternity protection. The Government refers to its report submitted under article 19 of the Constitution for the period ending 31 December 1963.

There is no difficulty to prevent or delay ratification of the Convention.

TUNISIA

With the legislation as it is, possibilities of ratifying this Convention come up against the provision of section 64 of the Labour Code that fixes the length of maternity leave at 30 days. Since national legislation as it is does not accord with the provisions of the Convention, it cannot be ratified.

TURKEY

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). The new Act, No. 506 on social insurance, broadens the scope of the existing social security scheme, and even extends it to establishments employing only one worker, to the family of the person concerned and to his dependants.

UGANDA

Although there is no law conforming to and applying fully the provisions of the Convention, a good number of employers grant maternity leave with pay for one or two months, which is sometimes supplemented by a period of one to three weeks on

half pay or without pay. Women employed by the Government are entitled to 120 days' maternity leave with full pay and 90 days with half pay. All women are entitled to free medical care, including prenatal confinement and postnatal care.

The Government believes in ratifying such Conventions as can be adequately supervised and implemented. It is intended to examine important human rights Conventions, subject to manpower needs being satisfied as planned in the Second Five-Year Development Plan.

UNITED KINGDOM

Until the present comprehensive review of social security provisions has been completed the Government is not in a position to say whether, or to what extent, it could give effect to the terms of this Convention.

The Government also refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

Bahamas

There is no legislation covering this Convention, nor is there a compulsory social insurance scheme. The terms of service for government employees and a number of collective agreements provide for maternity leave.

Bermuda

There are no legislative provisions and it is not intended at present to adopt measures to give effect to the provisions of this Convention.

British Honduras

Articles 1, 2 and 3 of the Convention are applied by sections 2 and 171 (1) of the Labour Ordinance, 1959. Under the Labour Ordinance, however, the term "woman" means a female person who has attained the age of 18 years. There is no legislation to provide compulsory insurance for cash and medical benefits. Section 171 (1) of the Labour Ordinance requires an employer or employers to pay maternity benefits. Medical services are provided by government hospitals free or for a nominal charge. There is no legislation applying Article 5 of the Convention but the general practice is to allow nursing breaks on request. It is not considered practicable to apply Article 5 at this stage.

British Solomon Islands

The Labour Ordinance, Cap. 28, as amended up to 1964, covers most of the provisions of the Convention. However, no statutory provisions exist as regards Article 1, paragraphs 5 and 6, Article 3, paragraph 5, and Article 5, paragraph 2, of the Convention.

Brunei

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

Fiji

Although many of the terms of the Convention are met by sections 74 to 81 of the Employment Ordinance (Cap. 75) it is not considered that the provisions of Article 4

of the Convention could be implemented at the present stage of development in the absence of a compulsory social insurance scheme. The present legislation is based on the employers' liability for maternity allowances.

Gibraltar

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). Additional confinement leave without pay has been introduced for married women officers in various public services.

Gilbert and Ellice Islands

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

Guernsey

Apart from the introduction of maternity benefit, which is now being considered, there is little likelihood of the provisions of the Convention being implemented.

Hong Kong

Women are not prohibited by law from working during pregnancy and postnatal confinement. Maternity leave is granted in practice. In the public service paid maternity leave of up to 12 weeks is granted to married officers, provided they have completed 12 months' service and had six months' continuous resident service for each of the first four confinements. Medical care is available free of charge or at relatively low cost. A government report on maternity protection is currently open to public comments.

Jersey

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)) and adds that, under the Health Insurance (Jersey) Law, 1967, as amended, an amount of six guineas is payable to a woman in respect of an inclusive fee paid by her to a doctor for treatment during her confinement.

Montserrat

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

St. Helena

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)).

St. Vincent

Apart from the maternity leave granted to married women in the public service at the discretion of the Administrator under the Windward Islands General Orders no consideration has been paid by the Government to giving effect to the terms of this Convention.

Swaziland

The Government refers to its report on unratified Conventions submitted to the Conference in 1965 (see 49th Session, Report III (Part II)). Certain requirements of the Convention which are not incorporated in the Employment Proclamation will be brought to the attention of a Labour Advisory Board currently being set up under the Labour Advisory Law, No. 16 of 1966. This may cause a certain delay in the Convention's ultimate ratification but no difficulties can be foreseen at the moment.

UNITED STATES

Maternity benefits are available chiefly through voluntary health and insurance plans of various types. Only limited groups of workers are covered by legislative provisions.

Voluntary health plans include a great variety of job-related prepayment or insurance plans and health programmes. They generally take the form of cash payments to meet part or all of the expenses of obstetrical care or prepaid hospital, and frequently, medical services. The costs of these programmes are paid entirely by the employer or, less frequently, shared by the employer and employees. In addition, paid maternity leave is granted under many union contracts and by individual employers.

Only Rhode Island, New Jersey and Puerto Rico provide by law for paid maternity leave. Under the Temporary Disability Insurances Acts of Rhode Island and New Jersey, women workers are entitled to cash benefits for maternity leave for 14 weeks and eight weeks respectively. In Puerto Rico an employer is required to pay a working mother one-half of her regular wages during an eight-week period and provide job security in her absence.

Federal and most state government employees may use their paid annual and sick leave as maternity leave, and frequently take additional time off without pay, job security being provided for.

It is not customary to provide time off for nursing.

The Convention is regarded as being appropriate, in whole or in part, for action by the states.

UPPER VOLTA

In accordance with Chapter III, Part V, of the Labour Code, any pregnant woman can leave her work without prior notice and without having to pay compensation for breach of contract. On confinement, a woman is entitled to 14 weeks of paid leave, which period may be prolonged by three weeks in the event of illness. During this time her employer may not give her notice. For a period of 15 months the mother is entitled to one hour's break per working day to suckle her child.

The legislation existing is felt to meet almost everything provided for in the Convention. The latter will be submitted to the competent authorities for ratification.

VENEZUELA

In June 1968 this Convention was submitted to Congress afresh and recommendations were made to the effect that some of its clauses, not yet effective in Venezuela, should be put into force by suitable domestic legislation.

However, two major obstacles impede ratification. First, there is the provision by which a woman may freely choose her doctor or hospital (public or private) if she

needs medical care, whereas under our existing system medical care in pregnancy and childbirth is given by the Venezuelan Social Security Institute through its own services. Secondly, there are provisions which differ somewhat, on points of detail, from our own legislation, as regards the woman's protection during maternity and the conditions governing her employment. These provisions call for changes in our labour legislation and it may perhaps be impossible to make them in the time normally set aside for fulfilment of international obligations. This holds good more especially of work in agriculture and stock-raising.

VIET-NAM

Under section 193 of the Labour Code and section 94 (2) of the Agricultural Labour Code, no woman shall be employed for a period totalling eight weeks before and after confinement. Section 193 of the Labour Code also prohibits the employment of women during the six weeks following childbirth. During the period of compulsory rest, the employer must pay a woman one-half of her wages and, where appropriate, all allowances in kind (section 194 of the Labour Code). Under sections 234 and 238 of the Labour Code, every undertaking and establishment shall provide a medical or health service for the workers employed, and the employer shall supply a sick worker with care and medicaments. Section 195 of the Labour Code provides for a nursing break of one hour per day.

The Labour Code does not apply to domestic employees, agricultural workers or the crew of ships or aircraft, but the Government would consider providing for exceptions to the application of the Convention in respect of these classes of persons by means of a declaration accompanying ratification.

ZAMBIA

At the present stage of economic development, the Government considers it unwise to ratify this Convention, in view of financial and administrative difficulties.

General Replies

AFGHANISTAN

The question of ratification of the basic human rights Conventions Nos. 87, 111 and 100 is, at present, under active consideration by the Government, whose decision will be communicated as soon as possible.

The Government considers that the remaining Conventions on which reports are required are insufficiently relevant to the conditions pertaining in Afghanistan for it to be in a position to consider ratification at the present time. The Government would under no circumstances ratify any Convention unless it is entirely satisfied that its application would be a practical proposition and also beneficial to the country's social and economic development.

INDONESIA

The emphasis of the cabinet programme is on economic and political consolidation, the implementation of the Five-Year Development Programme, and the implementation of general elections within a period of four years.

As the cabinet programme is not directly concerned with the Conventions selected for review, ratification is still considered premature.

Employers' and workers' organisations are currently being consulted in this respect, and their opinions will be communicated in due course.

JORDAN

The authorities concerned agree in principle on the basis and principles of the Conventions listed in the report form.

When it was found that there was some contradiction between the labour laws and regulations in effect in Jordan and some of the Articles of the Conventions referred to, amendments to the existing laws were initiated to bring them into agreement with the Conventions. It is hoped that when the new laws are issued in an adjusted form, these Conventions will be ratified.

SOMALI REPUBLIC

The Labour Code is being revised with the assistance of an I.L.O. expert, who has been asked to advise on the manner and the extent to which the revised Code can incorporate the letter and spirit of I.L.O. Conventions and Recommendations. It is only after the Code has been amended that it will be fruitful to examine the possibility of ratification of the Conventions selected for review. However, the Conventions concerning human rights are being examined so that if possible they may be ratified during the 50th anniversary of the I.L.O.

**Communication of Copies of Reports to Representative Organisations
of Employers and Workers
(Article 23, Paragraph 2, of the Constitution)**

The Governments of the following States have indicated the representative employers' and workers' organisations to which copies of the reports supplied have been sent: *Argentina, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Congo (Kinshasa), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Guinea, Guyana, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lesotho, Luxembourg, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Philippines, Senegal, Sierra Leone, Singapore, Sweden, Switzerland, Tanzania, Togo, Tunisia, Turkey, Uganda, United Kingdom, United States, Upper Volta, Viet-Nam, Zambia.*

The Government of *Indonesia* has indicated that copies of its report have been sent to the representative employers' and workers' organisations.

The Government of *Byelorussia* has stated that copies of its reports have been sent to the Central Council of Trade Unions and to the directors of different undertakings.

The Governments of *Bulgaria, Czechoslovakia* and *Poland* have indicated that copies of their reports have been sent to the Central Council of Trade Unions 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 Government of the *Ukraine* has stated that copies of its reports have been sent to the Trade Union Council and to the directors of numerous economic associations.

The Government of *Cuba* has stated that copies of its reports have been sent to the Cuban Workers' Union and to the managements of industrial undertakings and internal trade.

The Government of *Spain* has stated that copies of its reports have been sent to the National Organisation of Spanish Trade Unions.

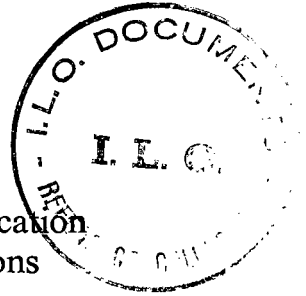
International Labour Conference

FIFTY-THIRD SESSION

GENEVA, 1969

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
1969

09661/2

Price: 1 Sw. fr.; 2s. (£0.10); \$US 0.25

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 ILO 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 51st Session, held in Geneva from 7 to 29 June 1967.

The period of one year provided for the submission to the competent authorities of these instruments expired on 29 June 1968, and the period of 18 months on 29 December 1968.

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 50th Sessions (1948 to 1966). 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 52nd 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 17 to 28 March 1969, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 51st 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) Recommendation (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).

51st Session (1967).

- Maximum Weight Convention (No. 127).
- Invalidity, Old-Age and Survivors' Benefits Convention (No. 128).
- Maximum Weight Recommendation (No. 128).
- Communications within the Undertaking Recommendation (No. 129).
- Examination of Grievances Recommendation (No. 130).
- Invalidity, Old-Age and Survivors' Benefits Recommendation (No. 131).

Summary of Information relating to the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at Its 51st Session (Geneva, 1967) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st to 50th Sessions (1948 to 1966)

ARGENTINA

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the President of the Republic, who took note of them in exercise of the legislative power conferred upon him by article 3 of the Statute of the Argentine Revolution.

Recommendation No. 128 can be accepted for gradual application with a view to possible ratification of Convention No. 127. The provisions of Convention No. 128 and Recommendation No. 131 already figure to a large extent in Argentine legislation; however, since a draft Bill to amend the social security system is under examination, the present is not an appropriate time to consider ratification of that Convention. Application of Recommendation No. 129 raises difficulties but might be undertaken by means of collective agreements. Recommendation No. 130 is already applicable to most establishments and can, in principle, be accepted as a model for possible future legislation.

AUSTRALIA

The texts of the instruments adopted by the Conference at its 51st Session were tabled in the Commonwealth Parliament in October 1968 as an appendix to the report of the Australian delegates to the Conference. Statements on the Convention and Recommendations adopted by the Conference at its 47th Session were also tabled in Parliament in May 1968. The ratification of Convention No. 119 is not proposed. Effect is given to Recommendations Nos. 118 and 119 to a limited extent.

AUSTRIA

The texts of Convention No. 128 and Recommendations Nos. 127 and 131 have been submitted to the Council of Ministers and the National Council. The text of Convention No. 118 has not yet been submitted owing to the fact that efforts are being made to eliminate obstacles to ratification.

BELGIUM

The texts of the instruments adopted by the Conference at its 49th and 50th Sessions have been submitted to Parliament with the Government's proposals thereon. The Government recommends the ratification of Conventions Nos. 123 to 126 and the acceptance of Recommendations Nos. 123 to 127.

BRAZIL

Information has been provided regarding submission to the competent authorities of the texts of the Recommendations adopted by the Conference at its 44th and 46th to 49th Sessions.

The texts of Recommendations Nos. 114 and 125 have been sent to Congress with opinions favourable to their acceptance. The texts of Recommendations Nos. 113 and 124 have also been sent to Congress.

According to a view expressed by the Attorney-General, it is necessary for international labour Recommendations to be referred to the technical committees of the Ministry of Labour; these will prepare draft legislation for submission to Congress if the Government thinks fit.

The text of Convention No. 127 has been sent to the President of the Republic for submission to Congress with a recommendation for its approval. Recommendations Nos. 128 to 131 are now under consideration by the competent authority—the Permanent Committee on Social Law of the Ministry of Labour and Social Welfare. Convention No. 128 is also under consideration by the same committee.

BULGARIA

The Presidium of the National Assembly has taken note of the instruments adopted by the Conference at its 51st Session and has referred them to the competent bodies for consideration and possible application.

BURMA

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the Cabinet for consideration.

BYELORUSSIA

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the Presidium of the Supreme Soviet in May 1968.

CAMEROON

The texts of the instruments adopted by the Conference at its 44th to 49th Sessions have been submitted to the National Assembly together with the Government's proposals regarding each of these instruments. The Government proposes the ratification of Conventions Nos. 115, 119, 122 and 124 and the acceptance of Recommendations Nos. 117 to 119, 122, 124 and 125. The National Assembly has taken note of these proposals. The instruments are to be placed before the President of the Republic for his decision thereon. The texts of the instruments adopted at the 50th Session are being studied by the competent bodies and will most probably be submitted together with those adopted at the 51st Session to the National Assembly at its session in May 1969.

CANADA

The texts of the instruments adopted by the Conference at its 51st Session were laid before the House of Commons and the Senate on 7 May 1968 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 consultations would be held with the provinces on Convention No. 127 which might permit eventual ratification of the Convention, and that Convention No. 128 was being studied with a view to its possible ratification.

CHINA

The texts of Recommendations Nos. 128 to 131 have been submitted to the Legislative Yuan. Conventions Nos. 87 to 90, 92, 94, 96, 97, 101 to 103, 106, 110 and 125 to 128 have been or are being examined by the competent bodies and the Executive Yuan. Their texts have not yet been submitted to the Legislative Yuan.

CONGO (BRAZZAVILLE)

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the competent authorities.

CONGO (KINSHASA)

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the President of the Republic, who exercises legislative powers until the National Assembly is reconvened.

CUBA

The texts of Recommendations Nos. 128 to 131 have been submitted to the competent authorities. Convention No. 115 was so submitted in 1966.

CYPRUS

The texts of the instruments adopted by the Conference at its 51st Session, together with the Government's proposals concerning the action to be taken thereon, were submitted to the House of Representatives on 5 December 1968.

Convention No. 128 has been ratified while no ratification is proposed for Convention No. 127. Recommendations Nos. 129 to 131 have been accepted but not Recommendation No. 128.

CZECHOSLOVAKIA

The Presidium of the National Assembly has taken note of the proposals of the Government with regard to the instruments adopted by the Conference at its 49th and 50th Sessions.

DENMARK

On 19 April 1968 the Ministry of Labour submitted to Parliament the report of the Danish delegation to the 51st Session of the Conference together with the texts of the instruments adopted thereat.

ECUADOR

The texts of the Conventions which had not yet been submitted to the competent authorities were sent by the Ministry of Labour and Social Welfare to the Ministry of

Foreign Affairs on 11 July 1968 for submission to the Senate. The latter has already approved ratification of Conventions Nos. 112, 113, 116, 120, 123, 124 and 127.

FINLAND

The instruments adopted by the Conference at its 50th Session have been submitted to Parliament together with the Government's proposals thereon. The Government does not recommend the ratification of the Conventions nor the acceptance of the Recommendations.

FRANCE

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the National Assembly. Convention No. 127 could be approved. Acceptance of Recommendation No. 128 would involve legislative amendment. National legislation on works committees and staff representatives corresponds to the objectives of Recommendations Nos. 129 and 130. Convention No. 128 and Recommendation No. 131 are to be thoroughly examined.

FEDERAL REPUBLIC OF GERMANY

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the competent authorities on 20 December 1968. The Federal Government is preparing a draft law on the ratification of Convention No. 128.

GHANA

The texts of the instruments adopted by the Conference at its 50th and 51st Sessions have been submitted to the National Executive Council which, for the time being, is the competent authority. These instruments are being studied with a view to their ratification or adoption in due course.

GUATEMALA

The texts of Conventions Nos. 120, 122 and 127 have been submitted to Congress with a proposal that they be ratified. Recommendations Nos. 120, 122 and 128 to 130 have also been submitted to Congress. Convention No. 128 is being examined. The Government will report in due course on the instruments which have not yet been submitted to Congress.

GUINEA

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the competent authorities.

GUYANA

The texts of the instruments adopted by the Conference at its 51st Session were submitted on 29 October 1968 to the National Assembly which approved the proposals of the Government not to ratify Conventions Nos. 127 and 128 but to adopt as an aim of policy the provisions of Recommendations Nos. 128 to 131.

HAITI

The texts of the instruments adopted by the Conference are being examined by a special committee of the Legislative Chamber and will be submitted to the Legislative Chamber at its next meeting in April 1969.

HUNGARY

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the Presidential Council.

INDIA

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the Union Parliament in December 1967 as an appendix to the report of the Government delegation to the 51st 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 December 1968. The Government does not propose to ratify Conventions Nos. 127 and 128 nor to take any specific action on the individual provisions of Recommendations Nos. 128 to 131.

INDONESIA

The texts of the instruments adopted by the Conference at its 50th and 51st Sessions have been submitted to the President of the Republic together with the Government's proposal that no action be taken on any of these instruments and with a request that they be forwarded to Parliament.

IRAQ

According to the Interim Constitution of the Republic of Iraq, the Council of Ministers is the competent authority.

IRELAND

Consultations and examination of the instruments adopted by the Conference at its 51st Session are being actively pursued and there will be no undue delay in the submission of these instruments to the competent authorities.

ISRAEL

The texts of the instruments adopted by the Conference at its 50th and 51st Sessions have been submitted to Parliament together with a memorandum from the Minister of Labour on the action to be taken with respect to these instruments. The Ministry of Labour is examining the measures to be taken to permit ratification of Conventions Nos. 125 and 126, and will examine the extent to which existing laws conform with Conventions Nos. 127 and 128 with a view to bringing them into conformity with the provisions thereof. The texts of Recommendations Nos. 126 to 131 will be sent to the appropriate bodies for guidance in their activities.

JAMAICA

The texts of Recommendations Nos. 129 and 130 have been submitted to the House of Representatives, which has accepted them.

JAPAN

The texts of the instruments adopted by the Conference at its 51st Session, together with the Government's proposals regarding the action to be taken thereon, were submitted to the Diet on 14 May 1968.

As there are certain provisions in Conventions Nos. 127 and 128 which 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. 128 to 131.

JORDAN

The texts of Convention No. 127 and Recommendations Nos. 127 and 129 to 131 have been submitted to the Council of Ministers.

KENYA

Preparations are being made for the submission of the texts of the instruments adopted by the Conference at its 51st Session to the competent authorities.

KUWAIT

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the National Assembly.

MALAWI

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the competent authority. In general, instruments adopted by the Conference are submitted to the President and the Cabinet. Only those instruments which have application in the country are submitted to the National Assembly.

MALTA

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to Parliament together with the Government's proposals concerning the action to be taken on each of these instruments. The Government proposes the ratification of Convention No. 127.

MEXICO

The texts of Recommendations Nos. 126 to 131 have been submitted to the Senate and referred to its Committee on Labour and Committee on Proposed Legislation which are to report in public session in due course; if appropriate, they will propose legislative action on the matters covered by the two Conventions.

MOROCCO

The texts of the instruments adopted by the Conference at its 51st Session were submitted in August 1968 to the King, who since the proclamation of the state of emergency in 1965 is the competent authority.

NETHERLANDS

The texts of Conventions Nos. 127 and 128 have been submitted to the competent authorities. The procedure for the ratification of these two Conventions has begun. The texts of Recommendations Nos. 129 to 131 have been published in the Treaties Series (*Tractatenblad*). Although there are no provisions in national law corresponding to those of Recommendation No. 128, adequate protection exists.

NEW ZEALAND

The texts of the instruments adopted by the Conference at its 51st Session, together with a government paper on the action proposed with respect to these instruments, have been presented to Parliament. The Government accepts Recommendations Nos. 129 and 130 (with reservations on certain points). Although the Government considers it premature to ratify Convention No. 127, it proposes to keep this instrument and Recommendation No. 128 under periodic review so that desirable changes may, when necessary, be introduced on lines similar to those contained in their provisions. Convention No. 128 and Recommendation No. 131 have been referred to the appropriate authorities for further study.

NORWAY

The texts of the instruments adopted by the Conference at its 51st Session, together with a document containing the proposals of the Government respecting the action to be taken thereon, were submitted to the Storting (Parliament) in March 1968. The Storting accepted the Government's recommendation to ratify Convention No. 128 and to accept Recommendations Nos. 128 (with reservations on certain points), 129, 130 and 131 (with reservations on certain points). The Government does not propose the ratification of Convention No. 127.

PAKISTAN

The texts of the instruments adopted by the Conference at its 51st Session are being examined before submission to the competent authorities. The Government considers that the President is the competent authority. However, before the instruments are submitted to him, they are examined by a tripartite Labour Conference.

PARAGUAY

The texts of Conventions Nos. 103, 116, 117, 121 and 122 are being examined by the Ministry of Justice and Labour with a view to their submission to the competent authorities for ratification. Recommendations Nos. 95 to 131 have been submitted to Parliament.

PHILIPPINES

The texts of the instruments adopted by the Conference at its 49th and 50th Sessions were submitted to Congress in April 1967 and April 1968 respectively.

POLAND

The Council of State has decided not to ratify Convention No. 94. The Government (Council of Ministers), in Resolution No. 281/68 of 11 September 1968, has stated that Recommendation No. 91 is already applied in Poland. The texts of the instruments and the relevant decisions have been transmitted to the Presidium of Parliament.

PORTUGAL

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the National Assembly.

RUMANIA

The Council of State has taken note of the texts of the instruments adopted by the Conference at its 51st Session and submitted them to the National Assembly in June 1968.

RWANDA

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the competent authorities.

SENEGAL

The procedure for the submission to the competent authorities of the texts of the Conventions and Recommendations adopted by the Conference at its 51st Session has begun and a decision will be taken on these instruments at a future meeting of the Cabinet.

SIERRA LEONE

The texts of the instruments adopted by the Conference at its 51st Session have been studied by the Joint Consultative Committee, comprising representatives of organisations of employers and workers. They will be submitted to Parliament before the expiration of the exceptional period of eighteen months.

SINGAPORE

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the Cabinet. The Government does not propose the ratification or acceptance of any of these instruments. Submission of the instruments adopted by the Conference to the Cabinet meets the obligation imposed by article 19, paragraphs 5 (*b*) and 6 (*b*), of the ILO Constitution, as the Cabinet has the competence to take whatever legislative action it deems appropriate.

SPAIN

The Government has continued to submit the texts of Conventions and Recommendations to the competent authorities. The instruments adopted by the Conference at its 51st Session are under consideration by the competent administrative bodies pending their submission to Parliament with a report.

SWEDEN

In February 1968 a government Bill transmitted the texts of the instruments adopted by the Conference at its 51st Session to the Riksdag (Parliament) for consideration. The Government proposes the ratification of Convention No. 128.

SWITZERLAND

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the Federal Assembly together with a report containing the

recommendations of the Federal Council on each of these instruments. The ratification of Conventions Nos. 127 and 128 is not proposed. The principles embodied in Recommendations Nos. 129 and 130 are largely applied in the country.

THAILAND

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the Council of Ministers. Convention No. 127 has been ratified and Recommendations Nos. 128 to 130 accepted.

TOGO

The texts of the instruments adopted by the Conference at its 51st Session have been submitted to the President of the Republic.

TUNISIA

The texts of the Conventions and Recommendations adopted by the Conference at its 51st Session have been referred to the responsible government services with a view to the making of proposals to the National Assembly if appropriate.

TURKEY

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the National Assembly in January 1968 with the Government's proposal that consideration be given to the ratification of Convention No. 128.

UGANDA

The Government has examined the instruments adopted by the Conference at its 51st Session and proposes the acceptance of Recommendations Nos. 128 to 131. At the present stage, ratification of Conventions Nos. 127 and 128 is not envisaged. These proposals, together with the texts of the instruments, will be tabled before the National Assembly soon.

USSR

The texts of the instruments adopted by the Conference at its 51st Session were submitted to the Presidium of the Supreme Soviet in March 1968.

UNITED KINGDOM

The texts of the instruments adopted by the Conference at its 51st Session were submitted to Parliament in September 1968. 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 considers that there is no obstacle to the ratification of Convention No. 127 but does not propose ratification of Convention No. 128. It accepts Recommendation No. 128, subject to qualifications relating to weight restrictions, and Recommendations Nos. 129 and 130 but cannot accept Recommendation No. 131.

UNITED STATES

Convention No. 127 and Recommendations Nos. 128 to 130 have been submitted to the competent authorities with the Government's proposal that no legislative measures be taken to implement them.

UPPER VOLTA

The texts of the instruments adopted by the Conference at its 46th, 47th and 51st Sessions have been submitted to the Council of Ministers. Although national legislation is in accordance with the general principles of the Conventions and Recommendations, a revision of certain points would be needed to bring it into full conformity therewith. This revision is not considered necessary in the present economic and social context.

VENEZUELA

Application of Conventions Nos. 125 and 126 and of Recommendation No. 126 would require legislative action. Ratification of the said Conventions must therefore be deferred.

As regards Convention No. 127 and Recommendation No. 128, although there are in Venezuela some provisions on maximum loads which apply to women and young persons, the appropriate course would be for a general provision, corresponding to the terms of the Convention, to be included in an amendment of the Labour Act in the near future.

VIET-NAM

The texts of the instruments adopted by the Conference at its 45th to 51st Sessions have been submitted to the Council of Ministers.

YUGOSLAVIA

The texts of the instruments adopted by the Conference at its 48th to 51st Sessions have been submitted to Parliament. The Government proposes the ratification of Conventions Nos. 121 and 123 and the acceptance of Recommendations Nos. 124 and 125.

ZAMBIA

Government Paper No. 1 of 1968 containing proposals on the Conventions and Recommendations has been prepared for submission to the National Assembly. Although the Government does not propose the ratification of the Conventions, it considers that the principles embodied in Convention No. 127 to be so good that Zambia should work towards its ratification. The Government also accepts Recommendations Nos. 129 and 130.

REPORT III

(PART 4)

International Labour Conference

FIFTY-THIRD SESSION

GENEVA, 1969

Third Item on the Agenda



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

**REPORT OF THE COMMITTEE OF EXPERTS
ON THE APPLICATION OF CONVENTIONS
AND RECOMMENDATIONS**

(Articles 19, 22 and 35 of the Constitution)



GENEVA

International Labour Office

1969

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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 39th Session in Geneva from 17 to 28 March 1969. The Committee has the honour to present its report to the Governing Body.

2. 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 (USSR),

Scientist Emeritus of the RSFSR; 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 USSR 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 and of the Academy of Sciences; former Adviser to the Ministry of Foreign Affairs;

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. Joze 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.

3. The Committee regretted the absence of Mr. RUEGGER who was prevented from taking part in the present session, owing to his duties as chairman of the Study Group set up by the Governing Body to examine the labour and trade union situation in Spain. The Committee also regretted that, owing to professional or personal reasons, Mr. CARDAHI, Mr. COX, Mr. GRÉGOIRE and Mr. SARAIVA were not able to attend its present session.

4. The Committee elected Sir Ramaswami MUDALIAR as Chairman and Mr. GARCÍA SAYÁN as Reporter of the Committee. Sir Grantley ADAMS acted as Reporter on general questions affecting non-metropolitan territories.

5. In accordance with its terms of reference, the Committee was called upon to consider and report to the Governing Body on the following matters:

- (a) reports from governments under article 22 of the Constitution on the Conventions which they have ratified ¹;
- (b) reports from governments under articles 22 and 35 of the Constitution on the application of Conventions in non-metropolitan territories ¹;
- (c) information from governments under article 19 of the Constitution on the measures taken by them to bring certain Conventions and Recommendations before the competent authorities for the enactment of legislation or other action ²;
- (d) reports from governments under article 19 of the Constitution on unratified Conventions selected by the Governing Body.³

6. The reports and information under articles 19, 22 and 35 of the Constitution examined by the Committee this year amounted to about 3,400.

II. General

Progress of International Labour Legislation

7. During 1968 the number of ratifications continued to increase. Over this period 68 ratifications were registered. On 31 December 1968 the total number of ratifications amounted to 3,406. Over the same period three denunciations were also registered, all of which concerned Conventions which had been revised, the States in question having ratified the revising Conventions. Finally one new Recommendation was adopted by the Conference at its 52nd Session (June 1968), thus bringing the total number of Recommendations to 132, the number of Conventions remaining unchanged at 128.

¹ ILO: *Summary of Reports on Ratified Conventions*, Report III (Part 1), to the 53rd Session of the International Labour Conference (Geneva, 1969).

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.

Methods and Procedures of the Committee

8. In accordance with a decision taken at its session in 1968, the Committee this year examined certain questions regarding its procedure which from time to time had been considered in the Conference Committee.

9. The Committee wishes to recall, first of all, that ever since its establishment more than forty years ago it has been for the Committee itself to decide, within the framework of terms of reference laid down by the Governing Body, on the practical methods to be followed in discharging its task. This has enabled the Committee to evolve over the years a number of specific procedures designed to enable it to cope adequately with its various responsibilities and to adapt continually its methods of work to changing needs and circumstances. Indication of any changes in procedure or methods of work have from time to time been given in the Committee's reports. The Committee has found that the principles of procedure so far followed in its activities have rendered it possible to discharge its functions efficiently.

10. The Committee has therefore deemed it useful to set out in a special annex to this report the current methods and procedures relating to its work, as they have emerged over the years. It hopes thereby to provide a tangible indication of the manner in which the Committee has always endeavoured to combine a desire for maximum efficiency with strict adherence to its terms of reference.

Participation of Other Organisations

11. The Committee was glad to welcome to its session representatives of the United Nations Educational, Scientific and Cultural Organisation and of the World Health Organisation who participated in certain sittings which dealt with matters falling also within the sphere of competence of their respective organisations.

Direct Contacts

12. At its previous session the Committee had made detailed suggestions for the initiation of more direct contacts with governments in order to overcome doubts and difficulties in the application of ratified Conventions. In these suggestions it had set out the principles and methods to be adopted in taking the necessary initiative, in specifying the points to be dealt with, in deciding on the form of the contacts, etc. The Committee was glad to learn that the Conference Committee on the Application of Conventions and Recommendations agreed in June 1968 to the initiation of such contacts on an experimental basis for a period of two to three years. The Committee was, moreover, informed at its present session that one government had formally expressed a desire for establishing contacts with the International Labour Office in regard to several Conventions, as indicated below in Part Two (section I A) of this report. The Committee notes this development with interest and trusts that the ensuing contacts in this case, as well as in other similar cases, will lead to a fuller measure of compliance with the Conventions concerned. Any positive results which may be achieved in this way will serve to support and enhance the Committee's own efforts.

Seminars on National and International Labour Standards

13. The Committee learnt with interest that a further seminar was held in Cairo (United Arab Republic) in November 1968, and that it was organised jointly with the

League of Arab States for the States Members of that organisation. This seminar formed one of the series of meetings held since 1964 in various parts of the world for the purpose of familiarising labour administration officials with the obligations of States Members and the procedures of the ILO relating to Conventions and Recommendations. The Committee welcomes the fact that the organisation of these seminars—which yield useful results—has become a well-established practice. It has noted that the next seminar in the series will be for the English-speaking countries of Africa.

*Application of the Discrimination (Employment and Occupation)
Convention and Recommendation, 1958 (No. 111)*

14. The Committee was informed of the decision adopted by the Governing Body at its 174th Session (March 1969) to request, under article 19 of the Constitution, reports in 1970 on the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958. The Committee will thus be called upon to make in its 1971 report a comprehensive survey of the state of national law and practice as they affect the matters dealt with in these instruments, on the basis of the information received on the Convention—from both ratifying countries and those which have not ratified it—and on the Recommendation. The Committee considers that this general survey will be the most appropriate method of meeting wishes voiced in the Conference Committee. In the second part of its report the Committee makes a general observation on the application of the Convention, containing guidelines which it hopes will be useful to governments in the preparation of future reports. In this observation, the Committee recalls that the collection of the necessary information frequently necessitates inquiries from departments or services other than those concerned with labour matters, and it stresses certain points which appear to it to be of particular interest in view of the general survey which it will have to make in 1971. Accordingly, the Committee also draws these guidelines to the attention of the countries which will have to submit reports under article 19 of the Constitution. It hopes moreover that these guidelines will meet the request of the Governing Body, made at the same time, to provide general guidance to facilitate the preparation of the special report form, under article 19 of the Constitution, in respect of the above-mentioned instruments.

15. As has already been mentioned above, a representative of UNESCO attended the Committee's session during its examination of questions relating to the application of the Convention, in accordance with the arrangements made between the International Labour Organisation and UNESCO for collaboration in this field. On this occasion, the Committee noted with interest the procedures in force in UNESCO in this respect.

European Code of Social Security

16. As already indicated in the Committee's report last year, with the entry into force of the European Code of Social Security (17 March 1968) the arrangements for the examination of the effect given to the Code have begun to operate. Article 74, paragraph 4 of the Code provides that the Secretary-General of the Council of Europe shall send to the Director-General of the ILO the reports concerning the application of the Code and of the Protocol thereto and shall request the latter to consult the appropriate body of the ILO with regard to the said reports and to transmit to the Secretary-General the conclusions reached by this body. The Governing Body having decided at its 132nd Session (June 1956) that the Committee

of Experts on the Application of Conventions and Recommendations would be the appropriate body under the above-mentioned paragraph, the Committee was called upon at its present session to examine the first two reports concerning the application of the European Code of Social Security and of the Protocol to the Code. The conclusions reached by the Committee in this connection have been communicated to the Director-General for transmission to the Secretary-General of the Council of Europe.

III. Supply of Reports on the Application of Ratified Conventions

17. Under the two-yearly procedure approved by the Governing Body and the Conference Committee and initiated in 1960, 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 1966 to 30 June 1968 and concerned fifty-four 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 divergences had previously been noted between national law or practice and the Convention in question, or again because reports due for the previous period had not been received or did not contain the information requested. These reports usually covered the period 1 July 1967 to 30 June 1968. Finally, the Committee also examined a number of reports received too late last year for examination at its previous session.

18. The number of reports requested from governments on the situation with regard to States Members amounted to 1,647.² At the end of the present session of the Committee 1,409 reports had been received by 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 set out 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.

19. Under the two-yearly procedure, 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 countries supplied particularly full information.³ These reports enable the Committee to take note of changes in national legislation and practice without undue delay despite the two-yearly nature of the procedure.

20. The proportion of detailed reports received, as will be noted from the statistical appendices, is 85.5 per cent of the reports requested. It thus remains, on the whole, very satisfactory, and even constitutes an improvement over the already high percentage reached in recent years.

¹ Conventions Nos. 1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 39, 40, 43, 47, 49, 50, 58, 59, 60, 62, 64, 67, 68, 84, 86, 87, 91, 97, 98, 99, 100, 102, 103, 106, 107, 108, 110, 111, 112, 119, 120, 122, 123.

² The figures regarding the supply of reports on the application of ratified Conventions in non-metropolitan territories are given in paragraph 32 below.

³ Belgium, Denmark, Finland, India, New Zealand, Sierra Leone, Venezuela.

21. Of the 116 States from which detailed reports had been requested, 70 have supplied all those which were due. On the other hand, the Committee deeply regrets that once again a certain number of countries have not discharged 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 twelve countries: Albania, Burundi, Congo (Brazzaville), Dominican Republic, Gabon, Haiti, Iceland, Laos, Lesotho, Libya, Republic of South Africa, Tanzania. Furthermore, the Committee must point out that a number of these countries (Albania, Dominican Republic, Iceland, Laos, Republic of South Africa, Tanzania (Zanzibar)), have failed to send reports for two or more years in succession, as indicated in the General Observations to be found below in Part Two (section I A) of the present report.

22. 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 country 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 1967: Dominican Republic (Convention No. 119), Iraq (Convention No. 22); or since 1966: Albania (Convention No. 112), Honduras (Conventions Nos. 32, 42, 62), Jordan (Convention No. 119); 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.

23. For the procedure for the examination of reports to function satisfactorily, it is essential that governments not only supply the detailed reports called for but also reply fully to the Committee's observations and requests. In this connection the Committee must note that a 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 ILO.

24. As regards more particularly replies to previous comments of the Committee, the process of supervision is seriously jeopardised when the reports due are not supplied.

25. The same situation arises when a report is supplied but does not contain a reply to previous comments. In this connection the Committee has, for a number of years, 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 requesting 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. Under this procedure the International Labour Office communicated with nineteen governments, seven of which subsequently supplied all the replies requested.

26. As a result of the above-mentioned omissions, the Committee has in some cases received no information in reply to the majority or even the totality of the observations or requests relating to Conventions on which reports were requested this year. For some countries, the absence of information results from the failure of the governments concerned to supply reports on the Conventions in question: Albania (6 Conventions), Algeria (4 Conventions), Congo (Brazzaville) (4 Conventions), Dominican Republic (12 Conventions), Ecuador (5 Conventions), Gabon (5 Conventions), Haiti (7 Conventions), Iceland (3 Conventions), Laos (2 Conven-

tions), Libya (4 Conventions), Panama (1 Convention), Republic of South Africa (2 Conventions) and Tanzania (Tanganyika) (4 Conventions) and (Zanzibar) (11 Conventions). For others, it is the result of the failure of the governments concerned to reply in their reports to the Committee's comments: Algeria (7 Conventions), Panama (9 Conventions), United Arab Republic (11 Conventions). In all, 14 countries are in this position.¹

27. In this situation, in the absence of information on the points raised previously, the Committee can only once again repeat its observations or requests. The Committee therefore wishes once more to draw the attention of the governments concerned to the necessity of sending reports and replies to its previous comments, so as to enable the Committee of Experts and the Conference Committee to continue to fulfil their functions and in order to avoid undue delays in the supervision of the application of Conventions.

28. Finally, as the Committee has stressed on many occasions, the communication of reports within the time-limit laid down—that is, by 15 October—is essential for the normal functioning of the examination procedure, having regard to the time needed for possible translation and for the examination of reports, legislation, etc. In this connection the Committee has noted that the reports continue, in the great majority of cases, to arrive after the date laid down. The Committee can only repeat its request to governments to supply reports due in the future by the date indicated.

29. The communication of reports in due time is particularly important in cases requiring detailed examination by the Committee, such as first reports and cases in which important divergences have been noted in the application of a Convention. In some cases reports, or sometimes information supplied in reply to the letter of reminder sent out by the Office, have been received very shortly before, or even during, the Committee's session. The Committee has thus been compelled to defer the examination of some of these reports until its next session. This is particularly regrettable in cases in which the application of a Convention had given rise to observations or to requests addressed to governments and in which information on, or measures for, the application of the Convention are awaited. In still other cases, the Committee has had to put off until its next session the examination of reports whose study with the necessary degree of care could not be completed within the time available.

IV. Application of Conventions in Non-Metropolitan Territories

Declarations concerning the Applicability of Conventions

30. A total of eleven declarations concerning the applicability of Conventions to non-metropolitan territories have been registered by the Director-General of the

¹ Albania (Conventions Nos. 6, 11, 29, 52, 87, 98), Algeria (Conventions Nos. 3, 13, 14, 32, 62, 77, 78, 88, 89, 97, 100), Congo (Brazzaville) (Conventions Nos. 5, 29, 87, 119), Dominican Republic (Conventions Nos. 1, 29, 52, 79, 81, 87, 88, 90, 98, 105, 106, 111), Ecuador (Conventions Nos. 2, 24, 35, 98, 100), Gabon (Conventions Nos. 3, 26, 29, 87, 111), Haiti (Conventions Nos. 1, 30, 90, 98, 100, 105, 106), Iceland (Conventions Nos. 29, 100, 111), Laos (Conventions Nos. 6, 29), Libya (Conventions Nos. 89, 98, 100, 111), Panama (Conventions Nos. 3, 17, 30, 42, 52, 81, 87, 98, 100, 105), Republic of South Africa (Conventions Nos. 42, 89), Tanzania (Tanganyika) (Conventions Nos. 15, 50, 59, 108), (Zanzibar) (Conventions Nos. 5, 7, 15, 26, 29, 50, 58, 63, 97, 98, 105), and United Arab Republic (Conventions Nos. 1, 14, 29, 30, 87, 88, 98, 105, 106, 107, 111).

International Labour Office since the Committee's last session. Three of these declarations indicated the acceptance without modification of the Convention concerned, whereas in the remaining cases the Convention was declared to be inapplicable or a decision was reserved.

31. There are at present registered—in respect of altogether 48 territories—a total of 993 declarations of application or acceptance without modification and 123 declarations of application or acceptance with modifications, representing an average of over 23 declarations per territory.

Supply of Reports

32. A total of 1,191 reports was due for the reporting period in question in respect of the application of Conventions in non-metropolitan territories. Of these, 1,075 (or 90 per cent) have been received, including all the reports requested from Australia, France, Netherlands, New Zealand and the United States, and 90 per cent of the 746 reports due in respect of territories for whose international relations the United Kingdom is responsible. On the other hand, none of the reports requested from Denmark in respect of the Faroe Islands and Greenland has been received. A list of the reports received, classified by territory and Convention is to be found in Part Two of this report (section II A, Appendix).

33. 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 53 States, including the necessary five States of chief industrial importance. However, the total number of ratifications or acceptances required for entry into force of the instrument has not yet been reached.

V. Examination of Reports

34. In examining the reports supplied by governments, the Committee has followed its normal practice, as described in the special annex included at the end of this Part of the report. The observations made by the Committee appear 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 the Committee's behalf. Reference is also made to cases where the Committee has noted the supply of information previously requested by it.

35. The findings of the Committee resulting from its examination of governments' reports and replies, of national laws and of other data at its disposal have gradually grown into a body of practice which can provide a foundation and a guide for its work in the years ahead. The Committee regards this accumulation of experience, covering a variety of standards and problems, as a basis for the future performance of its task of supervision.

36. In considering the total number of comments addressed to a given country, it should of course be borne in mind that this figure has to be viewed in relation to the total number of Conventions ratified by the country in question.

37. In accordance with its established practice, the Committee has listed the cases in which it was able to express its satisfaction at measures taken by governments to make the necessary changes in their legislation or practice following earlier comments by the Committee. The relevant details concerning 47 countries (36 States 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 is again quite considerable, exceeding 70. The list of these cases is as follows:

Countries	Conventions Nos.
Algeria	42
Argentina	3, 8, 17, 22
Australia	27, 42
Brazil	11, 96
Bulgaria	30, 35, 36, 37, 38, 39, 40
Burundi	42, 50
Cameroon	87
Eastern Cameroon	33
Canada	1
China	32
Congo (Kinshasa)	50
Denmark	102, 106
France	3
Ghana	59, 108
Federal Republic of Germany	3
Greece	14
Guatemala	87, 98
Hungary	29
India	1
Ivory Coast	3
Kenya	15, 58, 59, 105
Liberia	55
Mauritania	3, 5, 6, 33, 90
Niger	5, 33
Pakistan	27, 59
Philippines	87
Portugal	92
Singapore	5
Spain	3
Syrian Arab Republic	98
Tunisia	26, 106
Turkey	95
Uganda	17
United Kingdom	98
Upper Volta	87
Uruguay	103
Zambia	5

Non-Metropolitan Territories

France

French Territory of the Afars and the Issas	6
Comoro Islands	3
Overseas Departments: (French Guyana, Guadeloupe, Martinique, and Réunion)	3
St. Pierre and Miquelon	33

Netherlands

Netherlands Antilles	17
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United Kingdom

Falkland Islands	5
Fiji Islands	5
Gibraltar	39
St. Christopher-Nevis-Anguilla	82, 85
Seychelles	108
Solomon Islands	8

38. 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 the obligations which they have undertaken in ratifying Conventions. The Committee has, moreover, noted that in many other instances similar measures are sufficiently advanced to justify the expectation that a considerable number of further cases of progress will be forthcoming in the years to come.

VI. Practical Application

39. The Committee's principal task is, as emphasised previously, to examine the conformity of national legislation with ratified Conventions. At the same time, the Committee of Experts and the Conference Committee have both, from the outset, given attention 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 every-day 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 answer 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 judicial decisions, 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 benefits granted, etc. In this connection, account is taken not only of information contained in reports on the application of Conventions, but also of data contained in labour inspection reports communicated by governments to the Office.

40. This year more than 40 per cent of the reports supplied on Conventions for which such particulars are specifically requested by the Governing Body did contain data of this nature. The Committee notes with interest that this proportion constitutes an appreciable improvement as compared with previous years. It must, however, emphasise that, while many governments have made an effort to provide full information as to the manner in which Conventions are applied in practice, a certain number of countries have not supplied any information of this kind in all or a large majority of their reports examined this year: Bulgaria, Central African Republic, Chad, China, Colombia, Costa Rica, Ghana, Guatemala, Hungary, Jordan, Kuwait, Mexico, Pakistan, Panama, Peru, Poland, Rumania, Spain, Ukraine, Viet-Nam. 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.

41. In the same connection, the Committee has again this year examined with interest the decisions of courts of law on questions of principle relating to the application of ratified Conventions which a number of governments mentioned in their reports. Some twenty reports contained information of this kind, which provides a clearer view of the problems and difficulties which have been encountered in giving effect to certain Conventions.

42. Another source of information of this nature, which is also potentially useful to the Committee, consists of the comments made by representative organisations of workers and employers on the application of Conventions in their countries, to which the Committee has always attached great importance. On many occasions, the Committee has indicated the value 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 bodies of the ILO their observations on difficulties encountered in their countries in giving effect to ratified Conventions. It has noted with interest that this year the number of such comments is higher than in previous years. These comments referred to the following cases: Austria (Convention No. 100), Cameroon (Conventions Nos. 87, 98), Canada (Convention No. 122), Ceylon (Convention No. 81), Finland (Conventions Nos. 20, 100), Federal Republic of Germany (Convention No. 100), Japan (Convention No. 87), Italy (Convention No. 60), Norway (Convention No. 102), Trinidad and Tobago (Conventions Nos. 65, 87, 98) and United Kingdom (Convention No. 32).

VII. Submission to the Competent Authorities of the Conventions and Recommendation Adopted by the International Labour Conference

Introduction

43. In accordance with its terms of reference, the Committee this year examined the following information supplied by the governments of member States, pursuant to article 19 of the Constitution of the International Labour Organisation:

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the instruments adopted by the Conference at its 51st (1967) Session, namely: the Maximum Weight Convention, 1967 (No. 127); the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128); the Maximum Weight Recommendation, 1967 (No. 128); the Communications within the Undertaking Recommendation, 1967 (No. 129); the Examination of Grievances Recommendation, 1967 (No. 130); the Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131);
- (b) additional information on action taken to submit to the competent authorities the instruments adopted by the Conference from its 31st (1948) to its 50th (1966) Sessions (Conventions Nos. 87 to 126 and Recommendations Nos. 83 to 127);
- (c) replies to the observations and direct requests made by the Committee at its 1968 Session.

51st Session

44. The Committee has noted with interest that the Governments of the forty-three member States listed below have stated that they have submitted to the competent authorities all the instruments adopted by the Conference at its 51st Session: Argentina, Australia, Bulgaria, Burma, Byelorussia, Canada, Congo (Brazzaville), Congo (Kinshasa), Cyprus, Denmark, France, Federal Republic of Germany, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Israel, Japan, Kuwait, Malawi, Malta, Morocco, New Zealand, Norway, Philippines, Portugal, Rumania, Rwanda, Sierra Leone, Singapore, Sweden, Switzerland, Thailand, Togo, Turkey, USSR, United Arab Republic, United Kingdom, Upper Volta, Viet-Nam, Yugoslavia.

45. The Governments of thirteen countries have indicated that they have submitted to the competent authorities some of the instruments adopted at the 51st Session of the Conference: Austria, China, Cuba, Ecuador, Guatemala, Jamaica, Jordan, Mexico, Netherlands, Nicaragua, Paraguay, United States, Venezuela.

46. In the majority of cases the procedure for submission has been completed either within the normal time-limit of 12 months or within the exceptional time-limit of 18 months, as required by article 19 of the Constitution of the International Labour Organisation.

31st to 50th Sessions

47. The Committee has noted with satisfaction that since its last session the following fourteen countries have indicated that they have submitted the instruments adopted at the 50th Session of the Conference, bringing the total number of countries which have fulfilled this obligation in regard to these instruments up to sixty-seven: Austria, Belgium, Czechoslovakia, Finland, Indonesia, Ireland, Israel, Mexico, Nicaragua, Rwanda, Uganda, United Arab Republic, Viet-Nam, Yugoslavia.

48. 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 Greece (instruments adopted from the 33rd to the 37th Sessions), Indonesia (instruments adopted at the 39th, 42nd, 47th and 50th Sessions), Nicaragua (all the Recommendations adopted since the 40th Session), Paraguay (all the Recommendations adopted since the 40th Session), Rwanda (instruments adopted from the 47th to the 51st Sessions), Viet-Nam (instruments adopted from the 45th to the 51st Sessions) and Yugoslavia (instruments adopted from the 48th to the 50th Sessions).

49. The table in Appendix I to section III of Part Two of the Committee's report shows the position of each State Member, as it emerges from the information supplied by the governments, with regard to the obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference.

General Assessment

50. 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 ILO Constitution. As in previous years, requests have also been addressed directly to a number of governments on other points with a view to obtaining additional information; the States to which such requests have been addressed are listed at the end of the above-mentioned section III. In this connection, the Committee notes with regret that, 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 reply to these comments.

51. In order to have available on time the replies to the observations and requests addressed to governments, the Committee has requested the International Labour Office since 1965 to examine communications from governments immediately upon their receipt and to contact the governments concerned if the information requested has not been supplied. The Committee was glad to note that, in pursuance of this

procedure, replies were received from eleven governments. However, a number of governments do not respond to the Office's letter of reminder and the Committee hopes firmly that the governments concerned will make every effort to supply shortly the information requested in its previous comments.

52. As in previous years, the Committee has again noted distinct progress this year, and it has in particular noted with satisfaction that certain governments have made appreciable efforts to submit to the competent authorities a number of instruments adopted by the Conference at earlier sessions.

53. None the less, the Committee must record that the over-all situation is still, in many respects, far from satisfactory. As far as the instruments adopted at the 51st Session of the Conference are concerned, as mentioned above, only 43 of the 117 States which were Members of the Organisation at the time have indicated that they have submitted to the competent authorities, within the prescribed time-limits, all the instruments in question, and 13 others have indicated that they have submitted some of these instruments to the competent authorities.

54. The situation in a number of other States continues to be a cause of serious concern to the Committee. Thus, in some cases, either no measures have been taken, or no information has been submitted on the measures taken, with a view to submitting to the competent authorities the Conventions and Recommendations adopted by the Conference over a number of sessions: 48th to 51st Sessions (Dominican Republic, Laos, Sudan); 47th to 51st Sessions (Algeria, Burundi, Colombia, Tanzania); 46th to 51st Sessions (Afghanistan, Bolivia, Honduras); 45th to 51st Sessions (Dahomey, Somali Republic); 43rd to 51st Sessions (Panama), 41st to 51st Sessions (El Salvador); for one country (Lebanon), all the instruments adopted since the 32nd Session of the Conference are involved.

55. The Committee must therefore note that in the following cases no information has been supplied to indicate that any measures have been taken with a view to submitting to the competent authorities the Conventions and Recommendations adopted during at least the seven last sessions of the Conference (45th to 51st): Dahomey, El Salvador, Lebanon, Panama, Somali Republic.

56. Faced with a situation of this nature, the Committee feels that it should recall certain aspects of the obligation of States Members under article 19 of the Constitution of the International Labour Organisation.

57. In the first place, the Committee wishes once again to emphasise the fundamental importance of this obligation. As the Conference Committee insisted in 1968, "Conventions and Recommendations must be submitted to the competent authorities in all cases, regardless of governments' intentions as to the effect to be given to these instruments". In this connection, the Committee has noted with particular interest that, following its previous comments, the Governments of Mexico and Paraguay, which considered that they were under an obligation to submit only Conventions to the legislative authorities, have introduced new systems which enable them to submit Recommendations as well to those authorities. On the other hand, certain other governments still experience difficulties in connection with the submission to the competent authorities of Conventions whose ratification is not contemplated or of Recommendations, which are not susceptible of ratification. The Committee expresses the hope that the Governments in question will find it possible to surmount these difficulties, as others have succeeded in doing.

58. As regards the nature of the competent authorities, the Committee of Experts and the Conference Committee have on several occasions emphasised that

Conventions and Recommendations must be submitted to the authorities competent to legislate in the field covered by the instruments in question, that is to say normally to Parliament. In this connection, the Committee had occasion last year to draw attention to several cases of progress made as a result of its previous comments. However, some governments continue to consider it unnecessary to submit Conventions and Recommendations to the national bodies invested under the national Constitution with legislative power. The Committee trusts that these countries will re-examine their practice in this respect.

59. Finally, as regards the manner in which the obligation to submit Conventions and Recommendations to the competent authorities should be carried out, the Committee notes that, although some progress has been made, a large number of countries merely state that the instruments adopted by the Conference have been submitted to the competent authorities, without giving any indication as to the nature of those authorities and without supplying the information and documents specified in the memorandum adopted in this connection by the Governing Body. The Committee considers it necessary to insist once again on the importance of governments' supplying such information and documents, without which it is not in a position to assess the extent to which and the manner in which States Members fulfil their obligations in this field.

60. The Committee expresses the hope that the governments concerned will take full account of the comments made above, and that next year will see a marked improvement in the fulfilment by these governments of their fundamental obligation, under article 19 of the Constitution, to submit Conventions and Recommendations to the competent authorities.

VIII. Reports Submitted by Governments on Unratified Conventions

61. On the occasion of the fiftieth anniversary of the ILO, special reports were called for by the Governing Body, in accordance with article 19 of the Constitution, on the ratification prospects and difficulties as regards seventeen important Conventions dealing with basic human rights, social policy, labour administration, employment policy and services, wages, social security, minimum age and maternity protection.

62. Out of a total of 1,113 reports requested, 841 have been received, i.e. over 75 per cent. In addition, 143 reports were supplied in respect of non-metropolitan territories. A table showing the reports supplied by the various governments is appended to Part Three of the report.

63. The Committee must point out in this connection that for the past five years the following countries have not supplied any of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution of the ILO: El Salvador, Lebanon, Liberia, Panama, Paraguay and Trinidad and Tobago.

64. Part Three of the present report contains the Committee's general survey of the ratification outlook as regards the seventeen Conventions selected by the Governing Body. In accordance with the practice followed in previous years, this

survey was prepared on the basis of a preliminary examination by a working party comprising five members of the Committee chosen by it at its previous session.

* * *

65. The submission of the present report to the Governing Body takes place during the fiftieth anniversary year of the ILO. The standard-setting activities of the ILO and the supervision procedures designed to ensure the implementation of international labour standards have been throughout that period vital elements in the programme and work of the Organisation and will continue to be so. An orderly rule of law, based on firm standards expressed in legal terms and inspired by a sense of social and moral justice, is an essential element in the peaceful and fruitful development of human society. It is the Committee's conviction that no legal standards, international or national, can become effective unless linked with appropriate means of enforcement.

* * *

66. The Committee would like to emphasise the important assistance rendered to it by the officials of the ILO, whose competence and devotion to duty have once again earned the appreciation of the members of the Committee.

Geneva, 28 March 1969.

(Signed) A. Ramaswami MUDALIAR,
Chairman.

E. GARCÍA SAYÁN,
Reporter.

ANNEX

Description of Methods and Procedures relating to the Work of the Committee of Experts on the Application of Conventions and Recommendations

1. This annex is designed to set out briefly the various aspects of the Committee's activities, so as to provide a succinct but comprehensive picture of the salient characteristics and practical methods which have emerged over the years.

Terms of Reference

2. In pursuance of its terms of reference as revised by the Governing Body at its 103rd Session (Geneva, 1947), the Committee is called upon "to examine:

- (a) the annual reports under article 22 of the Constitution on the measures taken by Members to give effect to the provisions of Conventions to which they are parties, and the information furnished by Members concerning the results of inspection;
- (b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- (c) information and reports on the measures taken by Members in accordance with article 35 of the Constitution."

Composition of the Committee

3. The members of the Committee are appointed by the Governing Body in their personal capacity, on the proposal of the Director-General, for a period of three years. Their term of office is renewable for successive periods of three years. They are persons of independent standing, completely impartial and chosen on the ground of their technical competence. They are drawn from all parts of the world so as to possess first-hand experience of different legal, economic and social systems.

Fundamental Principles

4. The Committee's fundamental principles, as voiced on a number of occasions, call for impartiality and objectivity in pointing out the extent to which it appears that the position in each State is in conformity with the terms of the Conventions and the obligations which that State has undertaken in virtue of the Constitution of the ILO. They must accomplish their task in complete independence as regards all member States.

Organisation of the Work of the Committee

5. The Committee holds its annual session at a date and for a period determined by the Governing Body.

6. At the opening sitting, the Committee elects its Chairman and Reporter for the session.

7. The sittings of the Committee are held in private. Its documents and deliberations are confidential.

8. The United Nations is invited to designate a representative to attend the sessions of the Committee.

9. When the Committee deals with instruments or matters falling within the sphere of competence of other specialised agencies, representatives of these agencies are invited to participate in the sittings of the Committee.

10. The Committee assigns to each of its members the initial responsibility for a group of Conventions or for a given subject. Reports and information received by the Office in sufficient time are circulated to the members concerned in advance of the session. Each member of the Committee responsible for a group of Conventions or for a given subject submits to the whole Committee preliminary findings, in the form of draft observations or direct requests on the instruments or subject concerned.

11. The Committee appoints small working parties to deal with questions of principle or of special complexity. This is the case, in particular, as regards the comprehensive surveys of reports, under articles 19 and 22 of the Constitution, on certain subjects selected by the Governing Body. These working parties generally meet for a few days before the Committee session. Having regard to the nature and extent of all the work involved they sometimes also meet during the session. Apart from this, certain questions may arise during the Committee sessions which it is deemed appropriate to refer to a specially appointed working party. The working parties are composed so as to include members with a knowledge of different legal, economic and social systems. Their findings are subsequently submitted to the whole Committee.

12. The documentation available to the Committee includes the information supplied by governments in their reports or in the Conference Committee on the Application of Conventions and Recommendations, the texts of legislation, collective agreements or court decisions directly relevant to the implementation of standards, the information on the results of inspections furnished by States Members, comments made by employers' and workers' organisations, conclusions of other ILO bodies (such as commissions of inquiry and the Freedom of Association Committee of the Governing Body), the results of technical co-operation, etc.

13. The Committee asks the Office to prepare, in the case of first reports received after ratification, a comparative analysis of the position in the country concerned, for consideration by the member of the Committee responsible for the Convention. The Committee also asks the Office, upon receipt of a report, to ascertain whether it takes account of previous observations or direct requests by the Committee or the Conference Committee; if not, the Office is requested to draw the government's attention to the need for a reply, without however entering into the substance of the matter.

14. The findings of the Committee take the form of comments and surveys included in its report or of requests communicated directly to governments by the Director-General on behalf of the Committee.

15. Although the conclusions of the Committee have represented traditionally unanimous agreement amongst all its members, decisions can be taken by a majority. In such a case it is the established practice of the Committee to include in its report also the opinion of the dissenting members, if they so request.

16. The report of the Committee is submitted to the Governing Body, and it is published as Report III (Part 4) to the next General Session of the Conference.

17. A new element in the working methods of the Committee will be the establishment of more direct contacts with governments encountering special difficulties in applying ratified Conventions. The initiation of such contacts on an experimental basis was approved by the Conference in 1968 on the basis of proposals made by the Committee of Experts and subsequently considered by the Conference Committee. While these contacts are taking place, the supervisory bodies are to suspend their examination of the case for a reasonable period so as to be able to take account of the outcome of these contacts.

Secretariat of the Committee

18. It is a necessity for the work of the Committee to have at its disposal a qualified secretariat. This is placed at its disposal by the Director-General of the ILO.

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

I. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

A. GENERAL OBSERVATIONS

Afghanistan

The Committee notes that once again the Government's reports contain no information as regards the adoption of the draft labour law designed, *inter alia*, to give effect to ratified Conventions, to which the Government has referred for several years past.

In these circumstances, the Committee must emphasise once more that, in the absence of appropriate legislative provisions, effect is not given to ratified Conventions in respect of various points raised by the Committee in its observations and direct requests. The Committee trusts that the Government will in the very near future take all the necessary legislative or other measures to ensure the application of the Conventions concerned.

Albania

The Committee notes with regret that the reports due, including one first report (Convention No. 112), have not been received. It must once more point out that, under article 1, paragraph 5, of the Constitution of the ILO, States continue to be bound, even after their withdrawal from the Organisation, to ensure the observance of ratified Conventions for the periods provided for in such Conventions and to report on their application.

Argentina

The Committee is glad to note that all the reports due have been received and that most of them contain information in reply to previous observations and requests. Moreover the Committee notes with interest that the Government has formally expressed a desire that direct contacts be initiated with the ILO in order to achieve fuller legislative conformity with seven Conventions (Nos. 13, 33, 52, 68, 73, 79, 90) ratified by Argentina.

In pursuance of the Committee's decisions in 1968 regarding the initiation of direct contacts, as endorsed by the Conference Committee, the Committee has decided to suspend its examination of the application of the above-mentioned Conventions by Argentina, so as to be able to take account at its next session of the outcome of these contacts.

Burma

The Committee notes that once again most of the reports do not indicate whether copies thereof have been communicated to the representative organisations

of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will indicate whether this has been done.

Burundi

The Committee notes with regret that for the third time in four years the reports due have not been received. The Committee feels bound to express its concern over this failure to discharge the fundamental obligation requiring States Members of the Organisation to report on the application of ratified Conventions.

Congo (Brazzaville)

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Dominican Republic

The Committee notes with regret that for the second time in succession the reports due, including a first report (Convention No. 119), have not been received. The Committee hopes that in future the Government will not fail to discharge its obligation to report on the application of ratified Conventions.

Ecuador

The Committee notes with regret that of a total of 14 reports due, 11—including five first reports due for the past five years (on Conventions Nos. 37, 39, 103, 105 and 111)—have not been received. The Committee recalls that no reports have been received in three of the preceding four years and can only express its concern over this repeated failure to discharge the fundamental obligation requiring States Members of the Organisation to report on the application of ratified Conventions. It trusts that in future the Government will not fail to furnish all the reports due including, in particular, the first reports referred to above.

Gabon

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to supply reports on the application of ratified Conventions.

Haiti

The Committee notes with regret that the reports due have not been received. It hopes that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Iceland

The Committee notes with regret that for the second year in succession the Government has not supplied the reports due, including, this time, a first report (Convention No. 91). It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Indonesia

The Committee notes from the reports received that copies thereof have not been communicated to the representative workers' and employers' organisations, as required by article 23, paragraph 2, of the Constitution of the ILO, but that it is intended to make arrangements to do so. The Committee hopes that in future such communication will be made, and that information on this matter will be included in the reports.

Jordan

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will state whether this has been done.

Laos

The Committee notes with regret that for the second year in succession the reports due have not been received. It trusts that the Government will not fail in future to discharge its obligation to report on the application of ratified Conventions.

Lebanon

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 of the ILO. The Committee hopes that future reports will indicate whether this has been done.

Lesotho

The Committee notes with regret that the reports due, including two first reports (Conventions Nos. 14 and 98), have not been received. The Committee has however noted that a new Labour Code has been adopted. The Committee hopes that in future the Government will find it possible to supply the reports due, taking account of the new legislative provisions adopted.

Liberia

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 of the ILO. The Committee hopes that future reports will indicate whether this has been done.

Libya

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

In its observation of 1968, the Committee noted that a committee had been set up to consider the advisability of making certain amendments to the Federal

Labour Act, and that it had been suggested to this committee that, in preparing its preliminary draft, it should draw attention to the points in the Act itself which, in the opinion of the Committee of Experts, were not in conformity with certain provisions of the Conventions ratified by Mexico (in particular Conventions Nos. 8, 13, 22, 42, 52 and 90).

The Committee notes that the report received this year on Convention No. 8 does not mention any progress in amending the Federal Labour Act and that the report on Convention No. 32 indicates that the committee considering amendments to the Act has not yet expressed any views on the divergence between this Convention and the Act. The Committee hopes that in its next reports the Government will be able to indicate the progress made towards amendment of the Federal Labour Act, particularly in relation to the application of the above-mentioned Conventions.

Republic of Nauru

The Committee notes with satisfaction that the Government has informed the ILO that it has decided to continue to comply with the terms of the six Conventions which had been accepted on behalf of Nauru before its accession to independence (in 1968) and that it is prepared to supply reports on their application in future.

The Committee attaches great importance to the measures thus taken by the Government, and it notes with interest that the report due this year has been received.

Nicaragua

Further to its previous observation, the Committee notes, from the information supplied by the Government to the Conference Committee in 1968, that the Government had taken the necessary action for the amendment of the Labour Code with a view to ensuring the full application of ratified Conventions, and that it would take steps to ensure that the revision of the Labour Code was discussed by the legislature as soon as possible.

The Committee notes with regret, however, that no mention is made in the Government's reports of any progress towards the adoption of the amendments in question. Since the Government has been referring since 1965 to these proposed amendments, designed to remove the discrepancies between the national legislation and Conventions Nos. 1, 3, 4, 5, 6, 9, 13, 16, 18, 22, 27 and 30 to which the Committee had drawn attention in its earlier observations, the Committee trusts that the Government will take all appropriate steps to ensure that the necessary legislation is adopted in the very near future.

Nigeria

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 of the ILO. The Committee hopes that future reports will indicate whether this has been done.

Panama

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisation of employers and

workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will state whether this has been done.

Peru

In reply to the Committee's previous observation, a Government representative stated in the Conference Committee in 1968 that everything indicated that the preparatory work on the drafting of the Labour Code would be completed within a short time. The Committee notes that no mention has been made in the reports received this year of any progress in this respect; it nevertheless trusts that the Government will do all within its power to ensure that the draft Labour Code is adopted as soon as possible, and that the new Code will remove all the divergences which had been noted by the Committee in its previous comments, particularly in relation to Conventions Nos. 1, 4, 12, 41, 44, 62, 67, 69, 71, 73 and 87.

Somali Republic

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will state 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 more that, under article 1, paragraph 5, of the Constitution of the ILO, States continue to be bound, even after their withdrawal from the Organisation, to secure the observance of ratified Conventions for the periods provided for in such Conventions and to report on their application.

Spain

The Committee notes that, as a result of the recent accession to independence of Equatorial Guinea (constituted by the former provinces of Fernando Po and Río Muni), the application of ratified Conventions in these territories is no longer the responsibility of the Spanish Government.

Tanzania

The Committee notes with regret that the reports due have not been received. In view of the fact that in respect of Zanzibar this is the fifth consecutive year that the reports due have not been supplied, the Committee trusts that the Government will do everything in its power to discharge in future its obligation to report on the application of ratified Conventions in respect of the entire territory of Tanzania.

Uganda

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 of the ILO. The Committee hopes that future reports will indicate whether this has been done.

USSR

For several years the Committee has been asking the Government to provide the texts of the Labour Codes in force in the various republics of the Union. In reply the Government states, as it did again in the Conference Committee in 1968, that it would forward these codes as soon as the new versions in the course of preparation had been adopted. In these circumstances the Committee can only point out once again that it does not yet have available the Labour Codes of the majority of the republics of the Union, and it hopes that they will soon be adopted and communicated to the ILO.

Upper Volta

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will state whether this has been done.

Venezuela

The Committee notes that the reports do not indicate whether copies thereof have been communicated to the representative organisations of employers and workers, in accordance with article 23, paragraph 2, of the Constitution of the ILO. The Committee hopes that future reports will state whether this has been done.

Western Samoa

The Committee wishes to express its appreciation of the Government's action in continuing to supply regularly reports on the 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, Honduras, Iraq, Nicaragua, Paraguay, Philippines*.

B. INDIVIDUAL OBSERVATIONS**Convention No. 1: Hours of Work (Industry), 1919***Canada (ratification: 1935)*

Further to its earlier comments, the Committee notes with satisfaction from the Government's report that (a) in the North West Frontier Territories and the Yukon Territory, the recent Labour Standards Ordinances establish standard as well as maximum hours per day and per week; (b) in Ontario, the Employment Standards Act, 1968 (to be proclaimed in effect), lays down for the first time a statutory requirement regarding overtime pay; and (c) in Quebec, decrees governing construction, manufacturing and transport were revised, reducing working hours in many cases to less than forty-eight in a week.

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, from the Government's reply to its previous remarks, that the revision of the Labour Code now under consideration will give effect to the Convention. It trusts that the new legislation will be enacted very soon and that it will give full effect to the provisions of the Convention, particularly as regards the following points:

Article 4 of the Convention. Recourse to the exception contemplated under this Article may be had only in the case of "processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts". The working hours allowed in such cases may not exceed fifty-six in the week on the average. The Committee again points out in this connection that section 148 of the Code, which allows working hours to be increased by one hour a day for shift workers in undertakings where work is carried on continuously, is not in conformity with the Convention.

Article 6, paragraph 2. The Government had stated in its report for 1960-62 that Act No. 5929 of 1962 prohibited overtime work. Since, according to *Gaceta oficial*, No. 8677 of 1 August 1963, this law does not concern hours of work, the Committee must reiterate its request that the Government communicate with its next report the text of the law restricting maximum additional hours of work and, should no such text be in force, take steps to lay down appropriate restrictions.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Haiti (ratification: 1952)

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 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 has pointed out, section 100 of the Labour Code, which allows up to twenty 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.

India (ratification: 1921)

Following its earlier comments, the Committee notes with satisfaction that the Mines Act has now been extended to the State of Jammu and Kashmir, through

the Central Laws (Extension to Jammu and Kashmir) Act, 1968, and that the Governments of Andhra Pradesh, Kerala, Gujarat, Punjab and Maharashtra and the Administration of Delhi have used the power under section 85 of the Factories Act to extend its provisions to smaller undertakings. It hopes that such gradual widening of the coverage of the Factories Act will continue, pending any legislative action with a view to an extension of the present scope of the Act.

Nicaragua (ratification: 1934)

The Committee regrets to note that the Bill to revise the Labour Code has not yet been approved. It trusts that the Government will take all appropriate measures to secure the adoption in the very near future of legislative provisions designed to give full effect to the Convention in respect of the following points:

Article 1 of the Convention. The Committee hopes that article 169 of the Labour Code, which authorises a working week of up to sixty hours for workers in land transport undertakings, except urban transport, will be amended so as to extend to this category of workers the benefit of the forty-eight-hour week prescribed by the Code.

Articles 3 and 6. The Committee hopes that appropriate provisions will be adopted (after consulting the employers' and workers' organisations concerned) with a view to determining the circumstances and conditions in which overtime may be worked as well as the maximum number of additional hours that may be authorised in accordance with Article 6, paragraph 1 (b) and paragraph 2 of Convention No. 1 and Article 7, paragraph 2 (c) and (d) and paragraphs 3 and 4 of Convention No. 30.

Article 8. The Committee hopes that appropriate measures will be taken to ensure that every employer shall: (i) notify the hours of work and the rest intervals by means of posting notices or by any other appropriate method; and (ii) keep a record, in the form prescribed by law or regulation, of all additional hours worked.

Pakistan (ratification: 1921)

The Committee notes with interest that, under the East Pakistan Factories Act, 1965, the hours of work provisions have been extended to cover all factories employing ten or more workers, whereas formerly they applied only to factories employing twenty workers or more, and which functioned with the aid of power.

Peru (ratification: 1945)

The Committee regrets to note that the Labour Code Bill has not yet been adopted. While recalling its numerous previous observations and the Government's repeated declarations to the effect that work on the Labour Code would soon be concluded, the Committee can only once more express the hope that this Bill will be adopted in the very near future and will give full effect to the Convention particularly as regards its Articles 3, 4, 5 and 6 (working time in excess of the normal limit of hours).¹

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Spain (ratification: 1929)

Following its previous comments, the Committee notes with interest that, according to the Order of the General Directorate of Labour of 13 May 1967, maximum hours of work are those laid down by the Act of 1931, notwithstanding any less favourable provisions included in a regulation or a collective agreement.

The Committee recalls, however, that certain provisions of the Act of 1931 itself are not fully in line with those of the Convention. Accordingly, the Committee once again expresses the hope that the general Labour Bill, referred to by the Government since 1958, will be adopted in due course and bring national law into full conformity with the Convention.

Venezuela (ratification: 1935)

Article 2 of the Convention. The Committee takes due note of the information supplied in the Government's report regarding jurisprudence in the matter of defining the status of persons employed in a confidential capacity, from which it appears in particular that this status must depend on the nature of the work done and not merely on a family relationship that may exist between the worker and his employer.

The Committee hopes therefore that there is no obstacle to the repeal of article 56 of the Labour Regulations (so that exclusion may be permitted only of establishments in which members of the same family only are employed) and that the Government will take the necessary measures in the very near future, as indicated in its report for the period 1965-66.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Canada, Chile, Colombia, Greece, India, Kuwait, Pakistan, Paraguay, Rumania, Syrian Arab Republic, United Arab Republic, Uruguay.*

Information supplied by *Czechoslovakia* in answer to a direct request has been noted by the Committee.

Convention No. 2: Unemployment, 1919

A request regarding certain points is being directly addressed to *Ecuador*.

Convention No. 3: Maternity Protection, 1919*Argentina* (ratification: 1933)

Following its previous requests and observations, the Committee notes with satisfaction that Act No. 18017 of 24 December 1968 brings the national legislation into conformity with the Convention in respect of the period of maternity leave (Article 3 (a) and (b)) and in respect of the amount of financial benefit (Article 3 (c)).

Bulgaria (ratification: 1933)

Following its previous requests and observations, the Committee notes the Government's statement according to which the competent authorities, when

drawing up the new Labour Code, will take care to bring the provisions of section 44, paragraph III of the Regulations on the application of Chapter III, Labour Code, into harmony with the provisions of *Article 3 (c) of the Convention* (maternity benefits to be granted also to women who have not completed the qualifying period prescribed by national law).

The Committee trusts that these amendments will be introduced in the near future and will also bring the national legislation into full harmony with the provisions of *Article 3 (a) of the Convention* (compulsory character of the leave after confinement for at least the first six weeks' duration).

Chile (ratification: 1925)

Article 4 of the Convention (prohibition of dismissal during maternity leave). The Committee notes the information contained in the Government's report relating to Act No. 16455 of 5 April 1966. The provisions of that Act, however, appear to be substantially similar to those of section 313 of the Labour Code, which the Committee has already stated does not comply with the requirements of the Convention. Under these provisions it still remains possible for the employer to dismiss a woman during her maternity leave on specified grounds once he has obtained the consent of the court having jurisdiction, whereas the Convention provides that notice of dismissal, whatever the grounds therefor, may in no case be given during maternity leave or at such time that it would expire during maternity leave. In these circumstances the Committee trusts that steps will be taken in the near future to bring the national legislation into full conformity with the Convention, for example by providing that section 2 of Act No. 16455 shall not apply to women while they are on maternity leave.

The Committee also hopes that steps can be taken in the near future to provide maternity cash benefits and free medical care—for example out of public assistance funds—to women who do not qualify for maternity benefit under Act No. 10383 of 1958 (*Article 3 (c) of the Convention*). The Committee regrets that the proposed measures to this end, first mentioned in the Government's report for 1964-65, have not yet been adopted.

Colombia (ratification: 1933)

Following its previous observations and requests, the Committee regrets to note that no progress has been made so far towards amending the national legislation with a view to bringing it into harmony with the following provisions of the Convention: *Article 3 (a) and (b)*—(12 weeks maternity leave), and *Article 3 (c)*—(payment of maternity benefit in case of prolongation of leave prior to confinement, as a result of a mistake in estimating the date of confinement). The Committee hopes that the amendments now under consideration will be adopted in the near future and that the Government will not fail to indicate in its next report what progress has been achieved in this respect.

France (ratification: 1950)

The Committee notes with satisfaction following its request of 1967, that, according to a new circular letter of 31 May 1965, addressed by the Ministry of Labour to the regional directors of the Social Security Scheme, in case of a prolongation of the leave preceding confinement as a result of a mistake in estimating the date of confinement, maternity benefit will continue to be paid, as provided in the Convention (*Article 3 (c)*, last part of the sentence), for the whole duration of the leave and not only for a period of fourteen weeks, as previously.

Federal Republic of Germany (ratification: 1927)

Article 3 (c) of the Convention (maternity benefits for women workers whose earnings exceed the ceiling fixed by the insurance scheme). In relation to its previous observations the Committee has noted with satisfaction that by section 13, subsection 2, of the Maternity Protection Act, as amended with effect from 1 January 1968, women not insured under the sickness insurance scheme receive maternity benefits from federal funds for the same period and of the same amount as insured women.

Article 4 (prohibition of dismissal). The Committee has also noted with interest that by circular letter of 26 July 1968 the Federal Minister of Labour has requested the Ministers of Labour of the Länder to respect the provisions of this Article of the Convention when authorising, in exceptional cases, the dismissal of a woman under section 9 of the Maternity Protection Act, by giving such authorisation in such a manner as to ensure that dismissal does not take effect during the absence of the woman on maternity leave. The Committee hopes that it will be possible to incorporate this principle in legislation in the near future.

Ivory Coast (ratification: 1961)

The Committee notes with satisfaction that, following its previous requests, Order No. 25/TAS-CAB of 17 November 1966 has amended the regulations governing the Compensation Fund so as to provide that when the confinement takes place after the date mentioned in the medical certificate the woman concerned shall continue to receive pre-natal financial benefits until the actual date of confinement, as laid down in Article 3 (c) of the Convention, last part of the sentence.

Mauritania (ratification: 1963)

The Committee notes with satisfaction that, following its previous requests, Act No. 67-039 of 3 February 1967, which institutes a social security system, provides for the payment of maternity benefits in cases in which the leave before confinement is prolonged as a result of a mistake of the medical adviser in estimating the date of confinement, as laid down in Article 3 (c) of the Convention, last part of the sentence.

Nicaragua (ratification: 1934)

The Committee notes the information supplied by the Government in reply to its previous observations and requests.

Article 3 (a) and (b) of the Convention. The Committee has taken due note of the Government's statement to the effect that section 95 of the Constitution guarantees a minimum maternity protection and is not inconsistent with section 129 of the Labour Code which, in conformity with the Convention, provides for maternity leave of six weeks preceding and six weeks following confinement. The Committee has also noted the copy sent with the report of a judgment which confirms that the Labour Code is, in fact, being applied and not the above-mentioned article of the Constitution.

Article 3 (c) and (d). The Committee notes with regret that the amendment to section 129 of the Labour Code—designed to bring the national legislation into harmony with the Convention as regards, first, the payment of maternity benefit

during a prolongation of pre-natal leave as a result of a mistake of the medical adviser in estimating the date of confinement and, secondly, the granting of two rest periods of half an hour each for nursing—has not been approved. In view of the fact that, according to the Government's report, these provisions are applied in practice, the Committee trusts that measures will be taken in the near future, either by legislative or by administrative means (e.g. by departmental memoranda) so as to bring the national legislation and regulations on these points into full harmony with the Convention.

Article 4. The Committee notes the Government's statement to the effect that the Committee's observations will be taken into account as regards the necessity of including in the Labour Code a provision formally prohibiting the dismissal, for any reason whatsoever, of a woman absent from work on maternity leave, in accordance with the requirements of the Convention. The Committee hopes this provision will be adopted in the very near future.

The Committee also notes the further extension given to the social security system and hopes that it will be rapidly generalised so that the employer will no longer be compelled to bear directly the cost of the benefits provided. The Government is requested to indicate any progress achieved in this respect.

Spain (ratification: 1923)

Following its previous observations, the Committee notes with satisfaction that the Resolution of 15 April 1968 and Decree No. 2766 of 16 November 1967 (section 14) have formally confirmed the principle that foreign women workers, whatever their nationality, are treated on the same footing as Spanish women workers for the purposes of maternity insurance, as required by Article 2 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Argentina, Colombia, Greece, Guinea, Hungary, Mauritania, Panama, Venezuela.*

Information supplied by *Cuba, Luxembourg* and *Yugoslavia* in answer to a direct request has been noted by the Committee.

Convention No. 4: Night Work (Women), 1919

Nicaragua (ratification: 1934)

The Committee notes with regret, from the reply given by the Government to its previous observation, that the draft amendments to the Labour Code by which effect was to be given to the Convention have not yet been adopted by Congress. In this connection, the Committee refers to the information communicated in 1968 by the Government to the Conference Committee in which assurances were given that the necessary steps would be undertaken so that the said amendments would be considered by the legislature within the shortest possible period.

The Committee hopes that the Government will do all in its power to fulfil its assurances, and that the draft amendments, which have been pending for several

years, will be adopted and will give effect in the near future to the basic requirements of Conventions Nos. 4 and 6 (the prohibition of night work by women and young persons in all industrial undertakings).¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Central African Republic.*

Convention No. 5: Minimum Age (Industry), 1919

Bolivia (ratification: 1954)

The Committee notes with regret that the Government's report does not contain any information in reply to its observation of 1968. It is bound, therefore, to repeat this observation, which was as follows:

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.

The Committee trusts that the Government will make every effort to take the necessary action in the very near future.

Brazil (ratification: 1934)

The Committee notes that section 403 of the Consolidated Labour Laws of 1943, which prohibited the employment of children under 14 years of age, has been amended by section 8 of Legislative Decree No. 229 of 28 February 1967, which prohibits the employment of children under 12 years of age and in accordance with which children between 12 and 14 years of age may now be employed on light work.

Since Article 2 of the Convention prohibits the employment of children under 14 years of age in industrial undertakings, even on light work, the Committee hopes that the Government will take the necessary measures to bring the national legislation back into conformity with the Convention and that the next report will indicate the progress achieved in this respect.

Denmark (ratification: 1923)

Article 4 of the Convention. The Committee notes with interest from the Government's reply to its previous observation that regulations concerning the keeping of registers of children under 16 years of age are in the course of preparation and that they will come into force on 1 April 1969. It hopes that the next report will contain the text of these regulations and a model of the register prescribed.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session.

Mauritania (ratification: 1960)

Following its previous direct request, the Committee notes with satisfaction that Order No. 084 of 16 February 1967 laying down exceptions with regard to the age for admission to employment has repealed the minimum age exception laid down by Order No. 10150 of 5 March 1965 for children employed in undertakings which occupy members of the employer's family, that exception going beyond the provisions of Article 2 of the Convention.

Nicaragua (ratification: 1934)

The Committee notes with regret from the Government's reply to its previous observations that the draft revised Labour Code, which was to provide for the keeping by the employer of a register of all children under 18 years of age employed by him, has not been approved by the National Congress. As this point has been raised for more than ten years, the Committee trusts that the Government will in the very near future take the necessary measures to prescribe the keeping of a register, in accordance with Article 4 of the Convention.

Niger (ratification: 1961)

Following its previous direct requests, the Committee notes with satisfaction that section 163 of Decree No. 67.126/MFPT of 7 September 1967 to implement the Labour Code makes it compulsory for the employer to keep a register of children under 18 years of age employed by him, with an indication of the dates of their births, as provided for under Article 4 of the Convention.

Singapore (ratification: 1965)

Following its previous direct requests, the Committee notes with satisfaction that the model of the Certificate of Registration laid down for children under 16 years of age employed in an industrial undertaking has been modified by administrative action and that it now contains the indication of the date of birth of the child, in conformity with Article 4 of the Convention.

Zambia (ratification: 1964)

Following its previous direct requests, the Committee notes with satisfaction that Act No. 36 of 1967 amending the Employment of Women, Young Persons and Children Ordinance has brought the national legislation into harmony with the Convention. This Act removes the possibility of any exception to the prohibition of the employment of children under 14 years of age, in conformity with Article 2 of the Convention, and provides that the register of persons under 16 years of age employed in an undertaking shall mention the dates of births of the persons in question, in conformity with Article 4 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, Chad, Congo (Brazzaville), Guinea, Ivory Coast, Sierra Leone, Singapore, Switzerland, Uganda.*

Convention No. 6: Night Work of Young Persons (Industry), 1919*Albania* (ratification: 1932)

The Committee regrets to note that the Government has not supplied a report. An examination of the new Labour Code of 1966 indicates however that section 23 only prohibits night work by young persons under 16 years of age and not under 18 years, as required by Article 2, paragraph 1, of the Convention. The Committee recalls that section 56 of the former Labour Code of 1956, as amended by Decree No. 3484 of 9 April 1962, had complied with this requirement of the Convention.

The Committee hopes therefore that the Government will take the necessary measures to reintroduce the prohibition of night work for all young persons under 18 years of age.

Mauritania (ratification: 1961)

See under Convention No. 90.

Nicaragua (ratification: 1934)

See under Convention No. 4.

Venezuela (ratification: 1933)

The Committee takes note with interest of the detailed reply to its observation of 1968, regarding the measures restricting night work of young persons to those cases where it is exceptionally authorised.

Viet-Nam (ratification: 1953)

The Committee notes with regret that the Government's report contains no new information on the matters raised in its previous comments. It is bound therefore to repeat these comments, which were as follows:

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burma, Ireland, Laos, Senegal, Upper Volta.*

Convention No. 7: Minimum Age (Sea), 1920*Nicaragua* (ratification: 1934)

The Committee regrets to note that the Government's last report indicates no progress towards the adoption of the Bill to amend the Labour Code, which would, in particular, ensure the application of Article 2 of the Convention, which is a basic provision prohibiting the employment on vessels of children under the age of 14 years, and of Article 4, which requires a register to be kept of all persons under the age of 16 years employed on board a vessel. The Committee trusts that the Bill mentioned above will be adopted in the very near future, and that it will ensure the application of the Convention.¹

Venezuela (ratification: 1944)

Following its previous observations regarding the application of Article 4 of the Convention, the Committee duly notes from the information supplied by the Government that the register prescribed under section 114 of the Labour Act is in practice kept by employers in the various sectors of economic activity.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Colombia, Singapore*.

Information supplied by *Sierra Leone* in answer to a direct request has been noted by the Committee.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920*Argentina* (ratification: 1933)

Referring to its previous observations and requests, the Committee notes with satisfaction from the Government's report that, pending the adoption of a new General Code of Maritime Law, section 2 of Act No. 17823 of 29 July 1968 provides for the payment of unemployment indemnity to members of the crew in the event of the loss or foundering of a vessel, in accordance with Article 2 of the Convention.

Colombia (ratification: 1933)

The Committee notes from the Government's report that the Bill first referred to in the report for 1962-64 has been subject to discussion and amendment in Parliament. The Committee trusts that this Bill will comply with the provisions of Conventions Nos. 8, 22 and 23 and will be adopted in the near future.

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.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Nicaragua (ratification: 1934)

Since 1956 the Committee has regularly pointed out that section 155 of the Labour Code, which provides that a seaman is entitled to an indemnity against unemployment in case of loss or foundering of a ship only if the shipowner has insured the vessel, does not comply with the Convention, which requires that such indemnity, which may be limited to two months' wages, must be paid in every case of loss or foundering.

In the Government's report it is stated that the proposed amendment to the Labour Code designed to bring the national legislation into conformity with the Convention has not yet been enacted. The Committee trusts therefore that the necessary measures will be taken to ensure that the legislation is brought into harmony with the Convention.

Peru (ratification: 1962)

Further to its previous requests, the Committee notes with regret that no legislation has yet been adopted implementing the Convention and that no indication is given that such legislation is contemplated. The Committee trusts that steps will be taken in the near future with a view to the adoption of such legislation, and that the next report will indicate the progress made in this respect.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Ceylon, Singapore*.

Information supplied by *Iraq* and *Rumania* in answer to a direct request has been noted by the Committee.

Convention No. 9: Placing of Seamen, 1920*Colombia* (ratification: 1933)

Further to its previous observations, the Committee notes from the Government's report that the structural reorganisation of the Ministry of Labour, which the Government mentioned before, has not yet been completed and that the extraordinary powers granted to the Government for such reorganisation expired in December 1968. It also notes, however, from the information supplied to the Conference Committee in 1968, that—with the technical co-operation of ILO experts—the Government has set up a department which is to deal with all matters relating to the employment service and labour market, and is to include a special section on the placing of seamen.

In the circumstances the Committee hopes that the Government will supply up-to-date information on this subject and trusts that, if no action has yet been taken, the Government will soon be able to establish a system of free public employment offices for seamen and to give full effect to the provisions of this Convention, which was ratified thirty-six years ago.¹

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Mexico (ratification: 1939)

Articles 4 and 5 of the Convention. Further to its previous comments, the Committee notes from the Government's report that consultations 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 are still in progress. As the Committee has had occasion to refer to this matter since 1957, it trusts that these committees will soon be set up and that the next report will, as indicated by the Government, contain information on the implementation of these provisions of the Convention.

Nicaragua (ratification: 1934)

Article 2, paragraph 1, and Article 5 of the Convention. Following its previous observations, the Committee notes from the Government's report that the National Congress has not yet adopted the draft amendment to section 12 of the Labour Code concerning the prohibition of fee-charging employment agencies and the establishment of advisory committees. The Committee once again reiterates the hope that this amendment will soon be adopted.

Article 4. The Committee notes that the Ministry of Labour, including the employment service, is being reorganised. It expresses the hope that, in reorganising the employment service, the Government will bear in mind the requirements of the Convention regarding special placing facilities for seafarers, and that the next report will contain full information on the matter.

Further to its previous direct requests, the Committee notes the Government's statement that, with the exception of the capital, the labour inspection service is at present carrying out activities in relation with the placing of seamen. It would be glad if the Government would indicate the places where such activities are performed and would supply the other information on these activities called for in the report form under Article 4.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Belgium, Peru, Poland.*

Convention No. 11: Right of Association (Agriculture), 1921*Albania (ratification: 1957)*

See Convention No. 87 with regard to workers who are members of rural co-operatives.

Brazil (ratification: 1957)

The Committee notes with satisfaction that as a result of its previous observations the Government has decided to amend the former legislation, by means of Ministerial Resolution No. 862 of 6 September 1967, thus abolishing the provisions which restricted the scope of a rural trade union to a single municipality.

Byelorussia (ratification: 1956)

See under Convention No. 87.

Cuba (ratification: 1935)

With regard to workers in agricultural co-operatives see under the observation relating to Convention No. 87.

Poland (ratification: 1924)

See under Convention No. 87.

Ukraine (ratification: 1956)

See under Convention No. 87.

USSR (ratification: 1956)

See under Convention No. 87.

Venezuela (ratification: 1944)

The Committee notes the statement made in 1967 by a representative of the Government, before the Conference Committee, in respect of the observation made by the Committee for several years past concerning the discrepancies, with regard to the rights of association and combination, between the Regulations concerning Work in Agriculture and the Labour Law governing industrial workers. According to this statement "the regulations, in practice, are very little applied" and "in any case . . . will be replaced not by other regulations but by a Land Reform Act which will remove these minor discrepancies". The Committee notes that this statement differs from another also made to the Conference Committee, in 1966, and according to which the Government intended to amend or repeal the rules and regulations deemed not to be in conformity with the Convention, which may be done by the President of the Republic-in-Council.

The Committee trusts that, with a view to bringing the law into conformity with the provisions of the Convention, it will be possible to amend or repeal without delay the provisions of the agricultural regulations pointed out by the Committee and which refer, respectively, to certain measures of supervision which the Labour Inspectorate exercises over the unions, to limitations placed on the election of union leaders, to special protection against the dismissal of workers who give formal notice of their intention of forming a trade union, to the requirement for workers to be resident within the jurisdiction of a single labour inspectorate in order to be able to form trade unions and to the right to strike.

The Committee requests the Government to keep it informed of all measures that may be adopted in this respect.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Cameroon, Czechoslovakia, Dahomey, Ethiopia, Ivory Coast, Rwanda, Syrian Arab Republic.*

Information supplied by *Barbados, Congo* (Kinshasa), and *Rumania* in reply to direct requests has been noted by the Committee.

Convention No. 12: Workmen's Compensation (Agriculture), 1921

A request regarding certain points is being addressed directly to *Panama*.

Convention No. 13: White Lead (Painting), 1921*Venezuela* (ratification: 1933)

Article 5.III (b) of the Convention. The Committee notes from the Government's reply to previous observations on this matter that there are specific legislative provisions in virtue of which the competent authority may require a medical examination of workers. It would be glad if the Government would indicate whether a medical examination may be ordered under section 167 of the Labour Regulations (specifically mentioned by the Government) which provides that any "necessary technical report" may be ordered by the National Labour Office.

Article 7. The Government having failed once again to supply information requested under this Article, the Committee hopes that it will include in its next report statistical data on mortality and morbidity due to lead poisoning.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Central African Republic, Senegal.*

Convention No. 14: Weekly Rest (Industry), 1921*China* (ratification: 1934)

The Committee notes from the Government's report that of 567 factories inspected only some 40 per cent grant a weekly day of rest, that 50 per cent give one to two days' rest a month and that nearly 10 per cent give no day of rest. The Committee must therefore conclude that the strict measures taken with a view to ensuring compliance with the Convention—mentioned in the Government's previous report—have not proved effective.

Accordingly, the Committee must express the earnest hope that the draft Labour Code, which is to extend the coverage of the weekly rest provisions to workers not at present falling within the scope of the Factories Act and the Mines Act, will be adopted without delay and that vigorous measures will be taken by the Government to give practical effect to the Convention, which was ratified as far back as 1934.¹

Greece (ratification: 1929)

The Committee notes with satisfaction, from the information supplied in the Government's reply to its observation of 1967, that under Ministerial Circular No. 164092 of 14 December 1967 the staff in the engine sheds and garages shall be entitled to four days of rest per month and that the application of the Convention (*Article 2*) is now fully ensured to those railwaymen who were previously entitled only to two rest days per month.

Kenya (ratification: 1958)

The Committee notes with interest from the Government's reply to a direct request of 1967 that a new Employment Act is being drafted and that it will make

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

provision to ensure one complete rest day in every period of seven days for all industrial workers. The Committee would be grateful if the Government would supply information, in its next report, on the progress made in this connection.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bolivia, Burundi, Cameroon* (Eastern Cameroon), *Canada, Congo* (Kinshasa), *Malaysia* (Sarawak), *Netherlands, Poland, Portugal, United Arab Republic.*

Information supplied by *Finland, Paraguay* and *Tunisia* in answer to a direct request, has been noted by the Committee.

Convention No. 15: Minimum Age (Trimmers and Stokers), 1921

Kenya (ratification: 1964)

Article 5 of the Convention. See under Convention No. 58.

Nicaragua (ratification: 1936)

The Committee regrets to note that the Government's last report indicates no progress in respect of the adoption of the Bill to amend the Labour Code, which is intended, in particular, to ensure the application of Article 2 of the Convention, which prohibits the employment of young persons under the age of 18 years on vessels as trimmers or stokers, and of Article 5 concerning the register of persons under the age of 18 years employed on board vessels. The Committee trusts that the above-mentioned Bill will be adopted at a very early date and that it will ensure the application of the Convention.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Malaysia* (Sabah and Sarawak), *Sierra Leone, Uruguay.*

Information supplied by *Ceylon* and *Iraq* in answer to a direct request has been noted by the Committee.

Convention No. 16: Medical Examination of Young Persons (Sea), 1921

Albania (ratification: 1956)

The Committee notes with regret that the Government has not supplied a report on the application of the Convention. None the less, the Committee has examined the new Labour Code, 1966, which, as distinct from the Labour Code of 1956 (section 159), contains no provisions regarding a medical examination for fitness for employment of young persons nor for the periodic repetition of this examination at intervals of not more than one year.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

The Committee hopes that all suitable measures will be taken to ensure the application of the Convention either within the framework of the Code or by means of special provisions.

Convention No. 17: Workmen's Compensation (Accidents), 1925

Argentina (ratification: 1950)

Referring to its previous observations and requests, the Committee has noted with satisfaction that by Act No. 18018 of 24 December 1968, which has amended the previous legislation, compensation is now payable from the fifth day of incapacity and additional compensation is granted where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, in accordance with Articles 6 and 7 of the Convention.

New Zealand (ratification: 1938)

Referring to its previous observations, the Committee takes note with interest of the information supplied to the Conference Committee in 1968 and in the Government's report for 1966-68, according to which the Royal Commission of Inquiry on Compensation for Personal Injury has made recommendations covering the point raised by the Committee with regard to Article 5 of the Convention (periodical payments in the case of permanent incapacity or death).

The Committee hopes that a revision of the national legislation so as to bring it into conformity with the Convention will thus be possible in the near future and that the Government will be able to indicate in its next report any progress made in this connection.

Uganda (ratification: 1963)

Article 5 of the Convention. Following its previous request the Committee notes with satisfaction that the Labour Commissioner has taken measures under section 29 (1) (b), Workmen's Compensation Ordinance, with a view to ensuring that, in all serious cases of permanent incapacity (of 25 per cent or more) and in all cases of the death of an injured workman leaving dependent children, the compensation will be paid in the form of periodical payments and that full or partial payment in a lump sum will be authorised only in exceptional cases. The Committee would be glad if the Government would indicate whether this measure will be embodied in a statutory provision.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Argentina, Burundi, Panama, Tanzania (Tanganyika), Uganda, United Arab Republic.*

Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925

Nicaragua (ratification: 1934)

The Committee notes with regret from the Government's reply to its previous observations that the draft revision of the Labour Code, which, according to the information supplied by the Government, was to include a list of occupational

diseases in conformity with the Convention has not yet been adopted. It notes that in these circumstances there are no provisions of general application which give full effect to the Convention, because the General Regulations of the National Social Security Institute, which contain a list of occupational diseases, are applicable only to part of the national territory, and the Labour Code, which is of general application, contains no such list.

The Committee trusts that the Government will take the necessary measures with a view to the adoption in the very near future of the draft revision of the Labour Code, pending the application to the whole country of the social security scheme (which, it notes from the statement of the Government representative at the Conference Committee in 1968, has been extended in certain respects). It hopes that the next report will indicate the measures taken to ensure the full application of the Convention in the whole of the country.

Upper Volta (ratification: 1960)

The Committee notes, from the Government's reply to its previous observation and requests, that a consultative committee set up under an Order of 3 March 1968 will meet shortly to decide on new provisions relating to occupational diseases.

The Committee hopes that as a result of this examination the list of occupational diseases annexed to Act No. 3-59/ACL of 3 January 1959 will be amended so as to cover all diseases (and not only certain pathological manifestations limitatively enumerated) caused by lead, its alloys or compounds, all poisonings by mercury, its amalgams and compounds and, among activities liable to cause anthrax infection, the "loading and unloading or transport of merchandise" in general.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Central African Republic, Mauritania, Nicaragua, Senegal, United Arab Republic.*

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Requests regarding certain points are being addressed directly to the following States: *Algeria, Mauritania, Syrian Arab Republic.*

Information supplied by *Burundi* in answer to a direct request has been noted by the Committee.

Convention No. 20: Night Work (Bakeries), 1925

Argentina (ratification: 1955)

The Committee notes with regret that the Government's report does not contain any reply to its previous comments. It has further taken note of the new Act No. 17429 of 8 September 1967, which provides for the exemption of mechanised bakeries from the scope of Act No. 11338 of 1926. While appreciating the arguments put forward in the preamble to the new Act, based on the socio-economic and technological evolution which led to its adoption, the Committee must point out that the exemption provided for under its terms is contrary to the provisions of the Convention. It therefore hopes that the Government will be able to envisage appropriate measures to bring the legislation into conformity with the Convention.

Colombia (ratification: 1933)

The Committee regrets to note that since the tabling, in 1964, of a Bill, not examined by Congress, the Government has been unable to report the adoption of any new measure designed to give effect to the Convention. It can only note with regret the absence of any measure of implementation, more than thirty years after the ratification of the Convention and despite the repeated observations it has made in the course of these years. The Committee must therefore urge the Government to make every effort to introduce the necessary measures without any further delay.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Finland, Peru, Sweden*.

Convention No. 22: Seamen's Articles of Agreement, 1926*Argentina* (ratification: 1950)

Further to its previous comments, the Committee notes with satisfaction that effect has been given, by section 5 of Act No. 17823/68, to Article 13 of the Convention, and by the new sections 984, 986 and 991 of the Commercial Code, as amended by Act No. 17371/67, to Article 6, paragraph 1, and Articles 9, 11 and 14, paragraph 2, of the Convention.

Morocco (ratification: 1952)

The Committee notes with interest from the information supplied by the Government in reply to its previous observations that the Government is at present studying measures designed to eliminate the discrepancy, pointed out by the Committee, between section 201 *bis*, paragraph 2, of the Merchant Shipping Code, and Article 9, paragraph 1, of the Convention.

The Committee hopes that the Government will be able to indicate in its next report what measures it has taken as a result of this study, with a view to ensuring the full application of the Convention on this point.

Nicaragua (ratification: 1934)

In reply to the observations of the Committee, the Government has, since 1958, referred in its reports to a proposed reform of the Labour Code by means of which effect would be given to Article 6, paragraph 3 (3), and to Articles 13 and 14 of the Convention. The Committee duly notes from the statement made by the Government in its last report and also before the Conference Committee, in reply to the Committee's observations of 1966 and 1968, that the above-mentioned reform will also take into account the comments of the Committee regarding the need for provisions to bring the national legislation into conformity with Article 3, paragraphs 3, 4 and 6, and with Articles 4, 5 and 9, paragraphs 1 and 3, of the Convention.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Accordingly, the Committee regrets to note that the said reform Bill has still not been approved by the National Congress, and urges the Government to expedite the procedure for its adoption so as to give full effect to all the above-mentioned provisions of the Convention.

Venezuela (ratification: 1944)

Following its comments of 1968, the Committee notes that the Bill mentioned by the Government has still not been approved. As, according to the Government's statements in its previous report and before the Conference Committee, this Bill would make it possible to eliminate the discrepancies to which the Committee has for some years past drawn attention between the existing legislation and Articles 4, 6, 8, 9, 13 and 14 of the Convention, the Committee trusts that the Government will not fail to expedite the procedure for its adoption and that account will duly be taken in this respect of the more detailed comments which the Committee has made in a direct request.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Mauritania, Venezuela*.

Convention No. 23: Repatriation of Seamen, 1926

Argentina (ratification: 1950)

The Committee notes with regret that the Government's report contains no information concerning the progress made towards approval of the Bill relating to the merchant navy, by which it was proposed to amend the Commercial Code so as to give effect to certain provisions of the Convention.

The Committee 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.

Convention No. 24: Sickness Insurance (Industry), 1927

Algeria (ratification: 1962)

Article 3, paragraph 2, of the Convention. Following its previous observation and requests, the Committee duly notes the Government's statement to the effect that the seven days' waiting period prescribed by national legislation is to be reduced to three days, in conformity with the Convention. The Committee hopes that measures will be adopted in the near future with a view to amending the legislation in this sense.

Peru (ratification: 1945)

The Committee notes the information supplied by the Government to the Conference Committee in 1968 as well as that contained in its report (for the years

1966-68) in reply to the observations and requests made in previous years with reference to the following Articles of the Convention: *Article 2* (extension of the social security scheme to the whole country and so as to include domestic servants) and *Article 4*, paragraph 1 (grant of medical benefits from the commencement of illness without a qualifying period of contribution).

The Committee notes with interest that the Bill to reform the Workers' Social Insurance Scheme, which has been submitted to Parliament, does not lay down a qualifying period for the receipt of medical benefits, and that it also covers workers in domestic service, in accordance with the Convention.

The Committee hopes that this Bill will be adopted in the near future and that the Social Insurance of Salaried Employees Act No. 13724 of 1961, and the regulations for its application, will also be amended in the same sense so as to bring it into conformity with Article 4, paragraph 1, of the Convention as regards the qualification period for the receipt of medical benefits.

The Committee also notes that the social security scheme has been extended to new categories of workers and that it now covers the most important regions of the various political subdivisions of the country. The Committee hopes the scheme can be made applicable progressively to the entire country.

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In addition, a request regarding certain other points is being addressed directly to *Ecuador*.

Convention No. 25: Sickness Insurance (Agriculture), 1927

Peru (ratification: 1945)

See under Convention No. 24. The Committee also notes the Government's statement to the effect that the sickness insurance scheme was last year extended to certain rural communities and that it will be progressively applied to the workers who come within the provisions of the Land Reform Act. The Committee hopes that, in its next report, the Government will indicate any further progress achieved in this direction.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Bolivia (ratification: 1954)

The Committee regrets that the Government's report for 1967-68 has not been received. It notes, however, from the statement made by a Government representative to the Conference Committee in 1967, that no minimum wage fixing machinery has yet been established, and that there are fundamental economic and geographic reasons opposing the creation of such machinery.

The Committee must recall that the existing statutory provisions (which, as indicated by the Government, are not implemented at present) do not provide for observance of the procedures laid down by the Convention, particularly in Articles 2 and 3. The Committee hopes, therefore, that appropriate measures will be taken at an early date to revise the statutory provisions and to establish and maintain minimum wage fixing machinery meeting the requirements of the Convention.¹

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

China (ratification: 1930)

Further to its previous comments, the Committee notes with interest that the Temporary Basic Wage Regulations of 16 March 1968 provide in section 7 that inspection visits shall be carried out to ensure that wages are paid at not less than the new prescribed basic rate; it also notes the statement that full publicity has been given to the basic wage fixed by the above regulations (Article 4 (1) of the Convention).

The Committee also welcomes the Government's statement that regulations are being drafted on the organisation of the Basic Wage Evaluation Commission, which is to be responsible for future adjustments of the basic wage. It trusts that these new regulations, even if they are of a temporary nature, will ensure full conformity with Articles 1 to 3 of the Convention, particularly as regards the consultation of employers' and workers' organisations and their association in the operation of the machinery.

On the other hand, the Committee recalls the Government's statement, in 1966, that the draft Labour Code, which has been under consideration for a number of years, is to provide for minimum wage fixing machinery. The Committee hopes, therefore, that the Labour Code will be enacted in the near future and will include provisions giving full effect to the Convention.

Finally, as regards homeworkers, the Committee recalls the Government's statement that the application to these workers of a minimum wage could only be ensured through the proposed Labour Code, and it trusts that provisions to this effect will also be included in the draft Code.

Tanzania (Zanzibar) (ratification: 1964)

The Committee notes that no report has been supplied since 1965. It must recall that direct requests have been made since 1963 on the application of Articles 2, 3 (2), 4 (1) and 5 of the Convention and requests the Government to make a detailed report containing the information which has been requested in a new direct request.

Tunisia (ratification: 1957)

The Committee notes the information supplied in the report, in reply to its previous request. It also notes with satisfaction the new Decree No. 359 of 12 November 1968 concerning the fixing and the review of wages, which reapplies the provisions of Articles 2 and 3 of the Convention in respect of the composition of the wage fixing committees.

Venezuela (ratification: 1944)

The Committee takes note of the Government's reply to the observation of 1968.

As the Government refers to the increasing number of workers covered by collective agreements and states that this machinery is consistent with the provisions of the Convention, the Committee points out that, in fact, the Convention is designed precisely for those trades "in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise".

The Committee also notes that the Government once again fails to supply the information requested since 1965 regarding minimum wage fixing procedures in commerce and homeworking trades and it must therefore assume that no such machinery exists.

As, according to the Government's report, the number of workers covered by collective agreements was 333,000 in 1967 (that is, only a limited proportion of the workers employed in industry and commerce) and as minimum wage fixing machinery exists only for workers employed in ministries or in autonomous institutions, the Committee must urge the Government to take early steps to create minimum wage boards, as provided for in the Labour Act, whereby wage rates may be fixed in trades or parts of trades (whether homeworking trades, commerce or industries) where no effective regulation of wages exists and where wages are exceptionally low.

The Committee trusts that the above measures will be taken at an early date and will give effect to all the provisions of this Convention, which was ratified twenty-five years ago.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Colombia, Guatemala, India, Iraq, Italy, Lebanon, Luxembourg, Mexico, Nicaragua, Peru, Syrian Arab Republic, Tanzania (Zanzibar), Tunisia, Uruguay.*

Information supplied by *Congo (Kinshasa), Czechoslovakia, Cuba, Ecuador, Paraguay, Spain and Uruguay* in answer to a direct request has been noted by the Committee.

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Australia (ratification: 1931)

The Committee notes with satisfaction that, following its previous direct requests, the Regulations of 1961 were amended by Statutory Rule No. 133 of 1967 to ensure that no exceptions should be permitted as regards the marking of weight on heavy packages or objects.

Cuba (ratification: 1954)

The Committee regrets to note from the Government's reply to its previous observation that the Government has failed to take appropriate measures with a view to giving legal effect to Article 1, paragraph 4, of the Convention (national laws or regulations to determine the person or body responsible for the marking of weight). The Committee trusts that the necessary legislative measures will be taken at an early date to ensure full compliance with the above-mentioned provision of the Convention, as requested by the Committee since 1957.

India (ratification: 1931)

The Committee notes with interest from the Government's reply to the observation made in 1967 that the notification regarding the appointment of inspectors under the Marking of Heavy Packages Act is expected to be issued shortly. The Committee hopes that this will be done at an early date.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Indonesia (ratification: 1933)

The Committee notes the Government's statement that economic conditions have prevented the application of the Convention. It would be glad if the Government would indicate in its next report whether, in spite of these difficulties: (a) the legislation requiring the marking of weight on packages remains in force and (b) this legislation is again being implemented.

Further, the Committee recalls that the relevant legislation is not applicable to the smaller maritime ports, nor to river ports. It hopes therefore that the Government will indicate in its future reports any measures which may be taken to ensure the application of the Convention in such of the above-mentioned ports as are likely to transport objects of over 1,000 kilogrammes.

Luxembourg (ratification: 1931)

The Committee notes that, whereas the Government had indicated in its previous report (1964-66) its intention of issuing regulations to give effect to the Convention, it now states that the provisions of the Convention are directly applied by virtue of settled case law and as a matter of consistent practice. The Committee hopes however, particularly in view of the fact that the new river port is being further developed, that regulations will be issued providing for the marking of weight on packages as required by the Convention. Furthermore, pending the issue of these regulations, the Committee would be glad if the Government would supply a copy of any relevant court decisions or administrative instructions on the matter.

Nicaragua (ratification: 1934)

The Committee notes with regret from the Government's report that the proposed draft addendum to section 183 of the Labour Code, providing that the consignor of any package of 1,000 kilogrammes or more to be transported by sea or inland waterway shall mark its weight, has not as yet been enacted. The Committee trusts that the above-mentioned addendum will be adopted at an early date and will give effect to the provisions of the Convention, which was ratified thirty-five years ago.¹

Pakistan (ratification: 1931)

Further to its previous observations, the Committee takes note with satisfaction of the decision to extend the application of the Convention to the Chalna port.

Peru (ratification: 1962)

The Committee notes from the Government's reply to the direct request of 1967 that the committee which is to propose legislative provisions complying with the Convention has not yet been set up. The Committee hopes that this committee will be appointed at an early date, that measures giving full effect to the requirements of the Convention will be adopted, and that the next report will indicate the progress made in this respect.

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In addition, a request regarding certain other points is being addressed directly to *Pakistan*.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Convention No. 28: Protection against Accidents (Dockers), 1929*Luxembourg* (ratification: 1931)

The Committee notes from the Government's statement, made in reply to the direct request of 1967, that there is only one river port in the country where, as yet, only a small number of workers is employed, and that these workers are covered by the provisions applying to industrial and commercial workers. The Committee points out that the implementation of the Convention calls for special safety measures for the protection of dockers and it recalls that in its report for 1964-66 the Government had stated that these measures would be taken in the framework of a Bill amending the labour and mines inspection service. The Committee hopes therefore that the necessary steps will soon be taken to give effect to the Convention and that the next report will include full information on this question.

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In addition, a request regarding certain other points is being addressed directly to *Nicaragua*.

Convention No. 29: Forced Labour, 1930*Albania* (ratification: 1957)

The Committee regrets to note that the Government has once again failed to supply a report and that no reply has thus been provided to the Committee's earlier observations on the application of this Convention.

1. In its previous observations the Committee had referred to various provisions of the Labour Code of 1956. It notes that this Code has been repealed and replaced by a new Labour Code promulgated in 1966. The Committee observes that several provisions of the new Code are inconsistent with the provisions of the Convention:

- (a) Section 2 provides that "wage and salary earners shall work wherever the higher interests of the country require". The Committee notes, in this connection, that Chapter III of the Code (Recruitment and Transfer) refers to persons being recruited and admitted to employment, but contains no provisions concerning the conclusion of employment relationships by agreement between the parties.
- (b) Sections 15 and 16 provide for the transfer of workers to other jobs or other undertakings by decision of the management or other competent authorities, but do not make such transfers dependent on the worker's agreement.
- (c) Under section 55 a worker may obtain termination of his contract of employment only if he has a valid reason and he considers that such termination will not be detrimental to the interests of his undertaking.

The Committee can only express the hope that measures will be taken to bring these provisions into conformity with the Convention.

2. In its previous observations the Committee had drawn attention to the need to bring the following legislation into conformity with the Convention:

- (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).

3. The Committee also once more draws attention to the fact that in its previous observations it had requested the Government to provide information concerning:

- (a) 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);
- (b) any binding legislative or other provisions, state plans, etc., whereby the cultivation or delivery of certain agricultural commodities might be imposed.

Central African Republic (ratification: 1960)

The Committee has noted with interest, from the statement by a Government representative to the Conference Committee and from the Government's report communicated during the Conference, that measures are contemplated to bring the legislation referred to by the Committee in its previous observations and direct requests into conformity with the Convention. The Committee accordingly hopes that the Government will be able to indicate in its next report the measures taken to this end with regard to section 28 of Act No. 60/109 of 27 June 1960 concerning the development of the rural economy and Ordinances Nos. 4 of 8 January 1966 and 66/38 of 3 June 1966 regarding the repression of idleness and the control of the active population.

Gabon (ratification: 1960)

The Committee notes with regret that, for the second year in succession, the report due on this Convention has not been supplied. It recalls that, in its previous observations, it has 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. The Government stated in its report for 1964-66 that this legislation had never been applied in practice, and that measures to bring it into conformity with the Convention would be taken. The Committee notes that, following discussion of this case in the Conference Committee in 1968, a Government representative once more gave an assurance that such measures would be taken.

The Committee accordingly trusts that the legislative provisions in question will be repealed at an early date.

Hungary (ratification: 1956)

With reference to its earlier direct request concerning section 34A of the previous Labour Code (under which the transfer of a worker to another undertaking might be made by agreement between the two undertakings concerned, without the need to obtain the worker's consent), the Committee notes with satisfaction that, under section 24 (1) of the new Labour Code (Act No. 2 of 1967), and section 23 (1) of Government Ordinance No. 34 of 8 October 1967 issued in application of the Code, modifications of the labour contract (including transfers) may be made only by agreement between the undertaking and the worker.

Liberia (ratification: 1931)

The Committee notes the information supplied by the Government in answer to its previous observations relating to the implementation of the recommendations made in 1963 by the Commission of Inquiry appointed under article 26 of the ILO Constitution.

1. *Amendment of legislation.* The Committee recalls that, following the repeal of Chapter 16 (Recruitment of Labour) of the Labour Practices Law and its replacement by a new Chapter (Employment in General) in 1966, Liberian legislation no longer gave effect to the requirements of Article 25 of the Convention, concerning penal sanctions for the illegal exaction of forced labour. It notes with interest the Government's statement that the new Penal Law, whose preparation is expected to be completed shortly, will contain provisions to implement Article 25 of the Convention. The Committee hopes that the legislation in question will be adopted at an early date.

The Commission of Inquiry had also recommended (in paragraphs 419 and 420 of its report) that section 346 (*b*) of the Penal Law (which laid down an extensive definition of vagrancy, and might be used as an indirect means of compulsion to work) should be repealed not later than the legislative session 1963-64. Although the Government in 1966 supplied a copy of draft legislation to make the necessary amendment, no information has subsequently been given on this question. The Committee hopes that the new Penal Law referred to above will take full account of the Commission of Inquiry's recommendation on this point.

The Committee hopes that, in the revised penal legislation, express provision will also be made to meet the requirements of Article 2, paragraph 2 (*c*), of the Convention that work of convicted persons shall be under the supervision and control of a public authority and that prisoners shall not be hired to, or placed at the disposal of private individuals, associations or companies (thus also giving statutory effect to what the Government has stated in fact to be its policy).

2. *Incorporation of ILO Conventions in the Liberian Code of Laws.* The Commission of Inquiry noted that, although according to the Liberian Government a ratified Convention became part of the law of Liberia upon its publication by virtue of section 80 of the Foreign Relations Law, the Liberian Code of Laws of 1956 contained no reference to international labour Conventions ratified by Liberia. The Commission therefore recommended (in paragraph 421 of its report) that, when a revised edition of the Code of Laws was issued, the texts of these Conventions should be incorporated in it and that, pending the issue of such a revised edition, an appropriate supplement to the existing Code of Laws should be issued without delay and made generally available.

While the interim measures recommended by the Commission of Inquiry have not been taken, the Committee notes the Government's statement that the Liberian Code of Laws is now being revised, and that the ILO Conventions ratified by Liberia will be affixed to the revised Code as a supplement. The Committee hopes that these measures will become effective at an early date.

3. *Concession agreements.* The Commission of Inquiry recommended (in paragraphs 444, 449 and 451 of its report) that all clauses in concession agreements providing for government assistance in securing and maintaining an adequate labour supply should be abrogated not later than the legislative session of 1963-64. While specific action was taken for the amendment of one such agreement (as noted by the Committee in 1966), similar action was not taken in respect of others, but an Act of 18 February 1966 sought to make void any provision in any concession agreement

which might even remotely violate ILO Convention No. 29. However, the Committee noted that another Act adopted on the very same day had given legislative approval to a concession agreement containing a clause relating to assistance in securing and maintaining an adequate labour supply identical in its terms to that which had been criticised by the Commission of Inquiry.

In its latest report, the Government states that, by virtue of the above-mentioned legislation, it is taking no action, nor does it intend to take any action, to implement the concession agreement clauses in question. The Committee recalls, in this connection, the Government's statement to the Conference Committee in 1966 that, under the provisions of the Act of 18 February 1966, it was then negotiating the recommended changes with two of the companies concerned (the Liberian Mining Company and the Liberian Agricultural Corporation). The Committee would appreciate additional information concerning the outcome of these negotiations.

4. *Public works.* The Commission of Inquiry recommended (in paragraph 453 of its report) a 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. The Committee has observed, in previous observations, that sections 72, 220 and 223 of the Aborigines Law placed responsibility for local public works in areas under tribal jurisdiction, including the construction of roads and bridges, on the tribal authorities, but made provision for the supply by the Central Government only of material, equipment and tools (thus leaving the tribal authorities responsible for the supply of labour).

The Government has stated in its last report that there is presently no law in existence which places responsibility for local works in areas under tribal jurisdiction on the tribal authorities, and also that all cases where work or service is exacted from individuals who do not offer their services voluntarily come within the exceptions to forced or compulsory labour listed in Article 2, paragraph 2 (a) to (e), of the Convention.

In this connection the Committee would appreciate information:

- (a) as to whether sections 72, 220 and 223 of the Aborigines Law (referred to above) have now been repealed and, if so, by virtue of what legislation;
- (b) as to the legislative provisions which define and regulate the cases mentioned by the Government in which work or service may be exacted.

5. *Action in related fields.* The Commission of Inquiry considered (in paragraphs 454 to 459 of its report) that, to guarantee the effective implementation of the Convention, action was necessary in certain related fields, including labour inspection and manpower policy. In its last report the Government has given certain indications of the operation of the national employment services and of inspection activities. As regards the latter, the Committee notes the Government's statement that the workplaces to which inspection visits were made included factories, woodworking shops, stores and catering establishments. No reference is however made to any inspection activities in agriculture. As the Committee already pointed out in 1965, it is in the agricultural sector that some of the major difficulties in the application of the Convention have existed in the past. The Committee therefore once more expresses the hope that measures will be taken, as required by Articles 24 and 25 of the Convention, to ensure that the prohibition of forced or compulsory labour is effectively enforced in all sectors, and more particularly in the agricultural sector.

6. *Call-up of labour under emergency powers.* In 1968 the Committee noted that extensive powers for the compulsory call-up of labour had been granted for twelve-

month periods respectively by Acts of 9 October 1963, 11 February 1966 and 21 March 1967. It had expressed its concern that powers of this kind should in future be invoked only where strictly required to meet an emergency as defined in Article 2, paragraph 2 (*d*), of the Convention. While the Government has not commented on this matter in its report, the Committee has noted with interest from the 108th Report of the Governing Body Committee on Freedom of Association (paragraph 216) that the Act of 21 March 1967 has expired and has not been re-enacted.

In conclusion the Committee expresses the hope that all remaining difficulties or points of doubt existing in regard to the implementation of the Convention will be eliminated in the near future.

Malagasy Republic (ratification: 1960)

The Committee notes that, while the Government's report supplies information in reply to the previous direct request, it contains no information regarding the matters raised in previous observations, relating 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 of age who cannot prove that they have a regular occupation and do not cultivate minimum areas of land, fixed annually for each rural commune by prefectural order, are deemed idle persons. They can thereupon be required to cultivate a minimum area of land, under conditions laid down by prefectural order, disobedience of these orders being punishable by imprisonment. Decrees issued in 1965 institute attestations or certificates intended to give proof of regular employment or the cultivation of a prescribed minimum area, which must be presented to the administrative authority, the *gendarmerie* 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 be able to adopt appropriate measures to bring the legislation into conformity with the Convention.

Tanzania (Tanganyika) (ratification: 1962)

In direct requests made since 1963 the Committee has referred to the powers to impose compulsory cultivation granted to local authorities by paragraph 45 of section 52 (1) of the Local Government Ordinance, as amended by Act No. 64 of 1962. Prior to its amendment in 1962, this paragraph had authorised a local authority to require persons to plant specified crops only for themselves and their families in

cases where there existed a danger of a shortage of foodstuffs. As amended in 1962, the paragraph grants to local authorities more general powers to require adult persons to sow or plant land with specified crops. Consequential amendments were made in the Employment Ordinance by Act No. 82 of 1962 in order to except such compulsory cultivation from the provisions of that Ordinance relating to forced labour.

The Committee has noted the Government's report for 1965-67 (received after the Committee's session of 1968). The Government has stated that the orders issued to farmers under the above-mentioned provisions of the Local Government Ordinance are a precaution against an expected famine or a deficiency in food supplies. It has also called for the recognition of the importance of mobilising people in developing countries to cultivate more or certain suitable crops so as to produce adequate food for their own benefit.

The Committee wishes to point out that the possibility of recourse to compulsory cultivation "as a method of precaution against famine or a deficiency in food supplies" was permitted by Article 19 of the Convention during the transitional period pending complete abolition of forced labour, and that the case of an actual or threatened famine is expressly referred to in Article 2, paragraph 2 (*d*), of the Convention as an example of cases of emergency excluded from the provisions of the Convention altogether. The Committee must however point out that paragraph 45 of section 52 (1), of the Local Government Ordinance is not limited to such circumstances; indeed, the amendments of 1962 were designed to replace limited powers to impose cultivation as a precaution against famine by general powers not similarly limited. The Committee notes moreover, from the information given by the Government in its reports, that the orders made since 1962 under the amended provisions have not related to the cultivation of food crops for personal use and consumption, but refer specifically to "cash crops" (including, for example, tobacco or cotton).

Having regard to the considerations advanced by the Government in its last report, the comments thereon in the preceding paragraph, as well as the explanations concerning the effect of the Convention in regard to compulsory cultivation given in its general survey on forced labour in 1968 (paragraph 61), the Committee hopes that the Government will further review the situation and will find it possible to bring its legislation into conformity with the Convention.

The Committee hopes that the Government will, on the same occasion, also find it possible to repeal the provisions in Part X of the Employment Ordinance relating to forced labour for public works and portorage, to which it decided in 1960 no longer to have recourse.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi, Ceylon, Chad, Congo (Brazzaville), Dominican Republic, Ecuador, Hungary, Iceland, Laos, Libya, Malagasy Republic, Mauritania, Pakistan, Panama, Peru, Portugal, Senegal, Sierra Leone, Tanzania (Zanzibar), Togo, Tunisia, Uganda, Ukraine, United Arab Republic, Venezuela, Viet-Nam.*

Information supplied by *Yugoslavia* in answer to a direct request has been noted by the Committee.

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Bulgaria (ratification: 1933)

Following its previous comments, the Committee notes with satisfaction from the Government's report that, by Order No. 600 of 8 November 1966 of the Ministry of

Communications, the ten-hour daily limit was extended to apply to the personnel of radio and television stations, thus ensuring application of Article 6 of the Convention.

Haiti (ratification: 1952)

See under Convention No. 1, Article 6.

Nicaragua (ratification: 1934)

Article 7, paragraph 2 (c) and (d) and paragraphs 3 and 4; Articles 8 and 11 of the Convention. See under Convention No. 1, Articles 3, 6 and 8.

Spain (ratification: 1932)

See under Convention No. 1.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Finland, Guatemala, Haiti, Kuwait, Norway, Panama, Paraguay, Syrian Arab Republic, United Arab Republic, Uruguay.*

Information supplied by *Luxembourg* in answer to a direct request has been noted by the Committee.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

Argentina (ratification: 1950)

The Committee notes the Government's statement that no new measures have been taken in regard to this Convention.

None the less, the Committee finds that the Government attached to its report a text entitled "Safety Measures for Dockers", apparently prepared by the Ministry of Transport and containing rules directly relevant to certain provisions of the Convention (without however indicating whether this is a draft of measures which the Government proposes to introduce, or whether it is a new legislative text and, if so, by which authority it was issued and on what date). Furthermore, the Committee notes that a Government representative informed the Conference Committee in 1968 that the provisions of the Convention were applied by a collective agreement, but that no copy of this agreement has been supplied.

Accordingly, the Committee is unable to ascertain to what extent the Convention is now applied, or whether there have in fact been new developments. It must therefore recall that the Government has repeatedly indicated since 1958 its intention of bringing the national legislation into conformity with the Convention, and it expresses the hope that the necessary measures will be adopted in the very near future.¹

Chile (ratification: 1935)

The Committee notes from the Government's report that consideration is being given to the amendment of the legislation with a view to giving full effect to the

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Convention. It recalls that, as indicated in the direct requests made since 1963, new measures are required in regard to the following provisions (designed to protect dockers against accidents) of the Convention: Article 2, paragraph 2 (3); Article 3, paragraph 3; Article 5, paragraphs 2, 3, 4, 6; Article 9, paragraph 2, subparagraphs 1, 3, 4, 7, 8, 9; Article 11, paragraphs 3-7; Article 12 and Article 14.

The Committee hopes that the necessary measures will be introduced at an early date.

China (ratification: 1935)

The Committee notes with satisfaction, following its previous comments on this point, that Ministerial Instructions have been issued requiring the prominent display in docks of the safety regulations, in accordance with Article 17 (3) of the Convention.

France (ratification: 1955)

The Committee notes with regret that the Government's report contains no reply to the observation made in 1967. It is bound therefore to repeat this observation which was as follows:

The Committee notes with interest from the Government's report that the competent services are currently considering a text designed to extend the application of the Convention to ships engaged in inland navigation. The Committee hopes that as a result of this study the necessary provisions will soon be adopted to ensure the application of the Convention to such navigation as required by its Article 1.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Italy (ratification: 1933)

The Committee recalls that the application of the Convention continues to be governed by a number of harbour regulations issued by the local authorities, most of which have not been supplied by the Government. It points out that, in these conditions, it is not possible to ascertain to what extent the Convention is in fact applied in Italy, apart from certain provisions which are implemented by means of legislation.

The Committee therefore regrets that no progress has apparently been made towards the adoption of national regulations on the subject. Thus, although the Government informed the Conference Committee in 1967 that a Bill on the subject was being prepared, would be submitted in 1967 to the responsible permanent advisory body and would then be tabled in Parliament, the Government's present report contains no new information on the matter.

The Committee trusts that urgent steps will now be taken to issue general regulations on the protection of dockers, applicable to all ports, and that they will be such as to ensure the full implementation of the Convention.

Mexico (ratification: 1934)

The Committee notes from the Government's reply to its previous observations that the parliamentary commission has not as yet expressed its opinion on the divergencies existing between the Convention and the provisions of the Federal Labour Act. It also recalls that observations have been pending for a number of years regarding certain aspects of the protection of dockers against accidents (safety of small craft used by dockers, hatchways, use of hoisting machinery, first-aid equipment), and that the Government has repeatedly indicated its intention to ensure the full application of the Convention.

Accordingly, the Committee must once again express the hope that the Government will take measures at an early date, either through an amendment of the Labour Act or by other appropriate statutory provisions, with a view to giving full effect to Articles 4, 6, 11 and 13 of the Convention.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Bulgaria, China, Finland, France, Peru, Sierra Leone, Singapore.*

Information supplied by *Sweden* in answer to a direct request has been noted by the Committee.

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

Cameroon (Eastern Cameroon) (ratification: 1960)

Following its previous direct requests, the Committee notes with satisfaction that under Order No. 012/MTLS/DEGRE, of 17 June 1968, which repeals Order No. 983 of 27 February 1954, as amended in 1963, respecting exceptions to the minimum age for admission to employment, there is no longer any exception to the prohibition of the employment of children under 14 years of age prescribed by section 93 of the Labour Code, 1967.

Mauritania (ratification: 1960)

Following its previous direct requests, the Committee notes with satisfaction that Order No. 084 of 16 February 1967 laying down exceptions to the minimum age for admission to employment no longer allows exceptions for undertakings in which members of the employer's family are occupied, and authorises the employment of children between 12 and 14 years of age on light work only, the kind of work that may be considered as such being determined in conformity with Article 3 of the Convention.

Niger (ratification: 1961)

Following its previous requests, the Committee notes with satisfaction that section 128 of Decree No. 67-126 of 7 September 1967 to implement the Labour Code prohibits the employment of children on night work, between 8 p.m. and 8 a.m., in conformity with Article 3, paragraph 2 (b), of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon* (Eastern Cameroon), *Chad, Dahomey, Guinea, Ivory Coast, Mali, Mauritania, Niger, Senegal, Togo, Upper Volta.*

Information supplied by *Belgium* 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 53rd Session and to report in detail for the period ending 30 June 1969.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933*Bulgaria* (ratification: 1949)

With reference to its previous observations concerning Article 8 of the Convention, the Committee has noted with satisfaction that the new Penal Code, which entered into force on 1 May 1968, no longer provides for the suspension of the right to a pension as an additional penalty for certain offences.

France (ratification: 1939)

The Committee notes with regret that the Government's report provides no new information in response to the Committee's earlier observations with respect to the payment of the additional allowance introduced by the Act of 30 June 1956 (financed by the general insurance scheme since 1 January 1959) to foreign insured persons and their dependants in accordance with Article 12, paragraph 2 or 3, of the Convention (depending on whether the allowance is payable out of funds derived from contributions or out of public funds).

Taking into account the fact that, by virtue of reciprocity agreements concluded under the Act, most foreign insured persons in fact receive the additional allowance, the Committee hopes that the Government will be able to reconsider the matter and take appropriate steps to ensure that insured foreign nationals are granted the additional allowance in accordance with the terms of Article 12, paragraphs 2 and 3, of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Ecuador, Peru*.

Convention No. 36: Old-Age Insurance (Agriculture), 1933*Bulgaria* (ratification: 1949)

See under Convention No. 35.

France (ratification: 1939)

See under Convention No. 35.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Peru*.

Convention No. 37: Invalidity Insurance (Industry, etc.), 1933*Bulgaria* (ratification: 1949)

See under Convention No. 35.

Chile (ratification: 1935)

The Committee regrets to note that, in the absence of a report for the period 1966-68, the Government has still not replied to the questions which have been raised in a

direct request since 1963, and that no further information is available on the progress of the draft social security legislation referred to by a Government representative in his statement to the Conference Committee in 1967. In the absence of a report, the Committee must again take up the outstanding questions in a direct request.

France (ratification: 1939)

See under Convention No. 35. (The comments made in respect of Article 12, paragraphs 2 and 3, of Convention No. 35 are equally applicable to Article 13, paragraphs 2 and 3, of Convention No. 37.)

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Peru*.

Convention No. 38: Invalidity Insurance (Agriculture), 1933

Bulgaria (ratification: 1949)

See under Convention No. 35.

France (ratification: 1939)

See under Convention No. 35. (The comments made in respect of Article 12, paragraphs 2 and 3, of Convention No. 35 are also applicable to Article 13, paragraphs 2 and 3, of Convention No. 38.)

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933

Bulgaria (ratification: 1949)

See under Convention No. 35.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 40: Survivors' Insurance (Agriculture), 1933

Bulgaria (ratification: 1949)

See under Convention No. 35.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 41: Night Work (Women) (Revised), 1934

Hungary (ratification: 1936)

The Committee notes that, although some new measures have been taken recently for the protection of women—including the prohibition of night work for one year after confinement (section 38 (3) of the 1967 Labour Code)—there is, as yet, no general prohibition of night work for women.

The Committee recalls that, during the first years following its ratification, the Convention was applied in Hungary but that, since the adoption of the Labour Code of 1951, only very limited effect has been given to the Convention, night work being forbidden only for certain periods before and after confinement, and only for an eight-hour period.

Accordingly, the Committee must once again draw the attention of the Government to the need for the adoption at an early date of measures to prohibit night work for all women in industrial undertakings, for a period of at least eleven consecutive hours, as required by the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Central African Republic*.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Algeria (ratification: 1962)

Following its previous observations, the Committee notes with satisfaction that the Order of 22 March 1968 respecting the tables of occupational diseases has supplemented the table concerning primary epitheliomatous cancer of the skin by adding to the list of substances liable to cause such epitheliomata, tar, bitumen, mineral oil and paraffin as well as the compounds, products or residues of these substances, in conformity with the Convention.

As regards the other points mentioned in previous observations, the Committee notes with interest the Government's statement that the comments relating to the limitative character of the enumeration of pathological manifestations in each of these tables will be studied in detail as soon as the effects of the new legislation on the finances of the social security scheme are better known. The Committee hopes that it will thus be possible to take in due course the necessary measures for amending the national legislation in the manner required by the Convention and that, on the same occasion, the tables of occupational diseases, which, as indicated by the Government in its report for 1967-68, are not definitive, will also be supplemented in respect of certain other points mentioned in a direct request.

Argentina (ratification: 1950)

In the requests and observations that it has been making for a number of years, the Committee has pointed out that the national legislation, while it contains a broad definition of occupational diseases giving entitlement to compensation, is not in full conformity with the Convention as: (a) it only mentions certain of the diseases and toxic substances listed in the schedule to the Convention; and (b) it does not lay down a presumption of occupational origin for these diseases since it does not list the occupations or activities likely to provoke them, as required by Article 2 of the Convention.

The Committee has however noted with interest, from the statement of the Government representative to the Conference Committee in 1968, that the revision of the Occupational Accidents Act and of the implementing regulations made thereunder was being studied with a view to supplementing the list of occupational diseases in accordance with the Convention, and that the national legislation will also be brought into conformity with the Convention as regards the presumption of occupational origin of these diseases.

Since the report does not contain any information on the progress made in this respect, the Committee trusts that this revision will be adopted very shortly.

Australia (ratification: 1959)

Following its previous requests the Committee notes with satisfaction from the Government's reply (communicated too late for examination in 1968) that the Proclamation of 1 December 1966 has added to the schedule of occupational diseases annexed to the *Southern Australia Workmen's Compensation Act* so as to bring it into conformity with the Convention in respect of poisoning by benzene or its homologues, and their nitro- and amido-derivatives, poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the pathological manifestations due to radiations and the primary epitheliomatous cancer of the skin, and in respect of the list of trades, industries or processes liable to cause the above-mentioned diseases and anthrax infection.

The Committee also notes with satisfaction that the Proclamation of 29 April 1964 issued under the *Victoria Workers' Compensation Act* (the text of which the Government communicated in 1968) has added to the schedule of occupational diseases annexed to this Act poisoning by the homologues of benzene and the trades, industries and processes liable to cause such poisoning, in accordance with the Convention.

Burundi (ratification: 1963)

Following its previous direct requests, the Committee has taken note of Order No. 110/731 of 15 June 1967 defining occupational diseases, the text of which the Government supplied at the Conference in 1968. It notes with satisfaction that this Order has supplemented the national legislation by adding silico-tuberculosis and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series to the list of occupational diseases, in conformity with Article 2 of the Convention.

New Zealand (ratification: 1938)

The Committee notes with interest from the Government's reply to its previous observations that the Royal Commission examining the revision of the workmen's compensation system has concluded its work and taken into account in its recommendations the point raised by the Committee of Experts regarding the inclusion in national legislation of a list of occupational diseases and of corresponding trades, industries or processes, as provided for under Article 2 of the Convention.

The Committee hopes that the national "full coverage" system can thus be supplemented in accordance with the Convention and that this amendment will be adopted in the near future. The Committee also hopes that the next report will indicate the measures taken in this respect.

Republic of South Africa (ratification: 1952)

The Committee notes with regret that the Government has supplied no report for 1967-68 and that it therefore has no information available in reply to its previous

observations, in which it pointed out the divergencies between national legislation and the Convention as regards tuberculosis in association with silicosis and other points in relation with poisoning by arsenic, mercury and phosphorus, and primary epitheliomatous cancer of the skin.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Australia, Burundi, Finland, Panama, Turkey.*

Information supplied by *Denmark* in answer to a direct request has been noted by the Committee.

Convention No. 43: Sheet-Glass Works, 1934

Bulgaria (ratification: 1949)

Following its previous observation, the Committee notes with interest the text of Order No. 1502 of 21 July 1951 communicated by the Government, which applies to all persons engaged in the operations covered by the Convention.

Mexico (ratification: 1938)

The Committee takes due note of the information supplied by the Government in reply to its previous comments on Article 3, paragraph 2, of the Convention, indicating that the preliminary draft Bill to amend the Federal Labour Act will include provisions to replace the present section 75 of the Act in order to specify the conditions under which hours of work may be exceeded in case of accidents or imminent danger threatening human life or the very existence of the undertaking, as well as to specify the compensation to be granted in such cases.

In addition, the Committee hopes that the Government's next report will indicate the measures taken or contemplated in order to ensure the keeping of a record of additional hours worked, in conformity with the provisions of Article 4 (c) of the Convention.

* * *

Information supplied by *Czechoslovakia* in answer to a direct request has been noted by the Committee.

Convention No. 44: Unemployment Provision, 1934

A request regarding certain points is being addressed directly to *Algeria.*

Convention No. 45: Underground Work (Women), 1935

Information supplied by *Panama* in answer to a direct request has been noted by the Committee.

Convention No. 48: Maintenance of Migrants' Pension Rights, 1935

Requests regarding certain points are being addressed directly to the following States: *Poland, Yugoslavia.*

Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935*Bulgaria* (ratification: 1949)

Following its previous observation, the Committee notes with interest the text of Order No. 142 of 13 May 1960 communicated by the Government, which applies to all persons engaged in the operations covered by this Convention.

Mexico (ratification: 1938)

See under Convention No. 43.

* * *

In addition, a request regarding certain other points is being addressed directly to *Mexico*.

Information supplied by *Czechoslovakia* in answer to a direct request has been noted by the Committee.

Convention No. 50: Recruiting of Indigenous Workers, 1936*Argentina* (ratification: 1950)

The Committee has noted the information supplied by the Government concerning the number of indigenous workers who entered the country from abroad in 1968 and the number of undertakings authorised to recruit indigenous workers. It also notes that a census of the indigenous population has been undertaken to provide a basis for the application of the relevant Conventions.

The Committee recalls that although this Convention was ratified almost 20 years ago, most of its provisions have not been implemented (namely 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). It once more expresses the hope that the necessary measures will be taken in the near future to bring the 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, by prohibiting recruitment within the meaning of Article 2 (*a*) of the Convention.¹

Burundi (ratification: 1963)

The Committee notes that the Government has not supplied a report. It has however taken note with satisfaction of Legislative Order No. 001/31 of 2 June 1966 to establish a Labour Code, section 161 of which makes it illegal (except with the authorisation of the Minister of Labour) to obtain or supply the labour of persons who do not spontaneously offer their services.

Congo (Kinshasa) (ratification: 1960)

Following indications by the Government that the recruiting of indigenous workers had ceased, the Committee pointed out in its previous comments that in

¹ The Government is asked to report in detail for the period ending 30 June 1969.

these circumstances it would be possible to enact legislation prohibiting recruitment rather than to adopt detailed legislation on the matters dealt with in the Convention.

The Committee notes with satisfaction that section 3 (e) of Legislative Ordinance No. 67/310 of 9 August 1967, instituting a Labour Code, expressly prohibits any form of recruiting within the national territory.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi*, *Cameroon* (Western Cameroon), *Ghana*, *Guyana*, *Rwanda*, *Singapore*, *Somali Republic* (former British Somaliland), *Tanzania* (Tanganyika and Zanzibar).

Convention No. 52: Holidays with Pay, 1936

Albania (ratification: 1957)

The Committee regrets to note that the Government has not supplied a report and that no reply has thus been made to the Committee's earlier observations on the application of this Convention. An examination of the new Labour Code of 1966 indicates however that the provisions of the 1956 Labour Code (section 93) permitting postponement and cash compensation in lieu of holidays have not been reproduced in the new text, but that the latter does not contain any provisions to give effect to Article 2 (3) (b) (non-inclusion in the annual holidays of interruptions of work due to sickness), Article 3 (a) (holiday remuneration to include cash equivalent of payments in kind), Article 6 (compensation for holiday due in case of dismissal) and Article 7 of the Convention (the keeping of records).

The Committee hopes that all appropriate measures will be taken to ensure the full application of the Convention, either within the framework of the Code, or through special provisions.

Burma (ratification: 1954)

The Committee regrets to note, from the report and the information supplied to the Conference Committee in 1968, that the Government has not been able to mention any progress in the adoption of new legislative provisions to give effect to the Convention on the various points raised since 1957 in the Committee's previous observations and requests relating to Article 1 (scope), Article 2, paragraph 2 (longer annual holiday for young workers), Article 2, paragraph 3 (exclusion from the annual holiday of public holidays and interruption of work due to sickness), and Article 4 of the Convention (restriction of the right to postpone the annual holiday).

The Committee must therefore urge the Government to make every effort to take the necessary measures at the earliest date.¹

Dominican Republic (ratification: 1956)

The Government having failed to supply a report, no reply has been made to the previous direct requests on the application of this Convention. The Committee must take up the matter once again in a new direct request and hopes that the Government will make every effort to take the necessary measures and supply the information requested.

* * *

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

In addition, requests regarding certain other points are being addressed directly to the following States: *Dominican Republic, Libya, Mauritania, Panama, Paraguay, Peru, Senegal.*

Convention No. 53: Officers' Competency Certificates, 1936

Requests regarding certain points are being addressed directly to the following States: *China, Liberia, Mauritania, Philippines.*

Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936

Liberia (ratification: 1960)

The Committee notes the Government's reports for the years 1966-67 and 1967-68 and observes with satisfaction that the Act of 1964 to amend the Maritime Law of 1956 has taken into account the requests and observations made in previous years regarding the following provisions of the Convention: Article 3, Article 5, paragraphs 1 (*b*) and 2, Article 6, paragraph 3, and Article 8.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Liberia, Peru.*

Convention No. 56: Sickness Insurance (Sea), 1936

A request regarding certain points is being addressed directly to *Belgium.*

Convention No. 58: Minimum Age (Sea) (Revised), 1936

Guatemala (ratification: 1961)

Following its previous requests, the Committee notes from the information supplied by the Government that the Bill to amend the Labour Code in order to prohibit work on vessels by children under the age of 15 years (Article 2, paragraph 1, of the Convention) is still under consideration, and that the model of the register of all persons under the age of 16 years, prescribed by Article 4 of the Convention, has not yet been adopted.

The Committee again expresses the hope that both the Bill and the model of the register mentioned above will be adopted at an early date so as to ensure the full application of the Convention.

Iraq (ratification: 1939)

The Committee has made comments for several years pointing out that article 7 (*a*) of Regulation No. 4 of 1961, according to which the competent authority may under certain conditions authorise the employment of children under the age of 14 years on board vessels, is contrary to Article 2, paragraph 2, of the Convention, which permits such exceptions only in the case of persons of more than 14 years of age.

The Committee notes from the Government's last report that the Bill designed to remove this discrepancy is still being studied. As the Government has been making reference to this Bill since 1964, the Committee trusts that the necessary amendments will be adopted in the near future.

Kenya (ratification: 1964)

The Committee notes with satisfaction that the Merchant Shipping Act, 1967, by which effect is now given to the Convention, no longer provides for certain exceptions permitted by the previous legislation, which had been the subject of direct requests by the Committee.

Liberia (ratification: 1960)

In its earlier comments the Committee had noted that while the Maritime Law (Title 22 of the Liberian Code of Laws, 1956) laid down a minimum age of 16 years, this applied only to employment on vessels of 1,600 tons or more engaged in trade between foreign ports or between Liberian ports and foreign ports. It had pointed out that these limitations were not in conformity with the Convention, which applies to all ships and boats, of any nature whatsoever, engaged in maritime navigation.

The Government's latest report states that the Maritime Law has been amended by the Merchant Seamen's Act, 1964. While noting this information with interest, the Committee must point out that, under section 326 of the revised Law, the minimum age requirement is still limited to employment on Liberian vessels engaged in foreign trade (as defined in section 291 of the Law) and that, by virtue of section 290 (2) (a), it does not apply to employment of children on vessels of less than 75 net tons.

The Committee hopes that the Government will take the necessary measures to apply the Convention to those categories of ships engaged in maritime navigation which thus remain outside the scope of section 326 of the Maritime Law.

* * *

In addition, a request regarding certain other points is being addressed directly to *Uruguay*.

Information supplied by *Sierra Leone* in answer to a direct request has been noted by the Committee.

Convention No. 59: Minimum Age (Industry) (Revised), 1937

China (ratification: 1940)

Since 1959, in reply to the observations in which the Committee has pointed out the discrepancies between section 5 of the Mining Act, which fixes a minimum age of 14 years for employment in mines, and Article 8, paragraph 3 (a), of the Convention, which prohibits employment in mines of children under 15 years of age, the Government has referred to a draft Labour Code designed to bring the legislation into conformity with the Convention on this point.

The Committee notes that the last report contains no information on the progress of this draft Code but states that owing to the recent extension of compulsory schooling it is impossible for children to be employed in mines before the age of 15 years. In these circumstances, the Committee hopes that the Government will find no difficulty in ensuring the full application of Article 8, paragraph 3 (a), of the Convention. The Committee trusts that the new Labour Code will be adopted at an

early date and that it will expressly prohibit the employment of children under 15 years of age in mines.

Ghana (ratification: 1957)

Following its previous requests, the Committee notes with satisfaction that the definition of "industrial undertakings" in section 47 of the Labour Ordinance, 1967, covers "the handling of goods at docks, quays, wharves, and warehouses", in accordance with Article 1, paragraph 1 (*d*), of the Convention.

Kenya (ratification: 1964)

Following its previous direct requests, the Committee notes with satisfaction that the Statute Law (Miscellaneous Amendments) (No. 2) Act, 1968, has brought national legislation into harmony with Article 1, paragraph 1, of the Convention, by adding to the definition of industrial undertakings given in section 5 (1) (vii) of the Factories Act the "transformation and transmission" of electricity.

Luxembourg (ratification: 1958)

The Committee notes, from the Government's reply to its observation of 1967, that, owing to the dissolution of the Chamber of Deputies in October 1968, it has not yet been possible to proceed to the final vote on the Bill concerning the protection of children and young workers.

As the procedure for the adoption of this Bill has been in progress since the ratification of the Convention, more than ten years ago, and as in these circumstances there exist no provisions expressly giving effect to the Convention, the Committee trusts that the final vote on this Bill will be taken in the very near future.

Pakistan (ratification: 1955)

Following its previous observations, the Committee notes with satisfaction that under the Mines (Amendment) Act No. VII of 1967 children under 17 years of age may not be employed in any part of a mine without a medical certificate of fitness, in accordance with Article 7, paragraph 5 (*b*), of the Convention.

Philippines (ratification: 1960)

Article 1, paragraph 1 (d), of the Convention. Referring to its previous observations and direct requests, the Committee notes that the Revised Rules and Regulations of 1964, implementing the Woman and Child Labour Law No. 679 and laying down certain exceptions in regard to the employment of children, includes in the definition of "industrial undertakings" the "transport of passengers or goods by inland waterway", in accordance with Article 1, paragraph 1 (*d*), of the Convention. The Committee hopes that the amendment to Law No. 679, which is to modify likewise the definition of "industrial undertakings" in section 2 of the Law (to which the Government referred in its report for 1964-66 and in the information communicated to the Conference Committee in 1967) will be adopted at an early date.

Article 2. In reply to the comments made by the Committee, the Government had communicated to the Conference Committee in 1967 information according to which the Bureau of Women and Minors had prepared an amendment to Law No. 679; section 1 (*b*) of the Law authorises the employment of children under 14 years of age on light work in industrial undertakings, and the amendment would bring it into

conformity with Article 2 of the Convention, which allows no such exception to the prohibition of the employment of children under 15 years of age in such undertakings. As the report gives no information on this matter, the Committee trusts that this amendment will be adopted in the near future.

Uruguay (ratification: 1954)

In reply to the comments made by the Committee since 1959 on certain discrepancies between the Children's Code and the Convention, the Government has on several occasions referred to a draft amendment to this Code, designed to bring national legislation into harmony with the Convention.

The Committee regrets to note that the report for 1966-68 has not been received and that it has no information on the progress achieved towards the adoption of this draft amendment. It is therefore bound to take up the matter once again in a new direct request, and trusts that the Government will not fail to communicate its next report and to take the necessary measures for ensuring the full application of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Pakistan, Paraguay, Sierra Leone, Uruguay*.

Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937

Luxembourg (ratification: 1958)

See under Convention No. 59.

Uruguay (ratification: 1954)

See under Convention No. 59.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Italy, Luxembourg, Paraguay, Uruguay*.

Convention No. 62: Safety Provisions (Building), 1937

Mexico (ratification: 1941)

The Committee must once again note with regret that the Government's report indicates no progress in regard to the matters raised in its previous observations.

Federal District.

Articles 11 to 15 and 17 of the Convention. The Committee notes that the committee which was to revise the building regulations for the Federal District has been suspended but that the proposals which were to ensure conformity with the above provisions of the Convention (rules relating to hoisting appliances and measures of protection against drowning) will be submitted to the new committee when it is set up. The Committee trusts that urgent measures will be taken to meet these safety provisions of the Convention.

States of the Republic.

The Government having supplied no information whatever on this subject, the Committee concludes that no further measures have been taken to ensure that safety regulations for the building industry are issued in the States of the Republic. Since this means that the majority of the population do not benefit from the protective measures laid down in the Convention, the Committee must urge the Government to take steps at an early date so as to remedy this situation.

In conclusion the Committee must stress the importance which application of this Convention represents for building workers, and insist that the Government take urgent measures to ensure its full application, throughout the national territory.¹

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Central African Republic, Finland, Federal Republic of Germany, Mauritania, Peru, Spain.*

Convention No. 63: Statistics of Wages and Hours of Work, 1938*Algeria (ratification: 1962)*

The Committee notes the information communicated in the Government's report received since the Committee's last session.

Part II of the Convention. The Committee notes with interest that the results of the half-yearly inquiries (Spring 1966 and April 1967) published by the Sub-Directorate of Statistics give figures for average hourly earnings (including separate data for women and for apprentices) and the average weekly hours of work in the principal branches of mining and manufacturing industries as well as building and construction work.

Article 6. As indicated by the inquiry of April 1967, the average hourly earnings involved are calculated "without taking into account additions for overtime and output bonuses as well as social contributions" and consequently do not conform to the criteria laid down in this Article. The Committee hopes that the Government will take the measures necessary to ensure full application of the relevant provisions of the Convention.

Article 12. The Committee notes that the index numbers of hourly wages broken down by branches of activity are included in the above-mentioned publications. It hopes that the Government will take appropriate measures to establish index numbers showing the general movement of earnings, as provided for by this Article of the Convention.

Part III. The Government has so far communicated in its report data on the minimum wage rates and on normal hours of work prescribed by the law. The Committee hopes that the Government, in its next report, will be able to indicate the measures taken to compile and publish statistics of time rates of wages and of normal hours of work, in conformity with the provisions of this Part of the Convention.

Part IV. The Committee notes with interest the Government's statement that the Department of Agricultural Statistics set up in 1964 will be able as from 1970 to

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

compile and publish statistics of wages and hours of work in agriculture. The Committee hopes accordingly that the next report will indicate the measures taken to this end.

Mexico (ratification: 1942)

The Committee notes the information contained in the Government's report for the period 1965-67, received too late to be examined in 1968.

Part II of the Convention. As the Committee had pointed out in its observation of 1966, the statistics of average earnings and of hours actually worked contained in the publications communicated to the ILO do not cover the mining industries. The Committee notes, in this connection, that the statistics taken from the publication "Labour Statistics and Industrial Wages, 1966" and attached to the Government's report, refer to certain metallurgical industries. The Committee hopes accordingly that the Government will soon take the measures necessary to compile and publish these statistics for the mining industry also, as required by Article 5 of the Convention.

As regards Article 10, paragraph 2, of the Convention, the Committee notes with interest that the statistics shown in the above-mentioned publication give separate figures for men and women workers of several occupational categories, apprentices included.

Parts III and IV. In its report the Government states that statistics of time rates of wages and of normal hours of work are published. The Committee regrets, however, that the Government has not supplied any other information in respect of the compilation and publication of these statistics (Part III) and of statistics of wages and hours of work in agriculture (Part IV of the Convention). The Committee trusts that the Government will take the measures necessary, in the very near future, to give full effect to these parts of the Convention.

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

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

Guyana (ratification: 1966)

The Committee notes with interest from the Government's reply to its previous observations that the amendments to the Amerindian Ordinance designed to give full effect to the Convention are at present in preparation. It hopes that a copy of the amendments adopted will be sent with the Government's next report.

Malawi (ratification: 1966)

In previous direct requests the Committee had noted that, under the standard contract forms used for workers engaged by the Mines Labour Organisations (Wenela) Limited (formerly the Witwatersrand Native Labour Association), provision was made for the deduction from the workers' wages of a repatriation fee. It had drawn the Government's attention to the fact that, under the Convention, the repatriation expenses of the workers in question should be borne by the employer, and that the exception to this rule provided for in Article 14 (d) of the Convention

(relating to cases where, in fixing the rates of wages, allowance had been made for the payment of repatriation expenses by the worker) could not be invoked, since the above-mentioned contract forms provided for the payment to the workers concerned of the prevailing mine rates of pay.

In its latest report the Government has confirmed that Malawi workers on contract to South African mines are paid at the prevailing rates of wages and that a deduction is made from their wages to cover repatriation costs. It has added that any increase in such deductions as a result of a rise in transport costs is only agreed to by the Malawi Government if there has been a corresponding increase in earnings.

The Committee observes, however, from a comparison of the contract forms appended to the last report (received in September 1968) with the corresponding forms appended to an earlier report (received in June 1965) that, while the minimum basic wage for underground work had remained unchanged (at 34 cents per shift), the repatriation fee recovered from workers has more than doubled (from 9 rands to 20.30 rands). As a result, the workers concerned have to forgo the cash wages of a very large number of shifts in order to cover repatriation expenses which, under Article 13 of the Convention, should be borne by the employer.

The Committee trusts that measures will be taken to ensure the observance of the Convention in this matter.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burundi*, *Cameroon* (Western Cameroon), *Congo* (Kinshasa), *Ghana*, *Kenya*, *Malawi*, *Rwanda*, *Singapore*, *Somali Republic* (former British Somaliland), *Uganda*, *Zambia*.

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Trinidad and Tobago (ratification: 1963)

The Committee has noted the comments on the Government's report for 1966-67 made by the Trinidad and Tobago Labour Congress, which have been communicated to the ILO by the Government. In these comments the Trinidad and Tobago Labour Congress expresses the view that the Convention has been infringed by sections 26 and 41 of the Industrial Stabilisation Act, 1965 (as amended in 1967), which impose penal sanctions for breach or non-observance of any industrial agreement or any order or award of the Industrial Court.

Certain provisions of the Industrial Stabilisation Act had already been the subject of comment by the Committee in relation to Article 1 (c) and (d) of the Abolition of Forced Labour Convention, 1957 (No. 105). In its report on that Convention for 1967-68 the Government has stated that the Act is being comprehensively amended in consultation with employers' and workers' organisations. The Committee hopes that, in this connection, the questions raised by the Trinidad and Tobago Labour Congress with reference to Convention No. 65 will also be examined, and that the Government will be able to indicate in its next report the conclusions reached as a result of this examination and any further action which may be contemplated.

* * *

In addition, a request regarding certain other points is being addressed directly to *Tanzania* (Tanganyika).

Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939*Cuba* (ratification: 1953)

In reply to the Committee's previous observation concerning the introduction of an individual control book and the limitation of weekly hours of work, as well as the fixing of daily and weekly periods of rest where hours of work are calculated as an average, the Government states that, in view of the nationalisation of transport, the state undertakings in charge of transport are obliged to ensure, subject to the higher control of the public authorities, that laws and regulations are observed, and that, accordingly, section V, paragraph 2, of Decree No. 2513 of 19 October 1933, which allows for calculating working hours on a monthly basis, is no longer used in practice.

While taking due note of this statement, the Committee is bound to observe that under Article 1, paragraph 2, of the Convention, its provisions apply to "all vehicles, whether publicly or privately owned". Accordingly, it hopes that the Government will soon take the measures necessary to prescribe:

- (a) the introduction of an individual control book in accordance with Article 18, paragraph 3, of the Convention;
- (b) the maximum number of hours that may be worked in any week (Article 6 of the Convention) as well as the granting of daily periods of rest (Article 15, paragraph 3) and weekly periods of rest (Article 16, paragraph 2, of the Convention) where the weekly hours of work are calculated as an average.

Uruguay (ratification: 1955)

The Committee regrets to note that the draft decree to regulate the matters dealt with in the Convention has not yet been promulgated. It trusts that this text will be adopted at a very early date and that, in this respect, the Government will take into account the following comments already made in the Committee's observations of 1965 and 1967:

Article 8 of the Convention. Since sections 7, 8 and 9 of the draft decree contain general provisions applying to forms of road transport other than buses and trams, it may be preferable to delete the title appearing at the beginning of section 6 ("Buses and Trams") which solely relates to the latter, in order to avoid any ambiguity in this respect.

Article 17. As the draft decree contains no provisions requiring consultation with employers' and workers' organisations concerned before decisions referred to in this article are taken, the Government may wish to consider the insertion of provisions (for instance in those sections of the draft relating to the measures taken by the National Institute of Labour or other competent bodies) requiring such consultation prior to the adoption of any measures falling within the scope of the Convention.

Article 18. The Committee notes further that provisions regarding the enforcement of the rules prescribed by the draft relate only to "work on buses" (last paragraph of page 5), whereas under this Article an adequate system of enforcement should be prescribed in respect of all the other forms of road transport covered by the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru*.

Convention No. 68: Food and Catering (Ships' Crews), 1946*Peru* (ratification: 1962)

The Committee regrets to note from the Government's reply to its previous requests that no specific regulations or other measures to give effect to the

requirements of the Convention have yet been adopted. It trusts that measures to implement the Convention will be taken at an early date.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Portugal*.

Convention No. 71: Seafarers' Pensions, 1946

Information supplied by *Argentina* in answer to a direct request has been noted by the Committee.

Convention No. 73: Medical Examination (Seafarers), 1946

A request regarding certain points is being addressed directly to *Yugoslavia*.

Convention No. 77: Medical Examination of Young Persons (Industry), 1946

Albania (ratification: 1957)

See under Convention No. 16.

Peru (ratification: 1962)

The Committee takes note of the Government's reply to the Committee's previous requests and of the information regarding the application of Article 7 of the Convention. As regards the other Articles of the Convention which had given rise to these requests, viz: *Article 2* (compulsory medical examination for fitness for employment of children under 18 years of age); *Article 3* (annual repetition of medical examination during employment); *Article 4* (medical examination and repetition of such examination up to the age of 21 years for young people employed on dangerous work); *Article 5* (medical examination free of charge); *Article 6* (measures for vocational guidance and physical and vocational rehabilitation), the Government states that some of these Articles are applied in practice but that the application of others meets with certain difficulties. The Committee hopes that it will be possible to take the necessary measures, either through statutory or through administrative provisions, so as to give effect to these important provisions of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Paraguay*.

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946

Albania (ratification: 1957)

See under Convention No. 16.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Peru (ratification: 1962)

See under Convention No. 77 (the comments regarding Articles 2, 3, 4, 5 and 6 of that Convention also apply to the corresponding articles of Convention No. 78).

In addition the Committee would draw the attention of the Government to the following points.

Article 1, paragraph 4, of the Convention. The exemption of family undertakings laid down in section 1, Act No. 2851, to which the Government makes reference, is of wider scope than that of the Convention, which dispenses from compulsory medical examination children employed in such family undertakings but only if these children are employed on work which is recognised as not being dangerous to their health.

Article 7, paragraph 2. The Government states that there are no provisions to give effect to this Article of the Convention which deals with the measures of identification to be taken to ensure the application of the system of medical examination of children and young people engaged either on their own account or on account of their parents in itinerant trading or in any other occupation carried out in the streets.

The Committee hopes it will be possible to take the appropriate measures to give effect to these provisions of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Paraguay.*

Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946

Dominican Republic (ratification: 1953)

The Committee notes with regret that the Government's report has not been received. The Committee is bound, therefore, to draw attention once again to the following points, already raised in previous observations:

Article 3 (1) of the Convention. The Government stated in its report for 1964-66 that it was making every effort to revise completely the Labour Code and that a special committee set up for this purpose would take account of the discrepancies which existed 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 a very early date so as to ensure full application of the Convention.

Article 1 (4) (b). Section 224 of the Code exempts from the prohibition of night work young persons working in the company of adults who are members of their family (up to the fourth degree), whereas the Convention authorises such exemptions only in family undertakings in which only parents and their children or wards are employed. The Committee hopes that this provision of section 224 of the Labour Code will also be modified in the very near future.

* * *

In addition, a request regarding certain other points is being addressed directly to *Peru.*

Convention No. 81: Labour Inspection, 1947*Argentina* (ratification: 1955)

Since 1958 the Committee has addressed comments to the Government in respect of certain important provisions of the Convention which are not applied at the federal level. Moreover, the Committee has not received the information, requested on several occasions, which is necessary to enable it to assess to what extent the Convention is applied in the 24 provinces of the State.

However, in 1968, the Government indicated to the Conference Committee that the Secretary of Labour had planned a new reorganisation of the labour administration services, and that the new structure, which would be applicable to the provinces, could more fully give effect to the Convention.

The Committee trusts that the reorganisation contemplated as well as the technical assistance supplied by the International Labour Office to officials of the labour administration will enable the Government to take in the near future the necessary measures to give effect to this Convention, ratified 14 years ago, in the whole of the federal territory.

Belgium (ratification: 1957)

The Committee notes that the Government's report refers, in reply to its observation of 1968, to the information supplied by a Government representative to the Conference Committee in 1968.

According to this information, the Bill designed, *inter alia*, to give fuller effect to certain important provisions of the Convention is also intended to provide for the reorganisation of the labour inspection services with a view to reinforcing their effectiveness. In consequence the preparation of the Bill requires numerous consultations which are not yet completed.

Since the Government has been referring to this Bill for some years now, the Committee hopes that the Government's next report will contain information on the progress made in this respect.

Brazil (ratification: 1957)

In 1967 the Governing Body of the ILO had approved the report of the Committee which it had appointed to examine the representation made, under article 24 of the Constitution of the International Labour Organisation, by the Association of Federal Civil Servants of the State of São Paulo. This report indicated, in paragraph 77, that the Committee of Experts would be made responsible to pursue, within the framework of its supervision of the application of Conventions, the examination of the questions raised in the representation. In this context, the Committee has taken note of the Government's reply to its observation of 1968, and wishes to draw attention to the following points.

Article 3, paragraph 2, and Articles 6, 7 and 16 of the Convention. The Committee notes that sections 8, 10 and 11 of the Labour Inspection Regulations contain a list of the functions entrusted to labour inspectors, and that section 39 of the Regulations provides that they shall not be entrusted with any other functions. However, having taken note of Decrees No. 60381 of 16 March 1967 and No. 3141 of 2 May 1968 which deal with this subject, the Committee is taking up this point, as well as the status of inspectors and the effectiveness of inspection, in a direct request to the Government.

Article 10. The Committee notes that the Government has not supplied the details requested on the staffing of the inspection service (number of inspectors, by categories—engineers, doctors, administrators, etc.) but states merely that the economic and financial situation of the country makes necessary certain restrictions on the number of public service personnel. The Government adds that for this reason the proposed competition to fill vacant posts cannot be contemplated for the moment.

The Committee regrets this position and can only express the hope that the Government will make every effort to ensure that the strength of the inspection service can be increased as soon as possible so as to enable the labour inspection service to carry out its functions efficiently in accordance with this Article of the Convention.

Article 11, paragraph 2. The Committee notes with interest that, as a result of studies carried out by the Social Law Committee of the Ministry of Labour, special funds corresponding to the indemnities provided for by section 42 of the Labour Inspection Regulations have been included in the 1969 budget, which has been submitted to Parliament. Since the representation made by the Association of Federal Civil Servants of the State of São Paulo related in particular to the non-observance of this provision of the Convention, the Committee hopes that the funds in question have been calculated in such a way as to ensure that labour inspectors will be reimbursed for any travelling and incidental expenses which may be necessary for the performance of their duties.

Articles 19 to 21. It would appear from the Government's reply that the reports provided for by these Articles of the Convention—and by sections 27 and 28 of the Labour Inspection Regulations—have still not been prepared. During the proceedings before the Committee appointed by the Governing Body, the Government indicated that such reports would shortly be sent to the ILO and in its report the Government states that it is making every effort to ensure the application of the Convention on this point. Since the annual general report on the work of the inspection services—compiled on the basis of the reports of the individual inspectors—enables the Government as well as the Committee to assess both the effectiveness of inspection and the extent to which standards in force in the labour field, both national and international, are applied, the Committee must stress once again the need to prepare these reports and it trusts that they will be shortly sent to the ILO, within the period laid down by Article 20 of the Convention and that they will contain all the information requested by Article 21.¹

Ceylon (ratification: 1956)

The Committee has taken note of the Government's comments following the communication sent to the International Labour Office in May 1968 by the Labour Officers' Association concerning the demands submitted to the Government by these officials in respect of their salary scales and their career prospects.

The Committee notes with interest that these questions have been submitted to a Salary Anomalies Committee and to a Salaries Commission appointed by the Governor-General to report on salary increases for the entire Public Service, and that the report of the former body is now being studied by the Government.

The Committee also notes from the Government's comments that under the Ceylon Administrative Service Minute of 1963 all administrative posts are in a

¹ The Government is asked to supply full particulars to the 53rd Session of the Conference.

unified service, and that the officials belonging to this service are transferable. It notes, on the other hand, that labour inspectors can not now become Assistant Commissioners of Labour, but that this question is also under examination.

The Committee recalls that under Article 6 of the Convention inspectors shall enjoy a status assuring them stability of employment and independence of changes of government and of improper external influences.

The Committee hopes that the next report will contain detailed information on the developments in the situation, taking into account, in particular, the studies undertaken by the Government and the provisions of the Convention.

Cuba (ratification: 1954)

The Committee notes that the Government's report for 1967-68 refers, in reply to the Committee's observation of 1968, to information submitted to the Conference Committee in 1968. As this information was framed in general terms and did not reply specifically to the questions which have been outstanding for a number of years, the Committee must repeat the points below.

Article 12 of the Convention. In its previous observations the Committee stressed that the law in force deals only very summarily with the powers granted to labour inspectors, expressly and in detail, by this Article of the Convention. At the Conference the Government stated that the labour inspection regulations—to which it first referred in 1961—have still not been issued but that the Convention was applied in practice, and that the Government were prepared to adopt the necessary formal measures.

The Committee trusts that provisions will be adopted on this point in the near future so as to give effect, in law, to this important Article of the Convention.

Articles 20 and 21. The Committee notes from the Government's statement at the Conference that steps will be taken to ensure the preparation and publication of periodic inspection reports, as required by the Convention.

As the Convention was ratified 15 years ago, and no inspection report has been received during this period, the Committee must urge the Government once more to take in the very near future the necessary steps to ensure that the annual reports on the activities of the labour inspection services are published and communicated to the International Labour Office within the time limits laid down and that they contain all the information required under Article 21 of the Convention.¹

* * *

The Committee also requests the Government to reply in its next report to the questions again raised in a request addressed directly to the Government.

Dominican Republic (ratification: 1953)

For a number of years the Committee has been making direct requests to the Government relating to the application of a number of important provisions of the Convention.

The Government having failed to reply to these requests, the Committee must 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.

¹ The Government is requested to supply full information to the 53rd Session of the Conference.

Pakistan (ratification: 1953)

Articles 20 and 21 of the Convention. Further to its previous observations, the Committee notes that according to the Government's report the delay in the preparation and communication of annual general reports on the work of the labour inspection services is due to the late receipt of the necessary information from the provincial governments. It recalls in this connection that the only general report so far received by the International Labour Office covers the year 1964.

The absence of detailed information on the application of certain Articles of the Convention—these points being again dealt with in a direct request—makes it even more important that inspection reports containing all the information provided for in Article 21 should be communicated to the ILO within the specified time limits.

The Committee therefore hopes that appropriate steps will be taken to ensure that the provincial governments supply the necessary information in time to enable effect to be given to these Articles of the Convention.

Panama (ratification: 1958)

Article 6 of the Convention. Following its previous observations, the Committee notes with interest that Decree No. 1360 of 27 June 1968 provides for the incorporation of the whole Labour Department in the Civil Service establishment and that the progressive application of this decree was to be completed by the end of December 1968. The Committee hopes that in this context labour inspectors will be assured of stability of employment and of a status offering them career prospects appropriate to their functions and that the Government will be able to supply detailed information on this point.

Article 12, paragraph 1 (a) and (c) (i) and (iv). As the report contains no reply in respect of this Article, the Committee must once again repeat its previous observations, which were as follows:

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. The Committee has taken note of a report on the work of the Ministry of Labour, Social Protection and Public Health for the period 1967-68. This report does not however contain any of the information required under Article 21 of the Convention. As this point has been the subject of repeated comments, the Committee trusts that the Government will take the necessary steps to ensure in future the regular publication and communication to the International Labour Office of an annual report on the work of the labour inspection service containing all the information requested under Article 21.

Peru (ratification: 1960)

The Committee regrets to note that the Government's report for 1965-67—received too late to be examined in 1968—contains no further information on most of the questions raised for several years in direct requests to the Government concerning the following points:

Article 12, paragraph 1 (a), (b) and (c) (iv), of the Convention. Section 4 of the Supreme Decree of 17 June 1931 and section 7(1) of the Supreme Decree of 23 March 1936, which permit the visiting of premises liable to inspection only *during working hours*, do not give full effect to the clause of the Convention providing that the labour inspector shall be empowered to enter freely *at any hour of the day or night* any workplace liable to inspection. It trusts that the Government will take the necessary steps to bring the national legislation into harmony with the Convention in this matter and also with regard to the right of inspectors to take for purposes of analysis samples of materials and substances used in the undertaking.

Article 13, paragraph 2 (b). The Government indicates that an establishment can be authorised to operate only if all the safety conditions are satisfied. This Article of the Convention, however, covers dangers that may arise in an undertaking already operating, in respect of which the inspector is empowered under the Convention to make or have made orders requiring measures with immediate executory force. The Committee therefore hopes that the Government will take the necessary steps to bring the national legislation into conformity with the Convention on this point.

Article 15 (a). The Government has not indicated what provision prohibits inspectors from having any direct or indirect interest in the undertakings under their supervision.

Articles 20 and 21. The Committee takes note of a report submitted by the Government on "the work of the Peruvian Government in the field of labour" for 1963-64. This report, however, does not contain the information required under Article 21 of the Convention. The Committee hopes that the Government will in future publish and transmit to the International Labour Office within the prescribed time limits the report provided for under Article 20 of the Convention containing all the information required under clauses (a) to (g) of Article 21.

The Committee trusts that the Government will not fail to take the necessary measures to give effect to these important Articles of the Convention and that the next report will contain information in this connection.

Turkey (ratification: 1951)

The Committee regrets to note that for the second consecutive time the Government has not supplied a report on this Convention. The Committee notes moreover that over the past ten years no general report on the work of the inspection services has been published and communicated to the International Labour Office pursuant to Articles 20 and 21 of the Convention.

In 1968, at the Conference Committee, a Government representative stated that a Bill intended to strengthen the statistical services has been presented to Parliament and that once this service was organised on a firmer basis it would be possible to publish these reports.

As the Convention was ratified eighteen years ago, the Committee trusts that the Government will take any necessary measures to ensure in future the publication of annual inspection reports within the prescribed time limits and to include in these reports all the information requested under Articles 20 and 21 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Central African Republic, Cuba, Dominican Republic, Mauritania, Pakistan, Panama, Peru, Senegal, Tanzania (Tanganyika), Turkey, Yugoslavia.*

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947

A request regarding certain points is being addressed directly to the *Somali Republic*.

Information supplied by *Congo* (Kinshasa) in reply to a direct request has been noted by the Committee.

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947*Cameroon* (Eastern Cameroon)

The Committee has taken due note of the Government's intention, as indicated in its report, to extend to Eastern Cameroon the application of the Labour Inspection Convention, 1947 (No. 81). It notes with interest that such an extension would make Convention No. 81 applicable throughout Cameroon.

* * *

In addition, a request regarding certain other points is being addressed directly to *Trinidad and Tobago*.

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947

Requests regarding certain points are being addressed directly to the following States: *Kenya, Malawi, Singapore, Uganda*.

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 USSR) 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 regrets to note that no report for the period 1967-68 has been received. In previous years the Committee had reached certain conclusions, namely

that various provisions of the legislation, which were recapitulated by the Committee in 1966, were, or could be, in contravention of the rights and guarantees provided by the Convention.

In this respect the Committee had made comments regarding sections 227, 228 and 229 of the Labour Code, under which the rules of trade unions required approval by the Albanian Trade Union Council, directives of the Central Council of Trade Unions determined the extent to which the various trade union organs should exercise the rights accorded to the unions, etc. However, the Committee notes with interest that on 1 November 1966 a new Labour Code came into force, the text of which does not contain the above-mentioned provisions of the previous Code.

As regards the other comments and observations of the Committee, which bear in particular on article 21 of the Constitution and on sections 7, 8, 10, 12, 14, 15, 17 and 20 of Act No. 2362 of 1956 respecting non-profit-making associations, the Committee can only refer again to these comments and observations and express the hope that the Government will adopt all measures necessary to bring the legislation into conformity with the Convention.

The Committee is prepared to consider these problems further once it has been provided with fresh information. Meanwhile the Committee requests the Government to keep it informed of any new developments in this field.¹

Argentina (ratification: 1960)

The Committee notes with interest the explanations furnished in the Government's report in respect of various comments the Committee had made in direct requests, concerning, *inter alia*, the right to organise of independent workers, to whom, as the result of a more liberal interpretation of the law, the same right to organise is now granted as to wage earners. The Committee is, in a direct request, both renewing its previous comments on other aspects of the right to organise and also, having examined the new legislative provisions enacted in this field, making additional comments thereon. The Committee trusts that the Government will, in the near future, take the measures required to bring the legislation into conformity with the provisions of the Convention and that it will not fail to furnish in its next report detailed information on the various questions raised in the direct request.

Burma (ratification: 1955)

The Committee notes that, although in its reply to an observation from the Committee in 1968 the Government stated that the Trade Unions Act of 1926 had become inoperative, since it was considered incompatible with the aim and object of the Law defining the Fundamental Rights and Responsibilities of the People's Workers, in its report for 1966-68 the Government indicates that, by section 12 of the above-mentioned Law, the Trade Unions Act has become one of its Rules in so far as it is compatible with the aim and spirit of the Law.

The Committee would be grateful if the Government would inform it as to which sections of the Trade Unions Act are considered to be compatible with the Law and are, therefore, in force. In particular the Committee would be grateful for indications on the following points:

(1) Is it still the case that an organisation of workers must have a membership of more than 50 per cent of the total number of workers in the undertaking before it can be registered (section 4 of the 1926 Act)?

¹ The Government is requested to report in detail for the period ending 30 June 1969.

(2) Are officers of workers' organisations still prohibited from being active members of a political party (section 6 (h) of the 1926 Act)?

(3) Must all officers of workers' organisations be employed in the undertaking which the organisation represents (section 22 of the 1926 Act)?

(4) Do the rules in section 24 of the 1926 Act for the amalgamation of workers' organisations, which the Committee in its previous observation considered not in conformity with the Convention, still apply?

The Committee trusts that the Government will supply all relevant information in its next report.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 grateful if the Government would keep it informed of any developments in this connection.²

Cameroon (ratification: 1960)

Following its previous observations and direct requests, the Committee notes with satisfaction on the one hand that Ordinance No. 62/OF/24 of 31 March 1962, which restricted the right to manage trade unions to persons engaged in the trade or industry concerned was repealed when Law No. 67-LF of 12 June 1967 to institute the Labour Code was adopted, and, on the other hand, that the discrepancies which it had noted between the Convention and the legislation of Western Cameroon with regard to the right of casual workers to organise and restrictions on the right of workers to elect their representatives in full freedom have been eliminated by section 193 of the Labour Code.

However, the Committee has received comments made by the *Union des syndicats croyants du Cameroun*, and transmitted to the ILO by the International Confederation of Labour, concerning the prerogatives of the registrars with regard to the registration of unions. In conformity with the procedure adopted by the Committee this information has been communicated to the Government for such comments as it may wish to make on this matter.

Central African Republic (ratification: 1960)

The Committee notes with regret that the Government's report contains no reply to previous comments. It is bound therefore to repeat its previous observation which was as follows:

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.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session.

² The Government is asked to report in detail for the period ending 30 June 1969.

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 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 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 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 grateful if the Government would keep it informed of any developments in this connection.¹

¹ The Government is asked to report in detail for the period ending 30 June 1969.

Dominican Republic (ratification: 1956)

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 in reply to its previous observation. The Government states that it is aware of the discrepancies between section 265 of the Labour Code and section 67 of Regulation No. 7676 on the one hand and Article 2 of the Convention on the other. According to the former provisions, the Labour Code (and hence the provisions relating to the right to organise) is not applicable to agricultural undertakings, agricultural undertakings of an industrial type, or stock-raising or forestry undertakings that do not continuously and permanently employ more than ten persons. The Government adds in its report that the revision of the Labour Code is due to commence soon and that the observations made by the Committee will be taken into account with a view to bringing the new legislation into conformity with the provisions of the Convention and that the Commission responsible for revising the Code will have the technical assistance of an ILO expert.

In these circumstances, the Committee hopes that the national legislation will soon be brought into harmony with the provisions of the Convention in this respect and on other points to which the Government's attention is again drawn in a direct request. The Committee requests the Government to indicate, in the next report, any progress made in this connection.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Greece (ratification: 1962)

The Committee notes the information supplied by the Government in reply to the Committee's observation of 1968. It also notes that the question of the application of the Convention by Greece has given rise to detailed discussion by the Committee of the Conference in June 1968 as well as to complaints which the Committee on Freedom of Association has studied on various occasions and, more recently, in its 110th Report (February 1969). Lastly, it notes that complaints regarding the observation of the Convention by Greece have been filed under article 26 of the Constitution of the International Labour Organisation and that the Governing Body, at its 174th Session (March 1969), decided to refer these complaints to a commission set up pursuant to the above article. In the circumstances the Committee has decided to defer its own examination of the matter until such time as the Commission established under article 26 has submitted its report.

Guatemala (ratification: 1952)

The Committee notes with satisfaction, in relation to one of the points in its previous observation, the adoption of Decree No. 1748 of 10 May 1968 to promulgate the Civil Service Law, which came into force on 1 January 1969. Section 63 of the above decree in fact recognises freedom of association of civil servants for professional ends. The Committee would be grateful if the Government would indicate all such provisions as it may adopt to implement the principle stated in the section mentioned above. The Committee would also like to know the position, with regard to freedom of association, of workers employed directly or indirectly by the State who are covered neither, in virtue of section 2, by the Labour Code nor by the Civil Service Law.

As regards the other questions dealt with in the Committee's previous observation, the Committee notes the data supplied by the Government in its last report. According to this information the Council of State is still studying a Bill to amend the Labour Code—which includes the reforms suggested by the Committee of Experts—and has made a general declaration expressing agreement with these reforms.

The Committee recalls the following matters on which it has repeatedly made observations:

1. The ban on re-election of union leaders in section 222 (a) of the Labour Code, although partially lifted by Legislative Decree No. 45 of 18 June 1963—which permits re-election “where among the members of the organisation there is not a sufficient number of persons possessing the qualifications required by the Code for membership of an executive committee or an advisory board or where it is necessitated by the small number of members of the union”—is incompatible with Article 3, paragraph 1, of the Convention which provides that all organisations may “elect their representatives in full freedom”.

2. The provisions of section 211 (a) and (b) of the Labour Code, under which the Government “must exercise the strictest possible supervision over the trade unions” and “co-operate with the unions so as to ensure the best orientation of their activities”, appear to leave the way open for interference by the public authorities in the administration and activities of the unions and thus to be 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 a union if it has been established in legal proceedings, *inter alia*, that the union has been intervening in electoral affairs or party politics. According to the Government’s statement this section has never been used in practice. Nevertheless, it would, if applied, be contrary to the provisions of Article 3 of the Convention.

4. 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 a trade union “for reasons of public interest or in order to avoid a serious dispute between industrial associations . . . if another association comprising more than three-fourths of the total number of employees in the undertaking has already been legally recognised therein”. These provisions are contrary to Article 2 of the Convention under which employers and workers shall have the right to establish and to join without previous authorisation, organisations “of their own choosing”.

The Committee trusts that the Council of State will complete its study in the near future and that the Bill to amend the Labour Code will be adopted, account being taken of the above observations, in order to bring the national legislation into conformity with the provisions of the Convention. The Committee requests the Government to keep it informed on all progress in this direction.

Honduras (ratification: 1956)

Following its previous observation, the Committee has noted both the information supplied by the Government in 1967 to the Committee of the Conference and the contents of the Government’s last report.

1. The Committee notes that the Government indicates its firm resolution to bring sections 475 and 504 of the Labour Code, providing that at least 90 per cent of the members of a trade union must be Honduran workers, into conformity with the provisions of Article 2 of the Convention.

2. The Committee notes that the Government considers it necessary to consult with the workers’ organisations as a preliminary step to considering the reform of section 472 of the Labour Code, which provides, contrary to Article 2 of the

Convention, that there shall be no more than one trade union within a single undertaking, institution or establishment, and that in any case where several trade unions did exist together only the one comprising the largest number of workers should be retained.

3. The Committee notes that the Government also deems it necessary to consult the trade unions with a view to studying the reform of section 510 (c) of the Labour Code which, contrary to Article 3 of the Convention, provides that trade union leaders must, at the time of their election, be normally engaged in the occupation or the trade represented by the union and have been normally so engaged for more than six months during the previous year.

4. The Committee notes, in connection with:

- (1) Sections 570 and 571 of the Labour Code, which provide that the Ministry of Labour and Social Welfare may, by order, impose sanctions up to and including the dissolution of a trade union which has engaged in or supported a strike not decided upon by the necessary majority;
- (2) Section 500 (2) (b) of the Labour Code, under which trade union leaders responsible for infringements of the Code may be suspended by administrative authority;
- (3) Section 500 (2) (c) of the Labour Code, under which the Ministry of Labour and Social Welfare may temporarily suspend the legal personality of a trade union responsible for contraventions of the Code;

that the Government recognises the necessity of a study permitting of the required reform of these provisions so as to bring them into conformity with Article 4 of the Convention, according to which workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

5. The Committee notes in connection with section 537 of the Labour Code, under which federations and confederations of trade unions have no right to declare a strike, and with section 541 thereof, which prescribes that the leaders of federations or confederations must have been engaged in the occupation or trade concerned for more than one year before their election, that the Government recognises the necessity of reconsidering the problem, after consulting the most representative trade unions, with a view to bringing the above-mentioned provisions into conformity with Article 6 of the Convention.

The Committee trusts that the Government will rapidly amend or repeal all the above-mentioned provisions of the Labour Code so as to bring the national legislation into conformity with the provisions of the Convention, and that it will, in its next report, supply detailed information on the progress achieved in this field as well as on other questions forming the subject of a direct request addressed to it.

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 grateful if the Government would keep it informed of any developments in this connection.¹

¹ The Government is asked to report in detail for the period ending 30 June 1969.

Japan (ratification: 1965)

The Committee notes the Government's reply to the direct request of 1968, as well as comments made by the General Council of Trade Unions of Japan on the application of the Convention. In the light of these data, the Committee is making a further direct request to the Government and trusts that information on the points raised therein will be provided in the next report.

Malagasy Republic (ratification: 1960)

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 interest from the information supplied by the Government, following the Committee's observations of 1965, that the Government intends to consider ways and means of reconciling its obligations under the Convention and the social conditions prevailing in the country.

In these circumstances, the Committee trusts that the Government will be able to amend or repeal the provision of section 3 of Ordinance No. 60-119 of 1 October 1960 which prohibits trade unions from engaging in any political activity. It requests the Government to keep it informed of any measures taken or contemplated in this connection.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Mexico (ratification: 1950)

The Committee notes the information supplied by the Government in its last report in connection with the Committee's previous observation. The Committee observes that this report contains no such information as would affect its previous conclusions to the effect that the Federal Act respecting state employees contains a number of provisions (sections 68, 69, 71, 72, 73, 75, 79 and 84) that are contrary to the provisions of the Convention.

The Committee would be glad if the Government would keep it informed of any further developments designed to bring the provisions of the above-mentioned sections into line with those of the Convention.¹

Pakistan (ratification: 1951)

The Committee notes with interest from the report of the Government that action is in hand to bring Notification No. 6/1/48—Ests (SE) of 30 August 1948, dealing with the freedom of association of public officials or government servants into line with the provisions of Article 2 of the Convention, and that the matter is under active consideration with the two provincial governments and other relevant authorities. The Committee requests the Government to keep it informed of any measures taken in this respect.

On the other hand, the Committee notes with regret that the Government's reply to its direct request with regard to various provisions of the Trade Unions Act, 1965, the Labour Disputes Act, 1965, and the Service (Temporary Powers) Ordinance of 22 February 1963, in East Pakistan, and also with regard to the continued existence of certain legislation in West Pakistan, does not deal fully with the points raised. The Committee is also concerned to observe that the West Pakistan Trade Unions

¹ The Government is requested to supply full information to the 53rd Session of the Conference and to submit a detailed report for the period ending 30 June 1969.

Ordinance, 1968, and Industrial Disputes Ordinance, 1968, contain both provisions similar to those which were the subject of a direct request in East Pakistan and others which are further incompatible with the Convention.

The Committee urges the Government to re-examine its legislation in the light of the Committee's comments in the direct request which is currently being addressed to it with regard to the above provisions.

Peru (ratification: 1960)

In its direct requests the Committee has for several years past made comments on various points of the law which did not seem to be in harmony with the Convention. Taking into account the Government's reply in its last report, these points can be summed up as follows:

1. Recognition of the right to organise of public servants, of workers in state enterprises and of workers in charitable institutions, hospitals and similar institutions; none of these categories of workers is excluded from the provisions of Article 2 of the Convention.

2. Under the law, a trade union can only be established if it has a membership of more than 50 per cent of the workers in an undertaking if it is a workers' union; of more than 50 per cent of the employees if it is an employees' union; and of more than 50 per cent of the workers and the employees respectively if it is a mixed union. The Committee has pointed out that such a condition is incompatible with Articles 2, 7 and 11 of the Convention.

3. Under Supreme Decree No. 001 of 1963, trade union leaders must be workers or employees in the undertaking concerned, a provision which is not in conformity with Article 3 of the Convention under which workers and employers shall have the right to elect their representatives in full freedom and public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

4. The Committee has pointed out the desirability of amending section 6 of Supreme Decree No. 009 of 1961, which prohibits trade unions from devoting themselves to political activities, so as to bring this provision into harmony with the Government's own statement to the effect that this prohibition is applied in conformity with the resolution on the independence of the trade union movement adopted in 1952 by the Conference, and thus to avoid any possible discrepancy with Article 3 (1) of the Convention under which workers' organisations shall have the right to organise their activities and to formulate their programmes.

5. It seems to result from sections 5 and 9 of Supreme Decree No. 009 that it is lawful to establish only unions for a given undertaking (or works unit) or professional unions (these latter only in the case of persons who practise a profession or exercise an independent activity). According to the Government's report, there are nevertheless many cases where trade unions representing an industry have been registered and, moreover, workers in establishments with fewer than twenty workers (the minimum number required for the setting up and continued existence of a trade union) have the possibility of establishing and joining trade unions. The Committee is, however, of the opinion that, to avoid misinterpretation, the law ought to be amended so as to bring it into conformity with the actual practice reported by the Government as well as with Article 2 of the Convention.

6. Section 23 of Decree No. 021 provides that the five trade unions necessary for the formation of a federation "shall be of the same branch of activity", a provision

which appears to be contrary to Articles 5 and 6 of the Convention. The Committee has urged that unions belonging to different branches of activity should be enabled to form federations and that, as regards the formation both of federations and of confederations, the law should be brought into conformity with the provisions of the Convention.

7. The Committee has noted, in particular, that some of its comments have been communicated to the Committee responsible for drafting the Labour Code and that the draft organic Bill on the Civil Service, which will deal with public servants and their right to organise, has now been tabled before Parliament.

* * *

The Committee trusts that the necessary legislation will take into account the comments made by the Committee and that it will be passed at an early date so as to bring the law into conformity with the Convention.

Philippines (ratification: 1953)

The Committee notes with satisfaction that subparagraph (2) of section 23 (b) of Act No. 875, which made the acquisition of legal personality by a trade union subject to certain conditions related to the political opinion of its officers, has been repealed by Republic Act No. 5241 of 22 January 1968.

Poland (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.¹

Syrian Arab Republic (ratification: 1960)

In its previous direct requests the Committee had pointed out a certain number of discrepancies between the national legislation and the Convention. In its reply the Government indicated that new legislation, which would take into account the Committee's observations, was in the draft stage.

In the first place, the Committee notes with interest that certain discrepancies between the national legislation and the Convention, pointed out previously, have been eliminated by the new law, Legislative Decree No. 84 of 26 June 1968, to regulate trade union organisation, that is to say the exclusion of Ministry of Defence workers from the right to organise; the rule prohibiting the establishment of several unions in a single district, the right of the Ministry of Labour to oppose the establishment of a union, and the obligation of unions to form a single confederation.

The Committee notes however with regret that Legislative Decree No. 84 leaves in existence certain other discrepancies, among them the provision that fifty persons are necessary to establish a union and the compulsory merger of unions with less than this number of members, the restriction of the freedom of association of foreign workers, the requirement that trade union leaders must belong to the occupation represented and the control by the Ministry of Labour of union funds. The

¹ The Government is asked to report in detail for the period ending 30 June 1969.

Committee deals in greater detail with these various questions in a request addressed directly to the Government and expresses the hope that the Government will in the near future take such measures as are required to bring the national legislation into conformity with the Convention.

Trinidad and Tobago (ratification: 1963)

The Committee notes both the Government's reply to its direct request of 1967 and the comments of the Trinidad and Tobago Labour Congress. The Government indicates that its reply to these comments is being furnished separately but this has not yet been received by the Committee.

The Committee is making a further direct request to the Government on questions concerning the application of the Convention, taking the comments of the Congress also into account, and hopes that the Government will supply detailed information on the points raised therein.

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.¹

USSR (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.¹

United Arab Republic (ratification: 1957)

The Committee notes with regret that the Government's report contains no reply to its previous comments. It is bound, therefore, to repeat its previous observation which was as follows:

1. The Committee notes the reply to its direct request of 1965. It notes that the various discrepancies existing between provisions of the national legislation and the Convention, which were the subject of the Committee's direct request and of its comments in previous years, continue to exist. The Committee noted in particular that—

- (a) section 162 of the Labour Code, as amended, prohibiting the formation of more than one general trade union for workers employed in the same occupation, trade or craft and more than one trade union committee, as referred to in section 169, in any city or village, appears to be incompatible with Articles 2 and 11 of the Convention;
- (b) section 6 of the Code, as amended, requiring trade unions existing prior to the enactment of the Code to integrate themselves in the new trade union system or to dissolve is such as to limit the choice of workers with respect to the establishment of unions or membership in such unions (Article 2 of the Convention);
- (c) section 177 of the Code providing that notice of general meetings of a general trade union shall be sent to the competent authority and applying even to private meetings held in trade union premises or in premises hired for the purpose may restrict the right of organisations to organise their activities and makes it possible for the public authorities to interfere with union activities in a manner which might be incompatible with Article 8 (2) of the Convention;

¹ The Government is asked to report in detail for the period ending 30 June 1969.

- (d) the restriction which sections 182 and 183 of the Code appear to place on the formation of more than one general federation does not appear to be compatible with Articles 5 and 6 of the Convention;
- (e) under section 184 of the Code, the general federation has the same obligations as trade unions. Therefore the provisions applying to the latter which are referred to above are also incompatible with the corresponding provisions of the Convention in so far as the federation is concerned;
- (f) the new section 165 of the Code fixing the proportional amount of union expenses is contrary to Article 3 (1) of the Convention, even if its object, as the Government pointed out, is to prevent extravagance in union administrative expenses and to ensure the utilisation of funds in accordance with the purposes and aims of the union;
- (g) previously employers, their representatives and independent workers only had the right to organise under Act No. 384 concerning associations and private foundations. This Act has been repealed but the new legislation in force has not yet been made available to the Committee. The Committee would be grateful if the Government would supply the relevant legislation with its next report;
- (h) under sections 180 (2) (c), 189 and 209 of the Code, workers' organisations may be denied the right to strike since employers, by making applications to the competent administrative authority to give assistance in reaching a settlement, can unilaterally prevent strikes. Therefore these provisions appear to be contrary to Articles 3, 8 (2) and 10 of the Convention.

2. While duly noting the explanations supplied in the report on the above points, the Committee urges the Government to re-examine them with a view to bringing the relevant legislation into full harmony with the Convention and to indicate the measures taken or contemplated to this end.

3. Finally the Committee notes that the new section 231*bis* added to the Code in 1964 fines a worker who fails to vote in a union election. As this provision is not compatible with Article 3 of the Convention, the Committee requests the Government to indicate the measures taken or contemplated to bring the legislation into harmony with the Convention in this respect.

The Committee hopes that the Government will make every effort to take the necessary action in the very near future.

Upper Volta (ratification: 1960)

The Committee notes with satisfaction that, following its previous requests, Ordinance No. 68 043/PRES/TPF of 2 November 1968 has repealed Act No. 1/64/AN of 24 April 1964 which prohibited the affiliation of national trade unions to international trade unions. In addition, it notes with interest the information supplied by the Government in reply to direct requests, to the effect that freedom of association of public officials is recognised by section 19 of Act No. 22-59/AL of 20 October 1959.

The Committee notes, however, with regret that the Government's last report does not reply to its comments on the denial of the right to strike in all cases, a matter taken up by the Committee in various previous direct requests. In the circumstances the Committee is compelled to repeat its comments on this point. While taking into account the Government's explanations regarding the appointment of arbitrators—which seems in fact to afford certain guarantees—the Committee must nevertheless point out that, in their present form, sections 223 and 230 of the Labour Code may in practice lead to a prohibition of strikes *in all cases*. It therefore again draws the attention of the Government to its general conclusions of 1959 concerning the application of the Convention. In these conclusions the Committee, accepting the opinion of the Governing Body Committee on Freedom of Association, held that where *certain workers* are prohibited from striking “adequate guarantees should be given to such workers in order fully to safeguard their interests”, whereas on the other hand a general prohibition of the right to strike applying to all workers such as that resulting from the sections of the Labour Code quoted above—would represent a considerable restriction on the action these organisations may take to further and defend the interests of their members (Article 10 of the Convention). This

prohibition may thus be contrary to Article 8, paragraph 2, of the Convention which provides that "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention", including the right of unions to organise their activities in full freedom (Article 3).

The Committee therefore requests the Government to reconsider this matter and to indicate in its next report what measures could be taken to ensure the conformity of the legislation with the Convention in this respect.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Barbados, Bolivia, Bulgaria, Cameroon, Chad, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ethiopia, Gabon, Ghana, Guatemala, Honduras, Israel, Japan, Kuwait, Liberia, Mauritania, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Rumania, Syrian Arab Republic, Trinidad and Tobago, Tunisia, United Kingdom.*

Information supplied by *Luxembourg* and *Malta* in reply to direct requests has been noted by the Committee.

Convention No. 88: Employment Service, 1948

Argentina (ratification: 1956)

Further to its previous observations, the Committee notes with interest from the information supplied by the Government that a National Directorate of Human Resources has been established by Decree No. 5373/68. The Committee hopes that, with the establishment of the new Directorate, the Government will be able to overcome the difficulties which have prevented the effective application of the Convention for a number of years. The Committee trusts that measures to reorganise the employment service will proceed in the near future and that the next report will contain detailed information on the measures taken to comply with the various Articles 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:

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.

Guatemala (ratification: 1952)

The Committee takes note of the Government's reply to the observation made in 1968. The Committee recalls that, as yet, the employment service consists of only one office, situated in Guatemala City, in spite of the repeated assurances given by the Government regarding the extension of the service. Accordingly, the Committee notes with interest that, with the assistance to be given through an ILO technical co-

operation project in this field, the establishment of regional and local employment offices may be expected in the near future.

The Committee expresses the hope that the financial and other obstacles to which the Government has referred in recent years will thus be overcome and that the Government will be in a position to indicate in its next report the progress made in extending the employment service, both in the capital and in other geographic areas of the country (as required by Article 3 of the Convention), as well as the progress made in the practical application of the other provisions of the Convention.

Peru (ratification: 1962)

The Committee notes from the Government's report for 1965-67, which arrived too late to be examined in 1968, that manpower and other studies are being undertaken in the framework of the Employment and Human Resources Service and that a programme for the extension of the employment offices (at present only four such offices exist, in Lima and Callao) in 1967-70 has been prepared.

The Committee expresses the hope that this programme for increasing the activities of the employment service will be carried out and will be such as to give full effect to Articles 1 and 3 of the Convention, and that the Government's next report will contain information on the progress made in this regard.

Furthermore, the Committee would be glad if the Government would include in its next report detailed information (as requested in the report form) on the manner in which effect is given to Articles 4 to 11 of the Convention, about which little or no information has so far been supplied.

Philippines (ratification: 1953)

Further to its previous observations, the Committee notes with interest from the Government's report for 1967-68 that the Department of Labour budget for the fiscal year 1968-69 provides for the establishment and organisation of regional employment offices and that once these are set up, there will be seven such offices in the country (including that of Manila which is already functioning).

The Committee hopes that these seven offices will soon be operating normally, that continued efforts will be made for the further development of the network, as required by Article 3 of the Convention, and that the next report will contain full information on the progress made.

As regards the application of the other provisions of the Convention, the Committee notes the references made by the Government to various legislative texts and hopes that the next report will include information on the progress made in giving practical effect to these texts, within the framework of the extended network of offices.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Guatemala, United Arab Republic.*

Information supplied by *Central African Republic* and *Yugoslavia*, in answer to a direct request has been noted by the Committee.

Convention No. 89: Night Work (Women) (Revised), 1948

Philippines (ratification: 1953)

The Committee has taken note of the reply given in the Government's report to its observation of 1968.

Article 2 of the Convention. The Committee notes that the Government now considers that the difference of three hours between Republic Act 679, as amended (providing for eight consecutive hours of night rest), and Article 2 of the Convention (providing for eleven consecutive hours of night rest), may be of little consequence, if any; whereas in its previous reports the Government had repeatedly referred to its efforts to obtain parliamentary approval of a Bill by which this discrepancy was to be eliminated. The Committee, accordingly, notes with regret that the situation regarding this serious discrepancy is now even more unsatisfactory than it was over ten years ago, and it urges the Government to review its position and to seek the modification of section 7 (b) of Republic Act No. 679.

Article 5. The Committee notes that, in this case also, the Government no longer refers to the Bill by which the consultation of employers' and workers' organisations was to be required before suspending the prohibition of night work. Instead the Government states that strict compliance with this provision is impracticable because most working women are not organised and because consultation would cause undue delay in cases of serious emergency affecting the national interests. The Committee points out in this regard (a) that in the absence of other organisations it would be appropriate to consult a national federation of trade unions, and (b) that suspensions "when in cases of serious emergency the national interest demands it" are rare and exceptional, and that the importance of the decision taken justifies the delay which consultation of the organisations concerned might cause. Accordingly, the Committee trusts that the Government will take steps to meet the requirements of Article 5 of the Convention, and also that it will supply the information requested in the report form on this Convention regarding the cases in which the prohibition of night work has been suspended in accordance with section 7 (b) of Act No. 679.

Finally, the Committee notes that a Government representative informed the Conference Committee in 1968 that he would sponsor the necessary legislation in order to bring the existing text into conformity with the Convention. The Committee trusts, therefore, that, in spite of the views expressed in the Government's report, there will be no further delay in amending the legislation on the lines indicated by the Government as far back as 1958, and that full legislative and practical application of the Convention will henceforth be assured.¹

Republic of South Africa (ratification: 1950)

The Committee notes with regret that the report for 1967-68 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.

Yugoslavia (ratification: 1956)

The Committee takes note of the report for 1965-67 (received too late to be examined in 1968) in which the Government replies to the previous direct request.

Article 5 of the Convention. The Committee notes that there has been some decrease in the number of women employed on night shifts (35,466 in 1967, 37,512 in 1966). It also notes from the Government's report that the employment of women at night appears to be due partly to the greater facility of placing untrained women

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session.

workers in the textile industry (where most exemptions are granted), and partly to the fact that the strict prohibition of night work for women would result in a decrease in production.

The Committee, whilst appreciating the difficulties encountered, must point out that widespread exemptions from the prohibition of night work for women are contrary to the Convention and could not be considered as falling under Article 5 of the Convention (suspension of the prohibition when in case of serious emergency the national interest demands it). Accordingly, the Committee trusts that the Government will find an appropriate solution and will take steps with a view to the early amendment of section 54 (3) of the basic Act respecting employment relationships, under which the present exemptions are permitted and for the full application of the Convention both in law and in practice.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Burundi, Kenya, Libya, Paraguay, Philippines, Viet-Nam, Yugoslavia.*

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Dominican Republic (ratification: 1957)

See under Convention No. 79.

Haiti (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:

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.

Mauritania (ratification: 1963)

Articles 1 and 4 (2) of the Convention. The Committee refers to its previous direct requests on Conventions Nos. 6 and 90 and notes with satisfaction that sections 9, 10 and 11 of Book II of the Labour Code were amended by the Act of 28 July 1966 so as to give fuller effect to these Conventions, by including transport in the scope of the relevant provisions and by restricting the exceptions to the prohibition of night work.

Pakistan (ratification: 1951)

The Committee notes the information given in reply to its observation of 1968 and the statement made by the Government representative at the Conference Committee in 1968.

Article 3, paragraph 3, of the Convention. The Committee notes with interest that the Mines Act (section 26B) is to be amended so that the existing twelve consecutive

hours of rest will be increased to thirteen. The Committee hopes that section 13 of the Consolidated Mines Rules will also be amended, as already requested on previous occasions, so as to provide for a minimum rest period of thirteen consecutive hours between two working periods for young persons employed at night for purposes of apprenticeship and vocational training, as required by Article 3 (3) of the Convention. The Committee hopes that the Government's next report will include information on any progress made in this regard.

Article 6, paragraph 1 (e), of the Convention. The Government indicates that section 56 of the Factories Act, 1934 (applicable to West Pakistan), complies with this paragraph of the Convention. The Committee points out, however, that although section 56 provides for the maintenance of a register, it does not expressly require the inclusion in the register of the date of birth of every child employed, as required by the Convention. As the Government representative at the Conference Committee in 1968 indicated that the Factories Act was to be amended to provide for the keeping of a register of young persons showing their dates of birth, the Committee hopes that the Government will be able to supply information in its next report on the measures taken to ensure full conformity with Article 6, paragraph 1 (e).

Philippines (ratification: 1953)

The Committee notes the information supplied by the Government in reply to its previous observations.

The Committee takes note of the Rules and Regulations of 20 November 1963 and the Policy Instruction of 10 June 1963. It finds that these texts merely provide that certain exceptions—relating to night work which has to do with raw materials subject to rapid deterioration—shall not apply to women under 21 years of age; and are not therefore sufficient to meet the requirements of the Convention.

Accordingly the Committee must insist that measures be taken, either by amending section 5 (b) of Act No. 679 of 1952 or by issuing appropriate regulations, so as to ensure:

- (a) that the night work of young persons between 16 and 18 years of age be prohibited for a period of at least twelve consecutive hours (including the interval between 10 p.m. and 6 a.m. already prescribed);
- (b) that clear provision be made either forbidding all exceptions for young persons of either sex to the prohibition of night work or permitting such exceptions only in the circumstances and subject to the conditions specified in the Convention.

The Government having stated repeatedly since 1956 its intention to amend Act No. 679 so as to ensure conformity with the Convention, the Committee trusts that the above-mentioned measures will be taken at an early date.¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Mauritania, Paraguay, Peru.*

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949

Requests regarding certain points are being addressed directly to the following States: *Brazil, Cuba, France, Netherlands.*

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session.

Convention No. 92: Accommodation of Crews (Revised), 1949*Portugal* (ratification: 1952)

With reference to its previous observations, the Committee notes with satisfaction that regulations concerning crew accommodation requirements, approved by Decree No. 48529 of 16 August 1968, give effect to Part III of the Convention and closely follow its provisions.

Convention No. 94: Labour Clauses (Public Contracts), 1949*Burundi* (ratification: 1963)

The Committee notes with interest from the report for 1967 (which was received too late to be examined in 1968) that the Labour Code provides for the adoption of a presidential decree to establish specific measures in order to guarantee to workers the minimum conditions prescribed by the Convention, but that the adoption of this decree has not yet been possible. The Committee hopes that the Government will in the near future take the measures necessary to give effect to the Convention.

Turkey (ratification: 1961)

The Committee has noted with interest that section 29 of the Labour Act, 1967, contains provisions designed to ensure the payment of wages to workers employed in the execution of public contracts for construction and repair work.

The Committee has noted further, from the Government's reply to its previous request concerning Article 2 of the Convention, that no measures have yet been taken to insert in public contracts labour clauses of the kind provided for in the Convention. The Government refers to the fact that the workers are in any case subject to the provisions of the Labour Code and to any collective agreements concluded between the parties concerned under Act No. 275 of 1963, and suggests that, in these circumstances, their position is adequately protected.

The Committee wishes to draw attention to its general observations on this Convention made in 1956 and 1957, in which it indicated that a government is not free from the obligation to insert labour clauses in public contracts in cases where legislation and collective agreements already exist. As emphasised on these occasions, specific labour clauses as provided for in the Convention may have positive advantages, since the legislation merely establishes minimum standards which may be exceeded by collective or individual agreements and since collective agreements may not be generally binding. The clauses provided for in Article 2 of the Convention may have the effect, for example, of requiring the observance of conditions established for a particular trade or industry by a collective agreement even in respect of workers whose employment would not otherwise be governed by its terms.

The Committee hopes that, in the light of the above explanations, the Government will once more review the situation, with a view to providing for the insertion of labour clauses meeting the requirements of the Convention in all public contracts as defined in Article 1 of the Convention and that, in accordance with Article 2, paragraph 3, it will consult the organisations of employers and workers concerned on the terms of these clauses.

The Committee would be glad if, at the same time, the Government would also give consideration to further measures to require the posting of notices concerning conditions of work, in accordance with Article 4 (a) (iii) of the Convention, since

under the provisions of the Labour Act of 1967, where the contract of employment is not in writing, these particulars need be supplied only on specific request by a worker.

United Arab Republic (ratification: 1960)

The Committee has noted the report for 1967 (which was received too late for examination in 1968) and the information communicated to the Conference Committee in 1968.

In its report the Government has rightly observed that the Convention does not apply to contracts of employment concluded by a public authority with its own workmen, but relates to contracts which a public authority concludes with a third party and whose execution involves the employment of workers by such other party. While the report has not indicated the measures taken with a view to insertion in such contracts of labour clauses as provided for in the Convention, the Committee has noted with interest, from the information communicated to the Conference Committee, that its earlier observations have been referred to a committee which is reviewing amendments to existing labour legislation.

The Committee accordingly hopes that the Government will find it possible at an early date to take appropriate measures to ensure the insertion, in public contracts of the above-mentioned kind, of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, and also giving effect to the provisions of the Convention regarding the contracts to be covered (Article 1, paragraphs 1 to 3), consultation of employers' and workers' organisations on the terms of the clauses (Article 2, paragraph 3), measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).¹

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark, Mauritania*.

Convention No. 95: Protection of Wages, 1949

Greece (ratification: 1955)

The Committee notes the Government's statement that it will promulgate the Royal Decree provided for under section 3, subsection 2, of Act No. 3248 of 1955, ratifying the Convention, in order to regulate the payment of wages in conformity with Article 4 of the Convention. The Committee hopes that this decree will be promulgated at an early date.

Article 7, paragraph 2, of the Convention. The Committee notes the Government's statement that most works stores are not carried on with a view to profit and that the control of prices is ensured by the general provisions on the subject. In this respect the Committee recalls that the Government had already stated in its previous reports that price control was limited to certain food products and that other control measures were being considered. The Committee therefore hopes that the necessary measures will be taken in the near future to ensure the application of Article 7, paragraph 2, of the Convention.

¹ The Government is asked to report in detail for the period ending 30 June 1969.

Turkey (ratification: 1961)

The Committee notes with satisfaction that the new Labour Act adopted in 1967 secures closer compliance with the Convention than the previous Labour Act of 1936 on certain points which had been the subject of comment by the Committee. Thus, express provision is now made to give effect to Article 10 of the Convention (concerning assignment and attachment of wages) and, whereas the previous legislation excluded from its scope all undertakings with fewer than ten workers, the new Act has a more limited exclusion of undertakings employing three persons and falling within the scope of the Tradesmen and Small Handicrafts Act (No. 507).

In its previous comments the Committee had also referred to the exclusion from the relevant legislation of agricultural workers. While regretting that these workers are still excluded from the new Labour Act, it notes the Government's statement that separate labour legislation for agriculture is now being prepared. The Committee hopes that legislation giving effect to the Convention in respect of agricultural workers will be adopted in the near future.

Certain other matters arising out of the new Labour Act are dealt with in a direct request.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Argentina, Central African Republic, Ecuador, Honduras, Libya, Paraguay, Poland, Turkey, Uganda.*

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949*Brazil (ratification: 1957)*

The Committee notes with satisfaction that, following, its previous observations, the Government has promulgated, as a first step towards the gradual abolition of fee-charging employment agencies, a number of decrees, including Decree No. 62756, for the supervision and co-ordination of public and private employment agencies. It hopes that the Government will supply full information in its next report on the working of the new legislative measures and on the practical application of the Convention.

Pakistan (ratification: 1952)

The Committee notes from the Government's report that no action has, as yet, been taken on the repeated observations made since 1955 regarding the application of this Convention.

The Committee recalls that, in Pakistan, there are no legislative or other measures providing for the prohibition of fee-charging agencies. It also recalls that, while the Government has indicated on various occasions that there are no agencies, as defined in Article 1, paragraph (1) (a), of the Convention, in the country, it has also referred to the existing practice whereby "labour contractors were acting as intermediaries for the purposes of procuring employment and received fees for their services" (1957) and to the fact that there were individuals, such as tribal chiefs, heads of villages and others who came within the definition of agency as laid down in Article 1, paragraph (1) (a), of the Convention (1967).

The Committee draws the Government's attention to the fact that, in accordance with Article 3 of the Convention, the competent authority is free to provide for the *progressive* abolition of fee-charging employment agencies (intermediaries, etc.)

prescribing, if it wishes, different periods for the abolition of agencies catering for different classes of persons. Furthermore, in accordance with Article 5 of the Convention, permanent exceptions may be authorised provided specified conditions are respected.

In these circumstances the Committee trusts that the Government will now revert to its original intention of ensuring the adoption of appropriate legislative measures (as stated repeatedly between 1957 and 1967) and that this legislation, while taking advantage of the flexibility clauses of the Convention, will ensure its full application. It expresses the earnest hope that this legislation will be enacted in the very near future.¹

* * *

In addition, a request regarding certain other points is being addressed directly to *Mauritania*.

Information supplied by *Senegal* in answer to a direct request has been noted by the Committee.

Convention No. 97: Migration for Employment (Revised), 1949

France (ratification: 1954)

Article 6, paragraph 1 (b), of the Convention. In reply to the observations and requests which have been made for a number of years by the Committee in connection with the grant to children of French nationality only of the birth grant payable under section L.519 of the Social Security Code, the Government refers to Ordinance No. 67-706 of 21 August 1967 relating to the administrative and financial organisation of the social security system. While noting the Government's statement recalling that this grant was introduced with the object of encouraging births, the Committee must point out that it appears from sections 30 to 33 of the ordinance that the resources of the family benefit scheme, under which the birth grant is payable, are constituted—as far as the employed persons' section is concerned—by the contributions of the participants, and that the grant is in fact a social security benefit. This grant therefore comes within the scope of Article 6, paragraph (b), of the Convention, which provides for the application to immigrants, without discrimination in respect of nationality, of treatment no less favourable than that of nationals.

In these circumstances the Committee hopes that the Government will be willing to re-examine the question and to take the measures necessary to ensure that the Convention is fully applied in respect of the above-mentioned grant; in particular in that the grant only represents in practice—according to the Government's statement—a small proportion of the sums paid out by the Family Benefit Fund.¹

Guatemala (ratification: 1952)

Article 8 of the Convention. Following its requests and observations made since 1959 the Committee notes with regret from the Government's report that the Bill to revise the Labour Code which, *inter alia*, was to bring national law into line with the provisions of the above-mentioned Article of the Convention, is still under study by the Council of State. The Committee trusts that this Bill will be passed in the near future, and that in accordance with the Convention it will provide that no migrant worker admitted on a permanent basis shall be returned to his territory of origin or

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session.

the territory from which he emigrated, when by reason of illness contracted or injury sustained subsequent to entry he is unable to follow his occupation.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Brazil, Cameroon* (Western Cameroon), *Malawi, Tanzania* (Zanzibar), *Upper Volta, Uruguay*.

Information supplied by *Kenya* and *Zambia* in answer to a direct request has been noted by the Committee.

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Albania (ratification: 1957)

The Committee regrets that the report for the period 1967-1968 has not been received.

The Committee has learned that the entry into force of the new Labour Code, on 1 November 1966, has led to the repeal of the previous code which contained provisions concerning collective agreements and the right of unions to conclude such agreements. The new Code contains no provisions on these matters.

In the circumstances the Committee, apart from repeating its previous comments which were recapitulated in an observation made in 1967, requests the Government to supply a copy of the laws at present in force in respect of all collective agreements.

Brazil (ratification: 1952)

Following its previous observation regarding the right to organise of workers in the service of the State but whose work is not directly connected with the administration of the State, the Committee notes the adoption of the Administrative Reform Act promulgated by Legislative Decree No. 200 of 25 February 1967.

The Committee understands that in conformity with this Act the staff of ministerial departments and autonomous agencies—institutions set up by the Act for certain specific activities of public administration—continue to be deprived of the right to organise, under section 556 of the Consolidated Labour Laws. The Committee also understands that the staff of public enterprises and of mixed public/private undertakings, have the right to organise, with the exception of certain persons who have decided, in most cases voluntarily, to preserve their status of public servant.

The Committee would be glad if the Government would indicate whether or not the Committee's understanding is correct.

Byelorussia (ratification: 1956)

See under Convention No. 87.

Cuba (ratification: 1952)

The Committee notes the information supplied by the Government in its last report in connection with the Committee's previous observation concerning section 36 of Act No. 1022, 1962, according to which this section deals with the settlement by the Ministry of Labour of differences that arise in the course of the voluntary negotiation of collective agreements. The Committee thus understands that

the above-mentioned section compulsorily subjects collective labour disputes not settled by the parties to a final award by the labour authorities. From this it must be concluded that the exercise of the workers' right to strike is thus as a general rule prohibited, a point on which the Committee refers to the observation made by it in the past in connection with Convention No. 87.

As regards the position of certain public servants, see also the previous observation on Convention No. 87.

Dominican Republic (ratification: 1953)

With regard to certain categories of agricultural workers, see under Convention No. 87.

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 Convention No. 87, with regard to workers in the service of the State but who are not civil servants engaged in the administration of the State.

Hungary (ratification: 1957)

See under Convention No. 87.

Poland (ratification: 1957)

See under Convention No. 87.

Sudan (ratification: 1957)

The Committee notes that a committee, in which workers' and employers' representatives are participating, set up to review and amend all labour laws, will consider Article 2, paragraph 2, of the Convention when amending the Trade Disputes Act. The Committee recalls that section 29 (1) (c) of the 1966 Act, stipulating that an employer shall not intervene directly or indirectly in the activity or administration of any trade union with the purpose of undermining the solidarity of the trade union, applies only to already existing unions, whereas the protection provided by Article 2, paragraph 2, of the Convention extends also to the establishment of an organisation. The Committee hopes that early consideration will be given to the introduction into the legislation of a provision in this connection and asks the Government to keep it informed of any measures taken in this respect.

The Committee also notes that in 1966 the Government stated it would forward the text of a Standing Order, to be issued by Commissioner of Labour, on the subject of interference by employers. The Committee requests the Government to furnish a copy of this text as soon as possible.

Syrian Arab Republic (ratification: 1957)

Following its previous direct requests, the Committee notes with satisfaction that section 76 of Legislative Decree No. 84 of 26 June 1968, gives effect to Article 1, paragraph 2 (a), of the Convention, by which workers shall enjoy adequate protection, *inter alia*, in respect of acts calculated to make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership.

Ukraine (ratification: 1956)

See under Convention No. 87.

USSR (ratification: 1956)

See under Convention No. 87.

United Kingdom (ratification: 1950)

Further to its previous observations the Committee notes with satisfaction that national negotiating machinery has now been set up in respect of bank employees and that the first meeting of the Joint Negotiating Council has been held.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Barbados, Brazil, Bulgaria, Cameroon, Central African Republic, Chad, China, Costa Rica, Cyprus, Dominican Republic, Ecuador, Ghana, Haiti, Hungary, Iraq, Jamaica, Jordan, Liberia, Libya, Malawi, Malaysia, Pakistan, Panama, Paraguay, Peru, Portugal, Singapore, Tanzania, (Zanzibar), Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Kingdom, Viet-Nam.*

Information supplied by *Ethiopia, Honduras* and *Syrian Arab Republic* in answer to a direct request 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, Mexico, Paraguay, Peru, Syrian Arab Republic.*

Information supplied by *Cuba, Czechoslovakia* and *Tunisia* in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951*Argentina* (ratification: 1956)

In its previous observations the Committee had noted the continued existence in collective agreements of distinct wage rates for men and women workers involving in certain cases quite considerable differentials, and had expressed the hope that measures would be taken to promote the further implementation of the principle of equal remuneration for men and women workers for work of equal value.

The Committee regrets to note from the Government's report for 1966-68 that under Act No. 18016 of 24 December 1968, the collective agreements previously

concluded have been extended until 31 December 1969, and that the situation with regard to the application of Convention No. 100 thus remains unchanged. The Committee is bound, therefore, to repeat the following remarks made in its observation of 1967:

In its report for 1964-66 the Government has indicated that in an arbitration award of 26 October 1966 for wage earners in the textile industry (a copy of which has been supplied), provision has been made in cases where different wages were laid down by the applicable collective agreement for men and women workers of the same category, for the women's wages to be brought to the level of the wages of male workers, except where the work performed was not the same. The Committee regrets however that, apart from this arbitration award, the Government has supplied no information concerning further measures to give effect to the Convention.

The Committee notes, from certain collective agreements at its disposal, that provision is still made in a number of cases for distinct wage rates for men and women workers, for example, in the agreements for the meat industry of 2 June 1965 (No. 77/65), for salaried workers of the textile industry of 31 May 1965 (No. 69/65), and for the soap and cosmetics industry of 31 August 1965 (No. 136/65). It would appear however, from a comparison of the previous agreements for the first two groups of workers (to which the Committee had referred in its observation of 1965) that there has generally been a reduction in wage differentials based on sex. The Committee hopes that efforts in this direction will be pursued, with a view to the adoption in all collective agreements of a system of classification of jobs and wage rates applicable, without distinction, to men and women workers.

As regards wage earners in the textile industry, it would appear from the arbitration award of 1966 supplied by the Government that distinct wage rates for men and women workers still remain in existence, the payment of higher rates to women being dependent on whether in each particular case a woman can show that she is doing the same work as a male worker. Since, under Article 1 (b) of the Convention, the equal remuneration principle requires wages to be fixed without any discrimination based on sex, the Committee hopes that in this case also measures will be taken for the introduction of uniform job classifications and wage scales based on objective criteria without any reference to the worker's sex.

Having noted from the Government's report for 1966-68 the Government's statement of its firm intention to ensure the total application of this Convention the Committee once again expresses the hope that the Government will take appropriate steps with a view to implementation of the equal remuneration principle, and that the next report will supply full information on the measures adopted, including particulars of the criteria and procedures applied in establishing job classifications and wage rates in collective agreements and arbitration awards (Articles 2 and 3 of the Convention).

Ecuador (ratification: 1957)

The Committee regrets to note once again that the Government's report has not been received. The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1968 that effect is given to the Convention as article 25 of the Constitution prohibits discrimination in all its forms. However, the Committee must recall once more 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.¹

¹ The Government is asked to supply full particulars to the Conference as its 53rd Session, and to report in detail for the period ending 30 June 1969.

Finland (ratification: 1963)

The Committee has noted with particular interest the detailed information supplied by the Government in answer to its direct request made in 1967, as well as the comments made by various employers' and workers' organisations regarding difficulties in the implementation of the principle of equal remuneration and the need for additional measures for the objective appraisal of jobs on the basis of the work to be performed. The Committee is addressing a further direct request to the Government in which these problems are considered in greater detail.

Federal Republic of Germany (ratification: 1956)

The Committee notes the information supplied by the Government in its report for the period 1966-68, in reply to the observation made by the Committee in 1967.

1. The Committee notes from the Government's report that different wage rates for men and women workers still exist in certain branches of the leather industry but that the Government after consulting the organisations concerned considers that the problem is in the process of being solved. The Committee hopes that the Government will be able to indicate in its next report that all wage differentials based on sex have been eliminated from the collective agreements in question.

2. In 1967 the Committee noted the comments of the Confederation of German Trade Unions communicated by the Government, to the effect that in numerous sectors a discrimination in wage rates persists, to the detriment of women workers, as a consequence of the introduction of categories of "light wages", in lieu of the previous differential rates for women workers. The Committee had asked the Government to explain the nature and the effects of these categories of "light wages". In reply the Government refers to its report on the status of women in employment, family and society (inquiry on the status of women) from which it appears that the categories of "light wages" included in a certain number of collective agreements are not categories of wages for women workers as such but that they nevertheless apply to work principally performed by women and entail wage rates inferior to those of the other categories. In reply to the trade unions' criticism that this practice implies discrimination against women, the Government refers in the same report to the mechanics of supply and demand of labour, to the limits imposed on the application of a social wage policy in other respects than those covered by the Convention and also to the obstacles in the way of an objective appraisal of jobs. In this connection the Committee recalls that the Convention concerns only equal remuneration for men and women workers for work of equal value, and that it is precisely where the value of the work of men and women workers can only be compared with difficulty—as in the case of certain categories of jobs held in practice by male to the exclusion of female workers or vice versa—that measures should be adopted to promote an objective appraisal of jobs on the basis of the work to be performed, as provided for in Article 3 of the Convention. The Committee notes with interest from the Government's report that methods of analytical job appraisal have been adopted under an agreement of the organisations concerned in certain branches of the metallurgical industry, with a view to eliminating any discrimination against women workers and to increasing their present wages. Similarly, the report states that the food and hotel trades union intends to achieve equality of remuneration for men and women workers for work of equal value not only in a formal sense but also in practice by adopting new criteria and qualifications for the various wage categories. The Committee requests the Government to supply detailed information on the progress achieved in this respect in the metallurgical industry and in the food

and hotel trades as well as on the development of the "light wages" categories in the chemical and paper industries also mentioned in the report. (Please communicate in particular the texts of the respective collective agreements.)

3. In its observations of 1965 and 1967 the Committee had regretted the discontinuance of the work of a committee of representatives of the central employers' and workers' organisations, set up on the Government's initiative at the time of the ratification of the Convention to study the measures required to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. The work of this committee had seemed particularly important in view of the limited extent to which wage rates are determined on the basis of objective appraisal of jobs. According to the comments of the Confederation of German Trade Unions, communicated by the Government in 1966, the Confederation considers it necessary to maintain the committee of representatives of the central employers' and workers' organisations until the problem of equal remuneration for men and women workers has been entirely solved. The Committee regrets to note from the Government's report that it has not yet been possible to settle the question of resuming the committee's work as the trade unions have not yet finalised their attitude in this respect. The Committee notes on the other hand the statement by the Confederation of German Trade Unions, communicated in the Government's report, to the effect that, by the end of 1968, the Confederation would have proposed to the competent ministry the resumption of the work of the committee in question. The Committee hopes that the Government, will be in a position to supply in its next report information on the working of this committee as well as on any practical measures relating to the application of the Convention which may have been adopted as a result of its studies.

India (ratification: 1958)

In its observations of 1965 and 1967 the Committee referred to certain cases where different wage rates for unskilled men and women workers had been fixed under the Minimum Wage Act, 1948. The Committee notes with interest from the Government's report that the number of occupations in which there are differential rates based on sex is being progressively reduced and that equal rates of wages have been fixed, *inter alia*, for men and women workers in the tobacco factories in Andhra Pradesh which were mentioned in the Committee's previous observations.

While stating that every effort is being made to remove disparities between rates of wages of men and women workers, the Government indicates, however, that in cases where differential rates of wages for men and women workers are still being allowed, women workers either have a lower output than men workers or are traditionally assigned to lighter types of work, although this is not made clear in the wage-fixing orders, which lump together different types of work under one heading.

In this respect, the Committee must point out once more that, in accordance with Article 1 (b) of the Convention, the implementation of the principle of equal remuneration for men and women workers for work of equal value requires that rates of remuneration shall be established without discrimination based on sex. Where in fact, due for example to the customary distribution of various types of work, different workers do not perform the same work, any differences in wages should accordingly be fixed by reference to objective characteristics of the jobs, excluding any considerations relating to the sex of workers likely to perform them. Similarly, when it is desired to take account of the workers' output in determining their remuneration, this should be done according to objective criteria, without regard to sex.

The Committee hopes that the Government will adopt appropriate measures with a view to the elimination of still existing differences in wage rates relating to sex.

Indonesia (ratification: 1958)

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.

Italy (ratification: 1956)

The Committee has noted the information supplied in the Government's report for 1966-68 in reply to its observation of 1967, as well as the statements made in 1967 to the Conference Committee by a Government representative and by the Italian Workers' member of that Committee. In its report the Government states that, as a result of inter-confederal agreements concluded since 1960, the principle of equal remuneration for men and women workers is fully applied in practically all sectors of production. In this respect the Committee is bound to raise again the following points:

1. *Wage differentials between men and women workers.* In 1965 and in 1967 the Committee had noted that the collective agreements in force in various industries still contained wage differentials based on sex. It had referred, by way of example, to the collective agreements of 7 April 1962 and 7 July 1965 for warehousing undertakings, the collective agreements of 29 September 1962 and 11 November 1965 for telegram and general delivery services and the collective agreements of 29 September 1962 and 11 December 1965 for shop and office cleaning undertakings. In its statement to the Conference Committee in 1967, the Government stated that when these agreements were reviewed it would intervene in the most appropriate manner in order fully to achieve equality of remuneration for men and women workers. The Committee regrets to note from the Government's report that there is no change with regard to the above-mentioned wage differentials, as the new national collective agreements concluded on 17 May 1967 for warehousing undertakings and on 24 October 1967 for telegram and general delivery services still lay down wage rates lower by 5 per cent and 7.2 per cent respectively for women workers in each category of remuneration. The Government explains the continuance of these wage differentials by the insignificant number of women workers engaged in the sectors in question and the kind of work they perform. However, the number of women workers could not justify the payment of a lower wage for work of equal value. As regards the nature of the work performed, the Committee also notes from the Government's report that in the shop and office cleaning undertakings no agreement has been reached between employers and workers on the elimination of the 7.2 per cent wage differential between men and women workers, the employers being of the opinion that the men undertake heavier and more dangerous tasks. In this respect the Committee observes that all the collective agreements mentioned above provide for a reduction of wage rates by 7.2 per cent for women workers of each occupational category, regardless of the nature of the work performed. The Committee once more draws attention to Article 1 (b) of the Convention, under which the rates of remuneration must be established without discrimination based on sex. Consequently, if the work performed by different workers is not of equal value, all differences of remuneration must be established according to the objective features of the various jobs, no account being taken of the sex of the workers likely to perform

them. If the work is of equal value, rates of remuneration must be the same, regardless of the sex of the workers. In addition, the Committee recalls that, according to the judicial decisions mentioned in the Government's report for 1962-64, article 37 of the Italian Constitution renders void provisions in collective agreements establishing differential wage rates for men and women workers engaged in the same category of employment. Such differences of remuneration—generally amounting to 7.2 per cent—have also been observed in other collective agreements concluded during the period covered by the report. The Committee once more expresses the hope that the Government will adopt effective measures in order that collective agreements conform to the principle of equal remuneration embodied in the Italian Constitution and in the provisions of the Convention.

2. *Classification of jobs.* The Committee had noted in 1965 and in 1967 that, where previous distinct wage rates for men and women workers had been replaced by uniform wage scales, the placing of workers in the new grades had generally been effected not by a system of objective job evaluation, but according to certain general rules which, from the point of view of the application of the principle of equal remuneration, led to anomalies which tended to be perpetuated. By way of example, the Committee had referred to the collective agreements of 21 February and 5 December 1962 for the plastics industry, the collective agreement of 12 November 1964 for the brush-manufacturing industry and the collective agreement of 5 April 1966 for the toy industry. In its report for 1966-68 the Government states that the principle of equal remuneration has been fully applied to the workers of the plastics industry as a result of the collective agreement concluded on 16 July 1965. In this respect the Committee observes that in the agreement of 16 July 1965 provision is made by section 6 (I) for the temporary classification of workers in five categories, of which the first three are reserved respectively to specialised workers, skilled workers and ordinary operatives or "specialised labourers", whose tasks are defined by examples modelled on the former categories of male workers; again, the women who previously belonged to the first women's category (that is, performing particularly delicate or complex work requiring specific technical and practical qualifications acquired through appropriate apprenticeship or training) have been placed in the fourth category, with a remuneration lower than that of men classified as ordinary operatives of the third category, that is, performing work not requiring any specific qualifications but aptitudes and knowledge acquired through a brief period of training. The fifth category includes, apart from ordinary labourers, the women who formerly belonged to the second women's category (that is, performing work requiring aptitudes and knowledge acquired through a brief period of training).

Under the same section 6 (I) of the collective agreement of 16 July 1965, this temporary classification was to have been applied only until such time as the committees set up for the revision of job classifications had concluded their work and in no case beyond 31 October 1966. The Committee notes from the information communicated by the Government to the Conference Committee in 1967 that the above-mentioned committees were supposed to have concluded their work by June 1966, but that they had not yet been set up at the time of the Conference of 1967. Similarly, it seems that no committees had yet been set up to review the job classifications laid down for the toy industry and the brush and paint-brush industry respectively, by the collective agreements of 5 April 1966 and 28 April 1967, where the temporary job classifications involve anomalies similar to those mentioned above (without a time-limit being imposed, however, on their validity). In other collective agreements concluded during the period covered by the report, the Committee has also noted classification anomalies of the kind referred to above, but the revision of which does not appear to be contemplated.

In all the cases in which the job classification methods have the result that women receive a lower remuneration than men, although the women perform a more difficult task requiring training of a higher level, these methods should be replaced by new ones based on objective criteria having no connection with the former distinctions based on sex. In this respect the Committee regrets that, in the Government's report, no information is given on the activities of the technical joint committees and working groups for the revision of job classifications, which the Government representatives mentioned in 1967 at the Conference Committee. It requests the Government to supply detailed information on the progress achieved in revising job classifications and, in particular, with regard to the objective appraisal of jobs on the basis of the work to be performed, in accordance with Article 3, paragraph 1, of the Convention.

As regards the collective agreement of 16 July 1965 for the plastics industry, the Committee further notes that section 6 (II) provided for the introduction, as from 1 November 1966, of a new job classification, the first three categories of which are defined in the same terms as in the temporary classification referred to above, the fourth and fifth categories being redefined so as to include, respectively, workers performing simple tasks requiring no more than elementary experience and workers performing the tasks of ordinary labourers. In view of these new definitions, the Committee would appreciate information on the manner in which the reclassification of women workers formerly belonging to the fourth and fifth temporary categories has been effected.

3. *State monopoly undertakings.* In its previous observations the Committee had noted that Act No. 143 of 28 March 1962 regarding workers in state monopoly undertakings lays down, within a system of uniform wage scales, a method for grading workers involving anomalies similar to those referred to above in respect of collective agreements in the private sector. The Committee notes the information communicated by the Government to the Conference Committee in 1967 to the effect that the application of the principle of equal remuneration may be considered as achieved "at least formally", but that in practice (although there is no discrimination based on sex) women take part only in competitions open for ordinary workers; whereas men enter for all the other types of competition. This information seems to confirm the previous conclusions of the Committee, namely that the work regarded as typically women's work has been placed in the lowest grade, whereas the jobs considered as men's work (including those which were previously held by the category of ordinary men workers) have been placed in the higher categories. The Committee once more expresses the hope that appropriate measures will be taken not only to define the scope of the different wage grades according to objective criteria, but also to ensure the classification of individual workers in the respective grades on the basis of the objective criteria.

4. *Other state undertakings.* In 1967 the Committee had noted that differences in the wages of men and women still existed in certain other state undertakings, particularly those working for national defence. The Committee notes with interest from the Government's report for 1966-68 that Decree No. 1480 of 18 November 1965 regarding the new job and economic classification and the legal status of personnel employed in the establishments and arsenals of the Ministry of Defence has eliminated all former discrimination between men and women workers in the service of the Ministry of Defence. It also notes with interest that the women workers still placed in Category 5 (b) within the meaning of Act No. 90 of 5 March 1961 (women workers engaged in general work regarded as typically women's work) who are employed by various other ministries will be regraded according to the principle of equal remuneration within the framework of the measures to be taken under Act

No. 249 of 18 March 1968 on the reorganisation of the state administrations. The Committee hopes that the Government's next report will indicate the measures which have been taken to ensure the application of the principle of equal remuneration to all the personnel employed by the State, in particular by the use of the special powers provided for in this Act.

5. *Agriculture*. The Committee notes with interest that the national collective agreement of 24 October 1966 for temporary agricultural workers compels the contracting organisations to intervene, at the request of one or several of their number, in order to ensure the full application of the national agreement of 25 July 1961 concerning equal remuneration in agriculture in those provinces where this agreement is not being properly applied. On the other hand, the Committee notes from the information communicated by the Government to the Conference Committee in 1967 that, under the above-mentioned clause, the workers' organisations are trying to obtain, for exclusively female jobs, the establishment at the provincial level of daily wages equal to those of other workers "and in any case not inferior to those of ordinary labourers". As regards this latter point, the Committee recalls that the national agreement of 25 July 1961 provides in respect of exclusively feminine jobs for the fixing of wage rates on the basis of the quality of the work in question. Referring also to point 2 of the present Observation, the Committee would appreciate information on the methods used to ensure the objective appraisal of the jobs exclusively filled by women, on the basis of the work to be performed.

In addition, the Committee, while noting with interest the provisions of the collective agreement of 24 May 1968 respecting workers engaged in rice growing in certain provinces—the text of which has been communicated by the Government—would be glad to obtain copies of other regional collective agreements both for temporary agricultural day labourers and for other agricultural wage earners and workers, skilled or specialised.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Algeria, Austria, Brazil, Central African Republic, Chad, China, Colombia, Finland, France, Guatemala, Haiti, Iceland, India, Indonesia, Israel, Jordan, Libya, Malagasy Republic, Malawi, Niger, Norway, Panama, Paraguay, Peru, Philippines, Sweden*.

Information supplied by *Cuba, Denmark* and *Iraq* in answer to direct requests 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: *Peru, Poland, Senegal*.

Convention No. 102: Social Security (Minimum Standards), 1952

Denmark (ratification: 1955)

Part IV—Unemployment Benefit—Article 22.

Following its previous observations on the rate of this benefit, the Committee notes with satisfaction that Notification No. 53 of 28 February 1967 concerning the

Placement and Unemployment Insurance Act provides in section 12, subsection 8, that the Director of Labour may order the unemployment funds to increase the daily benefits if they are lower than both the maximum amount provided for by law and the rate fixed by international conventions to which Denmark is a party.

The Committee would be glad if the Government would in its next report supply information on the practical application of this provision.

Federal Republic of Germany (ratification: 1958)

The Committee regrets to note that the Government's report contains no new information in reply to the observations and requests made for a number of years and that there has thus been no progress in bringing the national legislation into conformity with the following provisions of the Convention:

Part II—Medical Care.

Articles 10 and 12. Since 1963 the Government has indicated its intention of amending the national law so as to make hospitalisation compulsory in cases where the disease can only be diagnosed or treated in hospital, this decision being at present left to the discretion of the sickness funds. In its last report, the Government stated that the Bills drafted to this end have come to nothing. In the circumstances, the Committee trusts that it will be possible to amend the law in the near future, the more so as the Government has indicated that, in practice, this discretionary power of the sickness funds has been limited.

Part XIII—Common Provisions.

Article 69 (e) and (f). Since 1965 the Government has also indicated its intention of amending section 192, subsection 2 of the Social Insurance Code, which permits the suspension of sickness benefit if the party concerned has contracted his sickness "as a result of his culpable participation in an affray". In its last report the Government states that it still intends to make this amendment when introducing new sickness insurance provisions but that no Bill to this effect has as yet been tabled in Parliament. The Committee trusts that this amendment will be adopted in the near future and that suspension of sickness benefits in this contingency will be limited to cases of criminal offence or wilful misconduct by the party concerned, as provided by the Convention.

Article 69 (i). In its report for 1964-66 the Government indicated that, as a result of the comments made by the Committee, a reform of the Placement and Unemployment Insurance Act of 1957 was under preparation, and that careful consideration would be given to the possibility of amending or adding to section 84 of that Act (which deals with the suspension of benefits where unemployment is the result of a trade dispute) in respect of the grant of unemployment benefit where a strike is not imputable to the workers concerned nor likely to result in an improvement of their conditions of employment. In its last report the Government states that it cannot supply details on this point as the parliamentary debate of this reform is not yet sufficiently advanced. In view of the fact that this question has for many years been the subject of comments by the Committee and has also been discussed by the Conference Committee in 1965, 1967 and 1968, the Committee must once more express the hope that the necessary measures will be taken for an early adoption of the proposed amendment.

*Sweden (ratification: 1953)**Part VI—Employment Injury Benefit—Article 34.*

In reply to the Committee's previous observations and requests concerning the provision, in the national law, for the participation of the beneficiaries in the cost of medical care, the Government indicates its intention to ratify the Employment Injury Benefits Convention, 1964 (No. 121) and that a Bill will be presented to Parliament (Riksdag) to this end.

The Committee notes this information and requests the Government to communicate with its next report any decision that may have been taken on this point.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark, Norway, Peru, Senegal.*

Information supplied by *Luxembourg* in answer to a direct request has been noted by the Committee.

Convention No. 103: Maternity Protection (Revised), 1952*Brazil (ratification: 1965)*

The Committee notes with interest, following its previous request, that the conclusions of the Working Group, set up by Ministerial Ordinance No. 1275 of 8 December 1967 with a view to bringing national legislation into harmony with Article 4, paragraph 8, of the Convention (under which the employer shall in no case be individually liable for the cost of maternity benefits), have been incorporated in a draft Bill which would provide for the payment of maternity benefit, and that this Bill is at present under examination.

The Committee hopes that this Bill will be adopted in the near future and that the Government will be able to indicate in its next report what progress has been achieved in this respect.

Spain (ratification: 1965)

See under Convention No. 3.

Uruguay (ratification: 1953)

Referring to its previous requests relating to the protection of women workers in the service of the State, including the female staff of postal and telecommunication services, the Committee notes with satisfaction that by a decree of 28 September 1967 the provisions for maternity leave for these workers were brought into conformity with Article 3 of the Convention.

Furthermore, in connection with its previous observation concerning Article 4, paragraphs 1, 3 and 4, of the Convention (medical care), the Committee notes with interest the statement in memorandum No. 8368 of the Department of Justice that the upper income limit for the granting of medical care and assistance to women employees has been abolished. The Committee requests the Government to indicate in its next report the legislative text providing for such abolition.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Hungary, Spain, Uruguay, Yugoslavia*.

Information supplied by *Cuba* in answer to a direct request has been noted by the Committee.

Convention No. 104: Abolition of Penal Sanctions (Indigenous Workers), 1955

A request regarding certain points is being addressed directly to *El Salvador*.

Convention No. 105: Abolition of Forced Labour, 1957

Dominican Republic (ratification: 1958)

The Committee notes with regret that for the second year in succession 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 once more expresses the hope that the Government will take the necessary measures in relation to the above-mentioned provisions to ensure that no form of forced or compulsory labour may be imposed by virtue thereof for any of the purposes mentioned in Article 1 of the Convention.

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.

El Salvador (ratification: 1958)

1. In its previous observations, the Committee had noted that—

- (a) under sections 139A to 139C and 139E to 139G of the Penal Code (inserted by Decree No. 145 of 20 September 1962), sentences of penal servitude or rigorous imprisonment (involving, by virtue of sections 29 and 30 of the Penal Code, an obligation to perform compulsory labour) may be imposed on persons who advocate or make propaganda in favour of certain doctrines, distribute printed matter, recordings, etc. to further such doctrines, establish or direct groups for such purposes, etc.; and
- (b) 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 had expressed the hope that the necessary measures would be taken in relation to these provisions to ensure that, in accordance with Article 1 (a) of the Convention, no form of forced or compulsory labour might be used 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.

The Committee has taken note of the statement made by a Government representative in the Conference Committee, and repeated in the Government's report, that the obligation to work accompanying punishment of rigorous imprisonment was not applied in practice and that, as the Convention had become national law upon ratification, all provisions contrary thereto had been tacitly repealed. The Committee must draw attention, in this connection, to the view which it has consistently expressed and which was recalled in the Conference Committee in 1968 that, even in countries where ratified Conventions acquire the force of law, it is desirable that any provisions of national legislation contrary to such Conventions should be expressly repealed, in order to ensure that all interested parties are fully and unambiguously informed of the state of the legislation. Furthermore, in the present case, the relevant provisions of the Penal Code were enacted after ratification of the Convention, so that their operation would in any case appear not to be affected by the constitutional provision in question.

The Committee accordingly hopes that appropriate measures will be taken in regard to the above-mentioned legislation to ensure the full observance of Article 1 (a) of the Convention.

2. The Committee regrets that the Government's report once more fails to supply the information on the practical application of a number of legislative provisions which the Committee has asked for in direct requests since 1964. It trusts that the Government will not fail to provide full particulars on these matters in its next report.

Greece (ratification: 1962)

In an observation and direct request made in 1968, the Committee had noted that Royal Decree No. 280 of 21 April 1967 had brought into force the Law of 8 October 1912 concerning the state of siege and suspended various constitutional guarantees relevant to the observance of the Convention, including guarantees of freedom from arbitrary arrest and detention and rights of meeting, association, expression of opinion and freedom of the press (articles 5, 6, 10, 11 and 14 of the Constitution of 1951). It had also noted that various proclamations had been issued pursuant to the

state of siege, which made provision for detention without trial, the prohibition of certain views, censorship, the prohibition of meetings and a large number of associations, the prohibition of strikes, etc. The Committee had therefore requested the Government to provide full information on all proclamations or other provisions issued by virtue of the state of siege which might affect the application of the Convention by permitting the compulsory call-up of labour or the imposition of any form of forced or compulsory labour (including penal labour) as a means of coercion or punishment in any of the circumstances enumerated in the Convention, and to indicate the measures proposed to be taken in this connection to ensure the observance of the Convention.

In reply to these comments, the Government has indicated in its report that a new Constitution came into force in November 1968; that articles 18 and 19 of this Constitution (relating to the rights of meeting and of association) have already been brought into operation; and that while a number of other articles guaranteeing individual rights (such as freedom from arbitrary arrest, the right to trial by courts of law, freedom of expression and freedom to establish political parties) remain to be brought into force, neither the suspension of these constitutional provisions nor the suspension of certain provisions of the previous Constitution has in any way impaired the application of the Convention.

It would appear however that, in stating these conclusions, the Government may not have appreciated fully the scope of the protection provided by the Convention, since in regard to certain other matters raised in the previous direct request it has expressed the view that labour exacted from convicted persons under legislation relating to prisons has no relevance to the Convention. In this connection, the Committee considers it necessary to draw the Government's attention to the indications contained in paragraphs 81 to 88 of the general survey on forced labour in Part Three of its report of 1968, concerning the circumstances in which labour imposed on persons as a consequence of a conviction in a court of law may have a bearing on the application of the Convention. The Committee notes in this regard that the obligation to perform labour imposed by section 23 of the Decree of 17 July 1923, section 3 of the Decree of 30 July 1925 and section 55 of the Prisons Code (Act No. 125 of 4 September 1967) on persons sentenced to imprisonment, penal servitude or hard labour constitutes an essential incident of the sentences concerned, and would therefore fall within the scope of the Convention in so far as imposed in any of the cases specifically enumerated in Article 1.

The Committee also refers to the comments made in paragraphs 101 and 102 of the above-mentioned general survey of 1968, in which it indicated the importance for the effective observance of the Convention of constitutional and legislative guarantees of a variety of individual rights and freedoms and the direct bearing which the suspension of such guarantees would generally have on the application of the Convention. The Committee emphasised that measures of the latter kind which affected the application of the Convention could only be justified by the existence of circumstances of extreme gravity constituting an emergency and should in all cases be limited in scope and time to what was strictly necessary to meet the specific emergency situation.

The Committee hopes that the Government will review the position in the light of the above explanations and will in its next report provide detailed information on all measures taken or contemplated to ensure that no form of forced or compulsory labour (including penal labour) is imposed in circumstances falling within the scope of the Convention.

Haiti (ratification: 1958)

The Committee regrets to note that the Government has not supplied a report for the period ending 30 June 1968, and that accordingly no information is available in regard to the matters raised in its observations of 1967 and 1968. In these observations the Committee had 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 have been 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 population). The Committee has noted that the regular, yearly suspensions of constitutional guarantees in Haiti have not been confined to such circumstances, but have been motivated 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.

In the light of these repeated and prolonged suspensions of the constitutional guarantees in question, the Committee has considered that the effective observance of the Convention has not been safeguarded. The Committee once more expresses the hope that the Government will reconsider its practice in the matter in the light of its obligations under the Convention.

Kenya (ratification: 1964)

In earlier direct requests, the Committee had referred to the *Laibons Removal Ordinance* (Cap. 59), which had come into operation in 1934 and had provided for the compulsory removal, detention and resettlement of a certain population group, the regulation of meetings in resettlement areas, etc. The Committee notes with satisfaction that this legislation has been repealed by the *Statute Law (Repeal) Act, 1968*.

Malaysia (ratification: 1958)

With reference to its observation of 1968 the Committee notes that the Government's statement that the examination of the various matters raised in the Committee's previous direct requests has not yet been completed, but that every effort is being made to complete the examination at an early date, taking into account the general survey on forced labour in the Committee's report of 1968. The Committee hopes that information on the measures taken or envisaged to ensure full observance of the Convention will be available at its next session.

Poland (ratification: 1960)

In direct requests made since 1963 the Committee had referred, in relation to Article 1 (*a*), (*c*) and (*d*) of the Convention, to a number of provisions of the Penal

Code, the Decree of 13 June 1946 on offences considered to be particularly dangerous during the period of national reconstruction and the Decree of 3 August 1949 to guarantee freedom of conscience and religion. It had requested the Government to indicate the measures taken or contemplated with regard to these provisions to ensure that no form of forced or compulsory labour (including penal labour) might be imposed in circumstances falling within the terms of the Convention, and to supply information on the practical application of certain of the provisions in question.

The Committee notes the statement in the Government's last report that the draft of a new Penal Code had been submitted to Parliament (the Sejm) and was expected to be adopted in the near future. The Committee regrets, however, that the Government has neither indicated the effect which the proposed legislation would have on the provisions previously referred to by the Committee nor supplied any information concerning the existing provisions.

The Committee hopes that the Government will in its next report provide full information on the questions raised.

Portugal (ratification: 1959)

The Committee regrets to note that no report has been supplied on this Convention for the period ending 30 June 1968. While noting that, in his statement to the Conference Committee in 1968, a Government representative provided some information on the questions raised in its previous observations (particularly as regards developments in the practices followed for engagement of labour), the Committee can only refer once again to the various matters arising out of the recommendations made in 1962 by the Commission of Inquiry appointed under article 26 of the ILO Constitution and the subsequent discussions in the Conference Committee in respect of which it considers further information still to be necessary.

Angola.

1. *Measures aimed at the progressive elimination of recruiting.* The Committee in previous observations has noted with interest 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 has noted that measures had been initiated for the creation of employment services and the establishment of appropriate transit centres for workers travelling between their homes and places of employment. In view of the magnitude of the outstanding problems, the Committee has stressed the need for further intensification of such action. The Committee once more expresses the hope that the Government will in subsequent reports supply detailed information on the further measures taken and on their effect in implementing the manpower policies mentioned by the Government.

The Government itself has indicated that measures to improve conditions of employment, and thus to attract a sufficient volume of manpower offering its services spontaneously, are an important aspect of the policy aimed at the progressive elimination of recruiting. This point has also been repeatedly emphasised in the discussions of this case by the Conference Committee. The Committee accordingly once more expresses the hope that the Government will in subsequent reports supply detailed figures showing the evolution of cash wages, as well as information on other measures taken with a view to improvement of conditions of employment.

2. *Action by particular employers referred to in the report of the Commission of Inquiry (paragraphs 738, 741 and 749).* The Committee once more expresses the hope that the Government's subsequent reports will contain—

- (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;
- (b) similar information with regard to the publicly owned railways and ports of Angola;
- (c) similar information with regard to the Cassequel Agricultural Company.

3. *Labour inspection.* The Committee once more expresses the hope that information will be supplied in future reports concerning 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.

Mozambique.

1. *Measures concerning conditions of employment of labour.* The Committee has in its previous observations noted the virtual absence of public placement activities in Mozambique, as well as 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 recalls once more 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 has repeatedly emphasised the importance of the implementation of this statutory requirement as one of the measures necessary to bring about the progressive elimination of recruiting and a further step in guaranteeing effective respect for freedom of labour. The Committee accordingly once more expresses the hope that the competent authorities will give further consideration to the implementation of the above-mentioned provisions of the Rural Labour Code, and that detailed information on this matter will be provided in subsequent reports.

With reference to more general measures to improve conditions of employment as a means of increasing the volume of manpower offering its services spontaneously, the Committee recalls that, on the basis of the data previously supplied, it was not in a position to draw any definite conclusions concerning the evolution of wages. It accordingly once more expresses the hope that information will be given in future reports on the evolution of cash wages of unskilled workers in agriculture and industry and on any other measures taken with a view to improving conditions of employment.

2. *Labour inspection.* The Committee expresses the hope that future reports will contain information corresponding to that requested for Angola.

The Committee trusts that the Government will make every effort in future to supply the reports due on this Convention and to provide full information on the various matters mentioned above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cameroon* (Western Cameroon), *Central African Republic*, *Chad*, *Dominican Republic*, *El Salvador*, *Federal Republic of Germany*, *Greece*,

Guatemala, Guinea, Haiti, Iran, Iraq, Jamaica, Jordan, Kenya, Liberia, Libya, Malaysia, Mali, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Sierra Leone, Somali Republic, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, United Arab Republic, Venezuela.

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Denmark (ratification: 1958)

Articles 7 and 8 of the Convention. Further to its previous direct requests the Committee notes with satisfaction that the Occupational Safety, Health and Welfare (Commerce and Offices) (Amendment) Act, 1968, has amended section 16 (1) of Act No. 277 to ensure compliance with the Convention as regards compensatory rest in the case of employment on Sundays.

Ghana (ratification: 1958)

The Committee notes that regulations are being prepared (under section 72 of the Labour Decree of 1967) which will give effect to the provisions of the Convention.

Since there are as yet no general provisions in the country prescribing weekly rest in commerce and offices the Committee trusts that the proposed regulations will be such as to ensure the full application of all the provisions of the Convention, and that they will be issued in the very near future.

Guatemala (ratification: 1959)

The Committee notes the information supplied by the Government in reply to the direct request of 1968.

Article 2 of the Convention. The Committee takes note of the Civil Service Act of 23 May 1968, which provides, *inter alia*, for weekly rest for civil servants. It would however be grateful if the Government would indicate what measures have been taken or are envisaged under article 117 of the Constitution in respect of persons other than civil servants employed by the State or its decentralised bodies, whether autonomus or quasi-autonomous.

Articles 7 and 8. The Committee understands from the Government's report that no regulations have as yet been issued governing temporary or permanent exceptions to weekly rest. As regards the compensatory rest required under these Articles, the Committee notes that its previous comments on section 128 of the Labour Code have been transmitted to the Committee which is considering the revision of the Labour Code, and that the obligation to consult employers' and workers' organisations has been noted. The Committee hopes therefore that the Government will soon take appropriate measures, by means of an amendment to the Code or by other legislation or regulations, to comply fully with the various provisions of Articles 7 and 8 of the Convention.

Tunisia (ratification: 1958)

The Committee notes with satisfaction that, following its previous direct request, Act No. 68-12 of 3 June 1968 confirms the existing practice and establishes full legislative conformity with Article 2 of the Convention by providing expressly for the right to weekly rest of public servants.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Afghanistan, Brazil, Bulgaria, Cyprus, Dominican Republic, Haiti, Italy, Pakistan, Portugal, Syrian Arab Republic, United Arab Republic.*

Convention No. 107: Indigenous and Tribal Populations, 1957

Argentina (ratification: 1960)

The Committee has noted with interest the information supplied by the Government in the report for the period 1967-68, in answer to the Committee's previous observations. The Committee has noted that, in order to secure more satisfactory application of the Convention in practice, the National Indigenous Affairs Service of the Secretariat of State for Community Promotion and Assistance has launched new programmes with a view to resolving the economic and social problems arising in certain areas, that a census of the aboriginal population has been begun, that funds have been invested in the building of schools as a complement to the Andean Indian Programme, and that it is planned to draft a Bill concerning aboriginal land tenure. The Committee has also noted that data are being compiled with a view to submitting detailed information upon the application of the various provisions of the Convention.

The Committee accordingly hopes that it will be possible for the Government to supply detailed information concerning the application of the Convention, along the lines indicated in the report form approved by the Governing Body of the International Labour Office, for examination by the Committee at its next session.¹

Brazil (ratification: 1965)

The Committee has taken note of the detailed information supplied by the Government in the report for 1967-68. It appears that, during this period, the entire national policy relating to the indigenous population underwent reform, involving the abolition of the authorities previously responsible for these questions (the National Council for the Protection of Indians and the Service for the Protection of Indians) and the creation, in December 1967, of an entirely new body, the National Indian Foundation, responsible for the formulation and implementation of government policies for the defence and protection of the indigenous population. The Committee also notes that the federal Constitution promulgated in 1967 has sought to provide firmer guarantees of the right of aborigines to the permanent possession of their lands.

The Committee observes, from the Government's report, that since its establishment the National Indian Foundation has been primarily concerned with its internal organisation and is only now beginning to function. The Committee has, however, noted with interest the draft programme for the integration of the indigenous population which the Foundation has submitted to the Minister of the Interior, and which refers specifically to the obligations assumed by Brazil as a result of ratification of Convention No. 107. It appears from this document that, given the limited resources of the National Indian Foundation, its function will be primarily that of a planning and co-ordinating body, and that the implementation of specific programmes for the protection and welfare of the Indian population will have to be undertaken by the government departments concerned respectively with questions of health, education, agriculture, transport, communications and law enforcement, as well as by regional development agencies.

¹ The Government is asked to report in detail for the period ending 30 June 1969.

The Committee has also noted with interest that the National Indian Foundation has submitted to the Minister of the Interior a draft legislative decree to regulate, in application of articles 4 and 186 of the federal Constitution, the status of Indians and the protection of their property and lands.

The Committee hopes that the Government will provide detailed information in its next report concerning:

- (a) the decisions taken by the Government in regard to the above-mentioned draft integration programme;
- (b) the measures taken by the National Indian Foundation and the government departments and other agencies concerned in implementation of the programme approved by the Government;
- (c) the further development of the organisation and action of the National Indian Foundation, including the nature, extent and results of any activities of inspection or inquiry undertaken to ensure observance of legislative provisions designed to protect the welfare and property of the indigenous population;
- (d) the effects of such action in giving effect to the various requirements of the Convention, and any special problems or difficulties encountered in this connection;
- (e) the adoption of the above-mentioned draft legislative decree in application of articles 4 and 186 of the federal Constitution.

Ghana (ratification: 1958)

The Committee notes from the Government's report that information on the various matters dealt with in the Committee's direct request of 1968 will be supplied subsequently. The Committee hopes that full information on these questions will be available for examination at its next session.¹

Pakistan (ratification: 1960)

The Committee notes from the Government's report that information on the various matters dealt with in the Committee's direct request of 1968 is still being collected from the provincial governments and other relevant authorities. The Committee hopes that full information on all these matters will be available for examination at its next session.¹

United Arab Republic (ratification: 1959)

The Committee notes with regret that the Government's report merely refers to the previous reports and does not contain the detailed information on the application of the Convention repeatedly requested by the Committee. Accordingly, it must once more draw attention to the comments made by it with reference to the Government's statements, in its reports for 1962-64 and 1964-66, that the various groups of tribal Bedouins in the country would not fall within the scope of the Convention.

The Committee recalls that an information paper submitted by Mr. Kamal M. El Hassany, Director-General of the Ministry of Social Affairs of the United Arab Republic, to the Technical Meeting on Problems of Nomadism and Sedentarisation (ILO, Geneva, April 1964) had provided indications concerning the problems of nomadic tribes in the process of sedentarisation and that, according to this paper as well as other official documents (such as "The Sedentarisation of the Bedouins in the Desert Governorships of the United Arab Republic"—published, in Arabic, by the

¹ The Government is requested to report in detail for the period ending 30 June 1969.

Ministry of Local Affairs, Cairo, 1965), the Government had indeed put into effect certain programmes for the benefit of these populations. The Committee accordingly once more expresses the hope that the Government will supply a report containing detailed information on the application of the Convention, in accordance with the report form adopted by the Governing Body of the ILO.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, China, Costa Rica, Ghana, India, Mexico, Peru, Portugal, Syrian Arab Republic.*

Information supplied by *El Salvador* in answer to a direct request has been noted by the Committee.

Convention No. 108: Seafarers' Identity Documents, 1958

Ghana (ratification: 1960)

The Committee notes with satisfaction, from the Government's reply to its previous direct request, that a new type of seaman's certificate of nationality and identity has been printed which includes a statement that it is an identity document for the purpose of the Convention, as required by Article 4, paragraph 2, of the latter.

Guatemala (ratification: 1960)

The Committee notes that the Government states once more that it proposes to take measures to give effect to this Convention only after certain amendments to the Labour Code have been made. The Committee notes, however, from the documentation supplied by the Government in respect of other ratified Conventions, that the proposed amendments appear not to refer to the subject-matter of this Convention.

Having regard to the absence of any measures to give effect to the Convention, which was ratified more than eight years ago, the Committee trusts that action with a view to its implementation will be taken at a very early date.¹

Italy (ratification: 1963)

The Committee notes the Government's statement, in answer to its previous requests, that action has not been taken to establish seafarers' identity documents, pending ratification of the Convention by major maritime countries.

The Committee must point out that, by ratification of the Convention, the Government undertook an unqualified obligation to take the measures necessary to make the provisions of the Convention effective. Implementation of the Convention cannot therefore be made conditional upon its ratification by other States. The Committee trusts that measures will be taken at an early date to give effect to the Convention.²

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Barbados, Brazil, Greece, Guyana, Honduras, Malta, Mexico, Tanzania* (Tanganyika), *Tunisia, United Kingdom.*

Information supplied by *Ghana* 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 53rd Session, and to report in detail for the period ending 30 June 1969.

² The Government is asked to report in detail for the period ending 30 June 1969.

Convention No. 110: Plantations, 1958*Guatemala* (ratification: 1961)

The Committee has noted the information supplied by the Government on certain matters which have been the subject of direct requests since 1966, and regrets that the proposed measures to bring the legislation into conformity with the Convention, to which reference has been made for a number of years, have not yet been adopted.

It appears from the report of the committee appointed by the Ministry of Labour and Social Welfare to study the Bill to regulate temporary work in agriculture, a copy of which was appended to the Government's report, that difficulties still exist in various regions to ensure satisfactory conditions of recruitment, transport, housing and health on plantations. The Committee has however noted with interest that the Guatemalan committee mentioned above made a number of recommendations to overcome the problems created by the present situation and that it recommended in particular that the new legislation should be in conformity with the provisions of Convention No. 110. The Committee accordingly hopes that measures will be adopted shortly to implement these recommendations, and particularly that the Bill to regulate temporary work in agriculture will be enacted, and that the Government will, in its next report, supply detailed information on these matters.

The Committee further notes that the Government is at present considering a Bill to amend the Labour Code with a view to bringing it into conformity with the Convention on various points raised by the Committee in previous direct requests. The Committee hopes that this Bill will be adopted in the near future.

The Committee also notes, from the Government's reply to the Committee's request in respect of Articles 81 and 84 of the Convention, that the General Labour Inspectorate does not possess full information on the frequency of plantation inspections and their results. As the Part of the Convention dealing with labour inspection is of fundamental importance for ensuring effective application of all the other provisions of the Convention, the Committee hopes that the Government will, in its next report, be able to supply detailed information on the measures adopted to give effect to Articles 81 and 84 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Guatemala, Liberia*.

Convention No. 111: Discrimination (Employment and Occupation), 1958*General Observation*

As indicated in its general report, the Committee will be called upon, in 1971, to present a general survey relating to the state of national legislation and practice on the questions dealt with in the Discrimination (Employment and Occupation) Convention and Recommendation (No. 111), 1958.

In this connection the Committee makes a special appeal to the countries which have ratified the Convention to include in their reports due in 1970 detailed information, not only replying to any direct requests made by the Committee, but also based, generally, on the different questions included in the report form (Article 22) relating to this Convention. On this point the Committee recalls that—in view of the policies and problems covered by the Convention which are dynamic and not static in character—the mere reference to information already supplied or an

indication to the effect that there has been no change are most often insufficient, and it hopes that governments will endeavour to collect and communicate any new information which may usefully supplement that already supplied in previous reports.

The Committee is also aware that the supply of appropriate information involves in many cases inquiries with departments and services other than those dealing with labour affairs, e.g. those concerned with economic affairs, planning, education, information, the civil service, with matters affecting particular categories of the population or with the judicial services, etc., and it requests the governments to pay special attention to this requirement.

In a general way the Committee stresses above all the importance it attaches to information relating to practical expressions of the policy laid down in the Convention with regard to the following aspects:

1. *Absence of discrimination in law.* Studies undertaken to determine whether national legislation and administrative measures may have discriminatory effects within the meaning of the Convention; any repeals or amendments which have been made in this respect.

2. *Legal protection against discriminatory acts.* Practical application of any national provisions to ensure—in respect of access to vocational training, employment and the various occupations, as well as in respect of employment conditions—protection from possible discriminatory acts: (a) by an administrative authority or a public service; (b) by private individuals or bodies.

3. *Equality in the actual use of facilities connected with training, employment or occupation.* Policy applied to ensure that the development, allocation and functioning of practical facilities connected with training, employment and occupational possibilities offer real equality of opportunity and treatment to the various categories of persons dealt with by the Convention; measures taken to correct inequalities that may exist in practice in this respect between different ethnic or social groups, the sexes, etc.; results achieved and aims set.

4. *Educating public opinion.* Methods used for the information and education of the public (in particular of administrative officials, employers and workers) for the purpose of creating a climate of opinion favourable to the observance of the principles of non-discrimination and equality of opportunity, within the meaning of the Convention.

5. *Institutional aspects.* Methods used to secure the collaboration of employers' and workers' organisations and other appropriate bodies (such as bodies representative of particular categories of the population) in the application of the policy laid down in the Convention.

* * *

In addition, requests regarding certain points are being addressed directly to the following States: *Brazil, Bulgaria, Byelorussia, Canada, Central African Republic, Chad, China, Costa Rica, Cuba, Dahomey, Dominican Republic, Ethiopia, Gabon, Federal Republic of Germany, Ghana, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Ivory Coast, Jordan Kuwait, Liberia, Libya, Malawi, Mali, Mauritania, Morocco, Niger, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Sierra Leone, Somalia, Switzerland, Syrian Arab Republic, Ukraine, USSR, United Arab Republic, Upper Volta, Viet-Nam.*

Information supplied by *Czechoslovakia* in answer to a direct request has been noted by the Committee.

Convention No. 112: Minimum Age (Fishermen), 1959*Guatemala* (ratification: 1961)

The Committee regrets to note that the amendments to the Labour Code (to which the Government already referred in its report for 1964-66) have not yet been adopted. Since for the time being there are no specific provisions giving effect to this Convention, the Committee hopes that provisions fully meeting its requirements will be adopted at an early date.

Guinea (ratification: 1960)

The Committee notes the Government's statement that, by virtue of section 62 of the Labour Code, the minimum age for employment on fishing vessels is 18 years. The Committee observes, however, that this section merely deals with the authorisation to be given by a child's guardian for his employment at sea, and does not impose any minimum age requirement.

The Committee recalls that, according to the Government's report for 1965-67, a draft order had been prepared which would prohibit the employment of persons under 15 years of age on fishing vessels. The Committee hopes that this order will soon be issued, and that it will also provide, as required by Article 3 of the Convention, that persons under 18 years of age may not be employed as trimmers and stokers on fishing vessels.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Costa Rica, Liberia, Poland, Spain, Tunisia*.

Information supplied by the *Netherlands* in answer to a direct request has been noted by the Committee.

Convention No. 113: Medical Examination (Fishermen), 1959*Liberia* (ratification: 1960)

The Committee regrets to observe that despite the requests it has made since 1964, the Government has as yet taken no measure to give effect to the various provisions of the Convention. Indeed section 336 (*d*) of Title 22 of the Liberian Code of Laws (as amended in 1964), to which the Government refers, is insufficient to ensure application of the Convention, the more so as this law excludes from its scope vessels of under 75 tons and small family fishing vessels, as stated by the Government. The Committee would recall on this point that the Convention allows for exceptions exclusively in respect of vessels which normally do not remain at sea for periods of more than three days and of vessels used for fishing in ports and harbours or in estuaries of rivers or for fishing for sport.

The Committee trusts that the necessary measures will be taken at an early date to ensure the medical examination of fishermen on admission to employment and the repetition of such examination during employment, in conformity with the provisions of the Convention, and that the Government's next report will indicate the progress achieved in this respect.

* * *

In addition, a request regarding certain other points is being addressed directly to *Tunisia*.

Convention No. 114: Fishermen's Articles of Agreement, 1959

Requests regarding certain points are being addressed directly to the following States: *Cyprus, Liberia, Mauritania, Peru, Tunisia.*

Convention No. 115: Radiation Protection, 1960

Iraq (ratification: 1962)

Further to its previous observation, the Committee notes with interest from the Government's report (received too late to be examined in 1968) that Law No. 74 of 1963 exempting from the application of the Convention scientific and health institutions using radioactive isotopes in scientific research or medical treatment, was repealed by Law No. 90 of 1966.

The Committee also notes the Government's statement that the competent authorities are preparing instructions concerning protection against ionising radiations. It recalls that no national regulations appear to exist as yet in this field and trusts that the proposed measures will shortly be approved and enforced and will be such as to give full effect to the Convention.

Finally, the Committee recalls the Government's statement in the report for 1965-66 that the standards of the International Atomic Energy Agency and the recommendations of the International Commission on Radiological Protection were applied in establishments using radioactive substances. If this is still the case, and if certain provisions of the Convention are implemented on the basis of these two texts, the Committee would be glad if the Government would indicate in its next report whether any formal measures have been taken to make these standards and recommendations enforceable.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Syrian Arab Republic*.

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, Italy, Jordan.*

Convention No. 118: Equality of Treatment (Social Security), 1962

Jordan (ratification: 1962)

The Committee notes with regret that the Government's report provides no new information in relation to its previous requests and that the proposed legislation on the employment of foreign workers, to which the Government referred in its report for 1964-65 and which was to ensure that foreign workers receive equal treatment with national workers in relation to both conditions of work and social security, is still in course of preparation. The Committee hopes that this legislation will be enacted shortly and that it will give effect to the Convention, within the framework of a social security scheme, in relation to the following branches: (c) maternity benefit;

(d) invalidity benefit; (f) survivors' benefit; and (g) employment injury benefit; these benefits should be secured to all workers who are nationals of States for which the Convention is in force.

The Committee requests the Government to indicate in its next report the progress made in this respect.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *China, Syrian Arab Republic, Tunisia.*

Convention No. 119: Guarding of Machinery, 1963

Requests regarding certain points are being addressed directly to the following States: *Central African Republic, Congo (Brazzaville), Niger.*

Information supplied by *Sweden* in answer to a direct request has been noted by the Committee.

Convention No. 120: Hygiene (Commerce and Offices), 1964

Requests regarding certain points are being addressed directly to the following States: *Ghana, Senegal, Switzerland, Syrian Arab Republic.*

Convention No. 121: Employment Injury Benefits, 1964

Requests regarding certain points are being addressed directly to the following States: *Cyprus, Senegal.*

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the following States: *Canada, Cyprus, Jordan, New Zealand, Norway, Poland, Senegal, United Kingdom.*

Convention No. 123: Minimum Age (Underground Work), 1964

A request regarding certain points is being addressed directly to *Switzerland.*

Convention No. 124: Medical Examination of Young Persons (Underground Work), 1965

Requests regarding certain points are being addressed directly to the following States: *Jordan, United Kingdom.*

Appendix I. Detailed Reports Received and Detailed Reports Not Received by 28 March 1969

Reports received: 1,409 Reports not received: 238 Total: 1,647

(Article 22 of the Constitution)

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Afghanistan	2	14, 106	0	—	2
Albania ¹	0	—	16	5, 6, 10, 11, 16, 21, 29, 52, 58, 59, 77, 78, 87, 98, 100, 112	16
Algeria	16	13, 14, 17, 24, 32, 42, 44, 58, 62, 63, 68, 87, 88, 89, 98, 100	7	3, 11, 77, 78, 91, 97, 99	23
Argentina *	37	1, 3, 5, 7, 8, 9, 11, 13, 14, 15, 20, 21, 22, 23, 26, 27, 30, 32, 33, 35, 36, 42, 50, 58, 68, 71, 73, 79, 81, 87, 88, 90, 95, 98, 100, 105, 107	0	—	37
Australia	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	8
Austria	9	5, 11, 21, 27, 33, 87, 98, 99, 100	0	—	9
Barbados	10	5, 7, 11, 26, 50, 86, 87, 97, 98, 108	0	—	10
Belgium	28	1*, 5*, 7, 8, 9, 11, 14*, 15, 26*, 27*, 32*, 33, 43, 50, 58, 62*, 64, 68, 81*, 84, 87*, 91, 97*, 98, 100*, 102*, 107, 112	1	21	29
Bolivia	3	5, 14, 87	2	26, 107	5
Brazil	21	5, 7, 11, 14, 21, 26, 58, 81, 91, 96, 97, 98, 99, 100, 103, 106, 107*, 108, 110, 111, 115	0	—	21
Bulgaria	33	1, 3, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 30, 32, 35, 36, 37, 38, 39, 40, 43, 49, 58, 59, 60, 62, 68, 87, 98, 100, 106, 111, 120	1	112	34

For footnotes see end of table, p. 138.

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Burma	10	1, 6, 11, 14, 15, 21, 26, 27, 52, 87	0	—	10
Burundi	0	—	12	11, 12, 14, 18, 26, 27, 50, 62, 64, 84, 85, 105	12
Byelorussia*	11	11, 15, 47, 58, 59, 60, 87, 98, 100, 103, 111	0	—	11
Cameroon	4	11, 26, 87, 98	0	—	4
Eastern Cameroon	4	5, 14, 33, 85	0	—	4
Western Cameroon	0	—	5	15, 50, 64, 97, 105	5
Canada	13	1, 7, 8, 14, 15, 26, 27, 32, 45, 58, 68, 111, 122	0	—	13
Central African Republic	22	3, 4, 5, 11, 13, 14, 18, 29, 33, 41, 62, 67, 81, 87, 88, 95, 98, 100, 105, 111, 117, 119	2	26, 99	24
Ceylon	9	5, 7, 8, 11, 15, 29, 58, 89, 99	0	—	9
Chad	11	5, 11, 14, 26, 29, 33, 87, 98, 100, 105, 111	0	—	11
Chile	12	1, 3, 5, 7, 9, 11, 14, 20, 26, 27, 30, 32	6	8, 15, 35, 36, 37, 38	18
China	16	7, 11, 14, 15, 26, 27, 32, 58, 59, 91*, 98, 100, 107, 111, 112, 118	1	119	17
Colombia	13	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 100	0	—	13
Congo (Brazzaville)	0	—	8	5, 11, 14, 26, 29, 33, 87, 119	8
Congo (Kinshasa)	8	11, 14, 26, 27, 50, 62, 64, 84	0	—	8
Costa Rica	12	11, 87, 98, 99, 100, 106, 107, 111, 112, 117*, 120, 122*	1		12
Cuba	31	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 30, 32, 58, 59, 60, 67, 81, 87, 91, 97, 98, 99, 100, 103, 106, 107, 110, 111	0	—	31
Cyprus	10	11, 15, 87, 97, 98, 106, 114, 119, 121, 122	0	—	10
Czechoslovakia	20	1, 5, 11, 14, 21, 26, 27, 35, 36, 37, 38, 39, 40, 43, 49, 87, 98, 99, 100, 111	0	—	20

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Dahomey	8	5, 11, 14, 26, 33, 84, 87, 111	0	—	8
Denmark	16	5, 7, 8, 9, 11, 14, 15, 21, 58, 87, 98, 100*, 102, 106, 111, 112	0	—	16
Dominican Republic . . .	0	—	23	1, 5, 7, 10, 19, 26, 29, 45, 52, 79, 81, 87, 88, 89, 90, 98, 100, 104, 105, 106, 107, 111, 119	23
Ecuador	3	26, 29, 95*	11	2, 24, 35, 37, 39, 45, 98, 100, 103, 105, 111	14
El Salvador	4	12, 104, 105, 107	0	—	4
Ethiopia	4	11, 87, 98, 111	0	—	4
Finland	16	7, 8, 9, 11, 14, 15, 20, 21, 27, 30, 32, 62, 87, 91, 98, 100	0	—	16
France	27	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62*, 68, 84, 87, 91, 97*, 98, 99, 100	0	—	27
Gabon	0	—	14	3, 5, 11, 14, 26, 29, 33, 41, 85, 87, 98, 99, 100, 111	14
Federal Republic of Germany	18	3, 7, 8, 9, 11, 15, 26, 27, 62, 87, 97, 98, 99, 100, 102, 105, 111, 112	0	—	18
Ghana	15	8, 15, 26, 50, 58, 59, 64, 87, 98, 106, 107, 108, 111, 119, 120	0	—	15
Greece	17	1, 3, 5, 7, 8, 9, 11, 14, 15, 27, 58, 87*, 95, 98*, 102, 105*, 108	0	—	17
Guatemala	17	26, 30, 58, 86, 87, 88, 97, 98, 99, 100, 105, 106, 108, 110, 111, 112, 119	0	—	17
Republic of Guinea	17	3, 5, 11, 14, 26, 33, 87, 98, 99, 105, 111, 112, 115*, 117*, 119*, 120*, 122*	1	94	18

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Guyana	12	5, 7, 11, 15, 26, 50, 64, 84, 86, 97, 98, 108	0	—	12
Haiti	0	—	10	1, 5, 14, 30, 90, 98, 100, 105, 106, 107	10
Honduras*	12	14, 29, 45, 78, 87, 95, 98, 100, 105, 106, 108, 111	3	32, 42, 62	15
Hungary	14	3, 7, 14, 15, 21, 26, 27, 41, 62, 87, 98, 100, 103, 111	0	—	14
Iceland	0	—	12	2, 11, 15, 29, 58, 87, 91, 98, 100, 102, 105, 111	12
India	12	1, 5, 11, 14, 15, 21, 26, 27, 32, 100, 107, 111	0	—	12
Indonesia*	6	19, 27, 29, 45, 98, 100	0	—	6
Iran	1	111	0	—	1
Iraq	12	1*, 8*, 14*, 15*, 30*, 58*, 59*, 98*, 100*, 105, 106*, 111*	3	22, 26, 27	15
Ireland	17	5, 7, 8, 11, 14, 15, 20, 21, 26, 27, 28, 43, 49, 68, 87, 98, 108	0	—	17
Israel	14	1, 5, 14, 20, 30, 87, 91*, 97, 98, 100*, 102*, 106, 111*, 112	0	—	14
Italy	29	3, 7, 8, 9, 11, 14, 15, 26, 27, 32, 35, 36, 37, 38, 39, 40, 58, 59, 60, 68, 87, 97, 98, 100, 102, 106, 108, 111, 117	0	—	29
Ivory Coast*	12	3, 5, 11, 14, 26, 33, 87, 98, 99, 100, 110, 111	0	—	12
Jamaica	12	7, 8, 11, 15, 26*, 50*, 58, 64*, 86, 87*, 97*, 98*	1	117	13
Japan	11	5, 7, 8, 9, 15, 21, 27, 50, 58, 87, 98	0	—	11
Jordan*	9	29, 100, 111, 117, 118, 120, 122, 123, 124	1	119	10
Kenya	10	5, 11, 14, 15, 26, 50, 58, 59, 97, 98	3	32, 64, 86	13

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Kuwait	6	1, 30, 87, 106, 111, 119	0	—	6
Laos	0	—	4	4, 6, 13, 29	4
Lebanon*	2	14, 26	0	—	2
Lesotho	0	—	7	5, 11, 14, 26, 64, 87, 98	7
Liberia*	4	29, 55, 87, 98	4	58, 110, 111, 112	8
Libya	0	—	5	89, 98, 100, 105, 111	5
Luxembourg	20	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 21, 26, 27, 28, 30, 59, 60, 87, 98, 102	0	—	20
Malagasy Republic*	9	5, 11, 14, 26, 29, 33, 111, 119, 120	3	87, 100, 122	12
Malawi	11	11, 26, 50, 64, 86, 97, 98, 99, 100, 107, 111	0	—	11
Malaysia	4	50, 64, 98, 105	0	—	4
States of Malaya	1	11	0	—	1
State of Sabah	3	15, 86, 97	0	—	3
State of Sarawak	5	7, 11, 14, 15, 86	0	—	5
Republic of Mali	8	5, 11, 14, 26, 33, 87, 98, 111	1	105	9
Malta	12	5, 7, 8, 11, 15, 26, 32, 35, 36, 87, 98, 108	0	—	12
Islamic Republic of Mauritania	20	3, 4, 5, 6, 11, 14, 17, 18, 19, 26, 29, 33, 52, 62, 81, 84, 87, 94, 96, 111	7	15, 22, 53, 58, 91, 112, 114	27
Mexico	23	8, 9, 11, 14, 21, 26, 27, 30, 32, 43, 49, 58, 62, 87*, 99, 100, 102*, 106*, 107, 108, 110*, 111*, 112	0	—	23
Morocco	8	11, 14, 15, 22, 26, 27, 98, 99	1	111	9
Netherlands	21	5, 8, 9, 11, 14, 15, 21, 26, 27, 32, 33, 58, 62, 68, 87, 91, 97, 102*, 112, 115, 121*	2	44, 99	23
New Zealand	19	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	19

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Nicaragua	18	1, 3, 4, 5, 6, 7, 8, 9, 11, 14, 15, 18, 21, 22, 26, 27, 28, 30	0	—	18
Niger	10	5, 11, 14, 26, 33, 87, 98, 100, 111, 119	1	102	11
Nigeria	12	8, 11, 15, 26, 32, 50, 58, 59, 64, 87, 97, 98	0	—	12
Norway	29	5, 7, 8, 9, 11, 14, 15, 21, 26, 27, 30, 32, 43, 49, 50, 56, 58, 59, 68, 87, 91*, 97, 98, 100, 102, 111, 112, 120, 122	0	—	29
Pakistan	18	1, 11, 14, 15, 21, 27, 29, 32, 59, 81, 87, 90, 96, 98, 105, 106, 107, 111	0	—	18
Panama	13	3, 12, 17, 29, 30, 42, 45, 52, 81, 87, 100, 105, 111	1	98	14
Paraguay	18	1, 14, 26, 30, 52, 59, 60, 77, 78, 79, 87, 89, 90, 95, 98, 100, 101, 106	1	99	19
Peru	29	1, 8, 9, 11, 14, 20, 24, 25, 26, 27, 32, 35, 36, 37, 38, 39, 40, 58, 59, 62, 67, 68, 87, 98, 99, 100, 102, 107, 112	0	—	29
Philippines	10	59, 87, 88, 89, 90, 98, 99, 100, 105, 111	1	53	11
Poland	16	5, 7, 8, 11, 14, 15, 27, 68, 87, 91, 95, 98, 100, 105, 112, 122	10	9, 35, 36, 37, 38, 39, 40, 48, 62, 111	26
Portugal	9	1*, 7, 26*, 27, 68, 91, 92, 98*, 107	4	14, 105, 106, 111	13
Rumania	13	1, 3, 5, 7, 8, 9, 11, 14, 15, 27, 87, 98, 100	0	—	13
Rwanda*	6	11, 14, 26, 50, 62, 64	0	—	6
Senegal	26	4, 5, 6, 10, 11, 12, 13, 14, 18, 26, 29, 33, 52, 81, 87, 89, 95, 96, 98, 99, 100, 101, 102, 120, 121, 122	0	—	26
Sierra Leone	18	5, 7, 8, 15, 26, 29, 32, 50, 58, 59, 64, 86, 87, 98, 99, 105, 111, 119	0	—	18

OBSERVATIONS CONCERNING RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
Singapore	10	5, 7, 8, 11, 15, 32, 50, 64, 86, 98	0	—	10
Somali Republic*	3	84, 105, 111	3	29, 65, 85	6
Former British Somaliland*	2	50, 64	0	—	2
Former Trust Territory of Somaliland	0	—	4	17, 19, 23, 45	4
Republic of South Africa ²	0	—	7	2, 19, 26, 42, 45, 63, 89	7
Spain	17	1, 3, 5, 7, 8, 9, 11, 14, 15, 20, 26, 30, 32, 33, 62, 103, 112	0	—	17
Sudan	2	26, 98	0	—	2
Sweden	19	7, 8, 9, 11, 14, 15, 20, 21, 27, 32*, 58, 87, 98, 100*, 102*, 111, 119*, 120, 122	0	—	19
Switzerland	12	5, 8, 11, 14, 15, 26, 27, 58, 62, 111, 120, 123	0	—	12
Syrian Arab Republic . . .	13	1, 11, 14, 26, 30, 87, 98, 99, 100, 106, 107*, 111*, 119*	1	120	14
Tanzania	0	—	8	11, 15, 26, 50, 59, 64, 86, 98	8
Tanganyika	0	—	2	32, 108	2
Zanzibar	0	—	5	5, 7, 58, 85, 97	5
Togo	14	4, 5, 6, 11, 13, 14, 26, 29, 33, 41, 84, 85, 87, 95	0	—	14
Trinidad and Tobago* . .	6	15, 50, 87, 97, 98, 105	0	—	6
Tunisia	16	11, 14, 26, 62, 87, 98, 99, 106, 107, 108, 111*, 112, 113, 114, 118, 122*	2	29, 105	18
Turkey	12	2, 11*, 14*, 15*, 42, 45, 58*, 88, 94*, 95*, 98*, 105*	2	81, 96	14
Uganda	7	5, 11, 26, 50, 64, 86, 98	0	—	7
Ukraine	15	11, 15, 29, 47, 52, 58, 59, 60, 87, 95, 98, 100, 103, 111, 112	0	—	15
USSR*	13	11, 14, 15, 47, 58, 59, 60, 87, 98, 100, 103, 111, 112	0	—	13

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number	Conventions Nos.	Number	Conventions Nos.	
United Arab Republic* . . .	14	1, 11, 14, 26, 29, 30, 87, 88, 98, 100, 105, 106, 107, 111	0		14
United Kingdom	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	26
United States	1	58	0	—	1
Upper Volta	10	5, 11, 14, 18, 26, 33, 87, 97, 98, 111	0	—	10
Uruguay	16	1, 11, 14, 20, 21, 26, 30, 32, 43, 62, 67, 87, 97, 98, 99, 103	7	8, 9, 15, 27, 58, 59, 60	23
Venezuela	10	1, 3, 5, 7, 11, 14, 21, 26, 27, 29	1	105	11
Viet-Nam	6	5, 14, 26, 27, 98, 111	0	—	6
Yugoslavia	20	3*, 5, 7, 8, 9, 11*, 14, 15, 27, 58, 73*, 87*, 92*, 98*, 100, 102*, 103*, 106, 111*, 112	0	—	20
Zambia	7	5, 11, 26, 50, 64, 86, 97	0	—	7
<i>Other States:</i>					
Nauru	1	27	0	—	1
Western Samoa	3	14, 50, 64	0	—	3

* Reports received too late to be summarised in Report III (Part 1).

¹ The notice given by Albania of its withdrawal from the ILO 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 ILO 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	1 643	89.6
1966-1968	1 647 ⁴	281	17.1	1 409	85.5	—	—

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 regrets to note that once again this year no reports have been received in respect of the Faroe Islands and Greenland. It observes with concern that in respect of a number of Conventions applicable to the Faroe Islands no reports at all have been received for the past five years. Recalling the Government's statement in 1967 that arrangements were being made to facilitate the submission of reports, the Committee hopes that the Government will not fail in future to meet its constitutional obligations in this regard.

France

In the light of the information contained in the reports, the Government may wish to consider the possibility of making further declarations of application in respect of the Overseas Departments (Conventions Nos. 8 and 27), French Polynesia (Convention No. 99) and New Caledonia (Convention No. 8).

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 has noted with interest that, as a result of the enactment of new pensions legislation in Bermuda, consideration will be given to the making of declarations of application in respect of several Conventions in the field of social security.

B. INDIVIDUAL OBSERVATIONS

Convention No. 3: Maternity Protection, 1919

France

Overseas departments (Guadeloupe, Guyana, Martinique and Réunion).

See under Convention No. 3, France.

French Territory of the Afars and the Issas.

Article 3 (c) of the Convention (mistake in estimating the date of confinement). The Committee notes with regret that the Government has not considered it

necessary to proceed with the draft order referred to in its report for 1964-66 as being designed to bring the national legislation into line with the Convention on this point.

According to the position described in the Government's reply to the Committee's previous observation and requests, benefit is only payable for a maximum period of fourteen weeks in all cases, so that, if there is an error of more than two weeks in the estimation of the date of confinement and no pathological condition is present, the woman concerned would not receive benefit for the period in excess of fourteen weeks. This is contrary to the Convention, which provides that a woman shall receive benefit from the date of the medical certificate up to the date on which the confinement actually takes place, without any reduction in the period of postnatal leave.

The Committee hopes that the Government will in the near future take the necessary measures, whether legislative or administrative—as was done in the case of metropolitan France—with a view to ensuring full compliance with the Convention in this respect.

The Committee has further noted the Government's statement that free medical benefits are provided in the territory and hopes that the Government will shortly be able to cancel the modification which was registered in this connection in the declaration of application of this Convention.

Comoro Islands.

The Committee notes with satisfaction the information supplied in the Government's report, to the effect that Departmental Order No. 68-804/IT-C of 31 August 1968, laying down rules for the application of article 112 of Act No. 52-1322 of 15 December 1952, has brought the legislation into harmony with the provisions of Article 3 (c), last part of the sentence, of the Convention (mistake in estimating the date of confinement).

Saint Pierre and Miquelon.

Article 3 (c) of the Convention (mistake in estimating the date of confinement)—The Committee notes with regret that the Government's report contains no new information in reply to its previous requests, but merely refers once more to the Ministry of Labour's Circular No. SA 41112 of 30 October 1962. As the Committee had pointed out in 1965 in regard to France, this Circular, which limits the period of benefit "under any circumstances" to fourteen weeks (except in cases of a pathological pregnancy) is insufficient to give full effect to the Convention, which does not provide for a limit in this respect but states that a woman shall continue to receive the benefit to which she is entitled from the date of the medical certificate up to the date on which the confinement actually takes place.

In these circumstances, the Committee hopes the Government will be able to take the necessary measures either by legislative or by administrative means—as was done in metropolitan France—and will indicate in its next report what progress has been achieved in this direction.

Convention No. 5: Minimum Age (Industry), 1919

Denmark

Faroe Islands.

The Committee notes, from the statement made by a Government representative to the Conference Committee in 1968, that the Governing Council of the Faroe Islands had not been able to prepare and put before the Parliament legislation on

minimum age in industry and night work of young persons in industry. It also notes that the Danish Government had offered to assist in the preparation of these texts.

The Committee recalls that the proposed legislation has been mentioned by the Government since 1957. It trusts therefore that every effort will be made to ensure the enactment in the very near future of legislation introducing the prohibition of the employment of children in industrial undertakings, as required by Convention No. 5, and prohibiting the night work of young persons, as required by Convention No. 6.

United Kingdom

Falkland Islands (Malvinas).

Following its previous direct requests, the Committee notes with satisfaction that section 3 of the Employment of Women, Young Persons and Children Ordinance No. 1 of 1967 has brought the national legislation into full conformity with Article 2 of the Convention by prohibiting the employment of children under 14 years of age in any industrial undertaking.

Fiji.

Following its previous direct requests, the Committee notes with satisfaction that under the Employment (Amendment) Ordinance, 1968, children under 14 years of age may not be employed as apprentices in industrial undertakings, in accordance with Article 2 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Territory of the Afars and the Issas), *United Kingdom* (Bahamas, Hong Kong, Isle of Man, St. Vincent, British Virgin Islands).

Convention No. 6: Night Work of Young Persons (Industry), 1919

Denmark

Faroe Islands.

See under Convention No. 5.

France

French Territory of the Afars and the Issas.

Further to its previous observations, the Committee notes with satisfaction that Order No. 1012/SG/CG of 3 July 1968, amending and repealing the two orders relating to the employment of young persons, has removed the possibility of granting any exception to the prohibition of night work by such persons.

Convention No. 7: Minimum Age (Sea), 1920

Requests regarding certain points are being addressed directly to the *United Kingdom* (Bahamas, Brunei, Gilbert and Ellice Islands, St. Vincent).

Information supplied by the *United Kingdom* (St. Lucia) in answer to a direct request has been noted by the Committee.

Convention No. 8: Unemployment Indemnity (Shipwreck), 1920*United Kingdom**Solomon Islands.*

The Committee notes with satisfaction that, following its previous requests, the Labour (Seamen) Rules, 1968, provide for the payment to seamen of an indemnity amounting to two months' wages in the event of the loss or foundering of a ship, as laid down in Article 2 of the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Solomon Islands).

Information supplied by the *United Kingdom* (Brunei) in answer to a direct request has been noted by the Committee.

Convention No. 11: Right of Association (Agriculture), 1921

A request regarding certain points is being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla).

Information supplied by *Australia* (New Guinea, Papua) 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 interest, from the Government's reply to previous observations, that Safety Regulation No. 4 (G.B. 1949 No. 128) and the Safety Ordinance (G.B. 1947 No. 142) are to be amended or supplemented before mid-1969 at the latest, with a view to giving effect to Articles 1, 3 and 5 of the Convention.

The Committee trusts that the modifications in question will soon be approved and will ensure the full application of the Convention. It would be grateful if the Government would supply in its next report the texts of the revised Regulation and Ordinance, together with the information on the practical application of the Convention required under the report form.

Convention No. 14: Weekly Rest (Industry), 1921

Requests regarding certain points are being addressed directly to the *Netherlands* (Netherlands Antilles, Surinam).

Convention No. 17: Workmen's Compensation (Accidents), 1925*Netherlands**Netherlands Antilles.*

The Committee has noted with satisfaction that the new Compensation for Occupational Accidents Ordinance, dated 6 January 1966, has given effect to one of the points which had been the subject of its previous observations and requests, by providing in section 4, subsection 2 (*d*) for the supply of prosthetic and orthopaedic appliances.

However, the Ordinance does not refer to the renewal of these appliances, as does the Convention (Article 10). Further, it does not provide for the granting of additional compensation where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person, as does the Convention (Article 7). Since the Government indicated in its report for 1965-67 that provisions corresponding to Articles 7 and 10 of the Convention were included in the relevant legislation, the Committee requests the Government to indicate these provisions in its next report and to supply a copy thereof.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 19: Equality of Treatment (Accident Compensation), 1925

Netherlands

Surinam.

Referring to its previous observations, the Committee notes with regret from the Government's supplementary report for 1965-67 that the new Draft Accidents Compensation Scheme providing for equality of treatment for workers irrespective of their nationality has not yet been adopted. The Committee trusts that this draft, to which the Government has referred since 1964, will be submitted to the States General of Surinam for approval in the first half of 1969, as indicated in the report, and that the national legislation will thus be brought into conformity with the Convention.

Convention No. 22: Seamen's Articles of Agreement, 1926

Information supplied by the *United Kingdom* (St. Christopher-Nevis-Anguilla) in answer to a direct request has been noted by the Committee.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Requests regarding certain points are being addressed directly to the following State: *United Kingdom* (British Virgin Islands, Gilbert and Ellice Islands, Solomon Islands).

Information supplied by *United Kingdom* (Montserrat) in answer to a direct request has been noted by the Committee.

Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932

A request regarding certain points is being addressed directly to the *United Kingdom* (Falkland Islands (Malvinas)).

Convention No. 33: Minimum Age (Non-Industrial Employment), 1932

France

Saint Pierre and Miquelon.

The Committee notes with satisfaction that, following its previous direct requests in which it had pointed out that Order No. 446 of 14 August 1954 providing for exceptions to the age for admission to employment did not take full account of

Article 3 of the Convention, Order No. 446 has been repealed by Order No. 143 of 1 February 1968, so that national legislation no longer allows exceptions to the prohibition of the employment of children under 14 years of age.

Netherlands

Netherlands Antilles.

The Committee notes with interest from the Government's reply to its observation in 1967 that its comments will be taken into account during the revision of the labour regulations which is at present being carried out. It hopes that, as part of the revision, the decree which is to define the dangerous activities prohibited to persons under 18 years of age in accordance with section 17 (1) of the Ordinance of 22 August 1952 can be adopted so as to give full effect to Article 5 of the Convention, and that the next report will indicate the progress made in this respect.

Convention No. 39: Survivors' Insurance (Industry, etc.), 1933

United Kingdom

Gibraltar.

In connection with its previous direct requests the Committee has noted with satisfaction that the Social Insurance (Amendment) Ordinance, 1968, has removed the limitation to four of the number of children who may be taken into account in fixing a widowed mother's allowance and thus has brought the national legislation into conformity with Articles 6 and 8 of the Convention on this point.

**Convention No. 42: Workmen's Compensation (Occupational Diseases)
(Revised), 1934**

Netherlands

Surinam.

Following its previous observations, the Committee notes with regret from the Government's report that the draft Accident Regulations, which according to the Government include a list of occupational diseases taking into account the list in the Convention, has not yet been adopted.

As the Government has been referring to this draft text since 1956, the Committee trusts that it will make every effort to submit it to Parliament for approval during the first half of 1969, as it states in its report, so as to bring national legislation into full conformity with the Convention on the following points: poisoning by phosphorus or its compounds, by arsenic or its compounds, by benzene or its homologues, their nitro- and amido-derivates, the halogen derivatives of hydrocarbons of the aliphatic series, pathological manifestations due to radiation, primary epitheliomatous cancer of the skin, as well as activities liable to cause these diseases and activities corresponding to anthrax infection.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Australia* (New Guinea, Papua), *United Kingdom* (Bahamas).

Convention No. 50: Recruiting of Indigenous Workers, 1936

A request regarding certain points is being addressed directly to the *United Kingdom* (Hong Kong).

Convention No. 58: Minimum Age (Sea) (Revised), 1936*Netherlands**Netherlands Antilles.*

Following previous observations, the Government had stated that, under the legislation relating to the engagement of seafarers, persons under 16 years of age would not be permitted to be engaged for employment at sea. The Committee notes that the National Mariners Engagement Decree (PB 1960, No. 201)—a copy of which the Government has now supplied—provides for administrative supervision of the engagement of seamen, but does not lay down any minimum age for such employment.

The Committee accordingly hopes that measures will be taken to give effect to the Convention by express legislative provisions.

Convention No. 62: Safety Provisions (Building), 1937*Netherlands**Surinam.*

The Committee notes with regret from the Government's reply to its previous observations that the Safety Ordinance (G.B.1962 No. 109) is still not operative. However, it also notes that the Government expects that an amendment to the above-mentioned ordinance will be adopted in the foreseeable future. In this connection the Committee of Experts must draw the Government's attention once more to the fact 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. It trusts that the Government will take urgent measures to give full effect to the provisions of the Convention.¹

Convention No. 63: Statistics of Wages and Hours of Work, 1938

A request regarding certain points is being addressed directly to the *United Kingdom* (Gilbert and Ellice Islands).

Convention No. 64: Contracts of Employment (Indigenous Workers), 1939

A request regarding certain points is being addressed directly to the *United Kingdom* (Seychelles).

Information supplied by the *United Kingdom* (Hong Kong) in answer to a direct request has been noted by the Committee.

Convention No. 81: Labour Inspection, 1947*United Kingdom**Antigua.*

Article 15 (c) of the Convention. The Committee notes from the Government's report that steps are being taken to amend the Factories Ordinance 1957 so as to provide that the inspector shall treat as absolutely confidential the source of any complaint and shall give no intimation to the employer that a visit of inspection was made in consequence of the receipt of such a complaint.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session and to report in detail for the period ending 30 June 1969.

Articles 20 and 21. The Committee must note that the annual general reports on the work of the labour inspection services have never been published.

As these two questions have been the subject of comments by the Committee for some ten years, the Committee trusts that the Government will be able to take at a very early date the necessary measures to give effect to these important provisions of the Convention.

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (St. Vincent).

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

United Kingdom

Antigua.

Article 16 of the Convention. The Committee notes the information supplied by the Government in reply to its previous observations. It observes that the provisions mentioned in the report (which, in any event, cover only paragraphs 1 and 2 of this Article) appear to lay down regulations regarding advances on salaries only in respect of officials engaged in the administration of the territory. Accordingly the Committee hopes that at an early date the necessary measures will be taken with a view to regulating advances on wages in respect of all workers to whom the Convention is applicable.

British Virgin Islands.

Article 19, paragraphs 2 and 3, of the Convention. The Committee notes with interest the Government's statement in reply to its previous observations and requests that the school-leaving age is at present fixed at 15 years for the whole territory of the Island and that no child is permitted to be absent from school to undertake employment.

St. Christopher-Nevis-Anguilla.

The Committee notes with satisfaction that, following its previous comments, the Protection of Wages Ordinance No. 6 of 1967 now regulates the maximum amounts and the manner of repayment of advances on wages and thus gives effect to Article 16 of the Convention.

Southern Rhodesia.

See General Observations in section II A above.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (St. Vincent).

Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947*United Kingdom**Southern Rhodesia.*

See General Observation in section II A above.

* * *

In addition, requests regarding certain points are being addressed to the *United Kingdom* (Bahamas, Brunei, Fiji, Hong Kong, Solomon Islands).

Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947*United Kingdom**Montserrat.*

The Committee notes from the supplementary report of 1968 that, following the recent adoption of legislation to encourage the industrial development of the country, measures will be taken to give effect to the provisions of the Convention.

As the scope of the Convention is however not confined to industrial undertakings but also covers commerce and agriculture, the Committee hopes that the necessary measures will be taken in the near future to ensure the application of the Convention and particularly of Articles 4 and 5 (powers and obligations of the inspectors) which have been the subject of comments for several years.

St. Christopher-Nevis-Anguilla.

Further to its previous observations, the Committee has noted with satisfaction that the Labour Ordinance No. 8 of 1966 provides for the establishment and maintenance of a labour inspection service.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla).

Convention No. 86: Contracts of Employment (Indigenous Workers), 1947*United Kingdom**Southern Rhodesia.*

See General Observation in section II A above.

* * *

Information supplied by the *United Kingdom* (Hong Kong) in answer to a direct request has been noted by the Committee.

Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948

Requests on certain points are being addressed directly to the *Netherlands* (Surinam) and *United Kingdom* (Antigua, Bahamas, British Virgin Islands, Gilbert and Ellice Islands, Grenada, Montserrat, St. Vincent).

Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949

A request regarding certain points is being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 94: Labour Clauses (Public Contracts), 1949*Netherlands**Surinam.*

Following its previous observations and requests, the Committee notes with interest the texts supplied by the Government, from which it appears that labour clauses are provided for in the case of contracts covering the execution and the maintenance of work carried out under the control of the Department for Constructional Works, Transport and Waterways.

A direct request is being sent to the Government dealing with a certain number of additional points.

* * *

In addition requests regarding certain other points are being addressed directly to the following States: *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (British Virgin Islands, St. Christopher-Nevis-Anguilla, St. Vincent).

Convention No. 95: Protection of Wages, 1949*Netherlands**Surinam.*

The Committee notes with regret from the report for 1966-68 that there has been no change with regard to the application of the Convention. It must therefore again point out that measures should be taken to give 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, where access is not possible to stores other than works stores, the latter are not operated for profit but for the benefit of workers concerned (Article 7, paragraph 2);
- (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 necessary measures will be taken in the very near future.¹

Convention No. 97: Migration for Employment (Revised), 1949

A request regarding certain points is being addressed directly to the *United Kingdom* (British Honduras).

Information supplied by the *United Kingdom* (Antigua, British Virgin Islands) in answer to a direct request has been noted by the Committee.

¹ The Government is asked to supply full particulars to the Conference at its 53rd Session, and to report in detail for the period ending 30 June 1969.

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.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *United Kingdom* (Antigua, Dominica, Fiji, Gilbert and Ellice Islands, Grenada).

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951*France**Overseas Departments (Guadeloupe, French Guiana, Martinique, Réunion).*

The Committee notes from the Government's reply to previous observations that no change has occurred regarding the prior consultation of the employers' and workers' organisations concerned, in the Overseas Departments, or the participation of the employers and workers concerned in the operation of the minimum wage fixing machinery (Article 3, paragraphs 2 and 3, of the Convention).

The Committee must therefore point out once again that the present system of fixing minimum wage rates for the Overseas Departments is not in full conformity with these provisions of the Convention. While the Government states that it is official policy to revise these rates within four months of any revision of the minimum wage rates in metropolitan France (the latter after proper consultation with the employers' and workers' organisations concerned), these rates are determined for the Overseas Department without prior consultation or participation of the employers and workers concerned. Furthermore, the Committee notes from the Government's report that the movement of these rates in the Overseas Departments may be different from that of the rates for metropolitan France.

The Committee trusts that, in these circumstances, the Government will take appropriate steps to ensure the consultation or participation in the operation of the wage fixing machinery of the employers and workers concerned, and their organisations, in accordance with Article 3, paragraphs 2 and 3, of the Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Seychelles).

Information supplied by the *United Kingdom* (Solomon Islands) in answer to a direct request has been noted by the Committee.

Convention No. 100: Equal Remuneration, 1951

A request regarding certain points is being addressed directly to *France* (Overseas Departments: French Guiana, Guadeloupe, Martinique, Réunion).

Convention No. 101: Holidays with Pay (Agriculture), 1952

A request regarding certain points is being addressed directly to the *United Kingdom* (St. Christopher-Nevis-Anguilla).

Information supplied by the *United Kingdom* (Antigua) in answer to a direct request has been noted by the Committee.

Convention No. 105: Abolition of Forced Labour, 1957

United Kingdom

Southern Rhodesia.

See General Observation in section II A above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles), *United Kingdom* (British Virgin Islands, Fiji, St. Christopher-Nevis-Anguilla).

Convention No. 106: Weekly Rest (Commerce and Offices), 1957

Requests regarding certain points are being addressed directly to *Denmark* (Faroe Islands, Greenland).

Convention No. 108: Seafarers' Identity Documents, 1958

United Kingdom

Seychelles.

Further to its previous request, the Committee notes with satisfaction that a statement has been included in the seaman's document to indicate that it is a seafarer's identity document for the purpose of this Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Antigua, Bermuda, British Honduras, Brunei, Dominica, Falkland Islands (Malvinas), Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Isle of Man, Jersey, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Seychelles, Solomon Islands).

Information supplied by the *United Kingdom* (Fiji, Montserrat) in answer to a direct request has been noted by the Committee.

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* (Bermuda).

Convention No. 118: Equality of Treatment (Social Security), 1962

A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 122: Employment Policy, 1964

Requests regarding certain points are being addressed directly to the *United Kingdom* (Guernsey, Isle of Man).

**Appendix. Detailed Reports Received and Detailed Reports Not Received
by 28 March 1969**

(Non-Metropolitan Territories)

Reports received: 1,075. Reports not received: 116. Total: 1,191.

The numbers of Conventions in respect of which declarations of application without modifications or declarations of application with modifications had been registered by 1 January 1968 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	24		0		
New Guinea	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	1 600
Norfolk Island	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	1
Papua	8	7, 8, 9, 11, 15, 21, 26, 27	0	—	620
Denmark	0		40		
Faroe Islands	0	—	24	5, 6, 7, 8, 9, 11, 14, 15, 16, 18, 19, 21, 42, 53, 58, 87, 94, 98, 100, 102, 105, 106, 111, 112	38
Greenland	0	—	16	5, 7, 8, 9, 11, 14, 15, 21, 58, 87, 98, 100, 102, 106, 111, 112	43
France	245		0		
Overseas Departments:					
French Guinea	27	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62*, 68, 84*, 87, 91, 97*, 98, 99, 100	0	—	38
Guadeloupe	27	ditto	0	—	320
Martinique	27	ditto	0	—	330
Réunion	27	ditto	0	—	418

For footnotes see end of table, p. 157.

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Overseas Territories: Comoro Islands . . .	28	3, 5, 8, 9, 11, 14, 15, 26, 27, 29, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100	0	—	250
French Polynesia . . .	27	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100	0	—	97
French Territory of the Afars and the Issas*	28	3, 5, 6, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100	0	—	81
New Caledonia . . .	27	3, 5, 8, 9, 11, 14, 15, 26, 27, 32, 33, 35, 36, 37, 38, 43, 49, 58, 62, 68, 84, 87, 91, 97, 98, 99, 100	0	—	94
St Pierre and Miquelon *	27	ditto	0	—	5
Netherlands	57		0		
Netherlands Antilles . .	29	5, 8, 9, 11, 14, 15, 21, 24, 25, 26, 27, 32, 33, 44, 58, 62, 68, 81, 87, 91, 94*, 97, 99, 102*, 105, 112, 115, 118, 121	0	—	212
Surinam	28	5, 8, 9, 11, 13, 14, 15, 19, 21, 26, 27, 32, 33, 42, 44, 58, 62, 68, 87, 91, 94, 95, 97, 99, 102, 112, 115, 121	0	—	363
New Zealand	74		0		
Cook Islands	36	1, 2, 9, 10, 11, 12, 14, 15, 16, 17, 21, 22, 26, 30, 32, 42, 44, 45, 47, 49, 50, 52, 53, 58, 59, 63, 64, 74, 81, 84, 88, 89, 97, 99, 101, 122	0	—	20
Niue	19	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	5
Tokelau Islands	19	1, 9, 11, 14, 15, 21, 26, 30, 32, 47, 49, 50, 58, 59, 64, 84, 97, 99, 122	0	—	2

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
United Kingdom	670		76		
Antigua *	29	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 81, 82, 84, 86, 87, 97, 98, 99, 101, 102, 108, 122, 124	0	—	61
Bahamas	29	5, 7*, 8, 10*, 11, 12*, 15, 26, 32, 35, 36, 37, 38, 39, 40, 42*, 50, 64, 68, 84, 86, 87, 97*, 98*, 99, 102, 108, 122*, 124*	0	—	144
Bermuda	27	5, 7, 8, 11, 12, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	51
British Honduras	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	113
British Virgin Islands *	27	5, 7, 8, 10, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 105, 122, 124	1	108	9
Brunei	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50*, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	107
Dominica	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	70
Falkland Islands (Malvinas)	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 42, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	2
Fiji	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	490
Gibraltar	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	25

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
Gilbert and Ellice Islands	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	55
Grenada *	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	99
Guernsey	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 115, 122	1	124	47
Hong Kong	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87*, 97, 98, 99, 102, 108*, 122, 124	0	—	3 834
Jersey	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	2	122, 124	63
Isle of Man	27	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 45, 50, 64, 65, 68, 82, 87, 97, 98, 99, 102, 108, 122, 124	2	84, 86	50
Montserrat	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	14
St. Christopher, Nevis and Anguilla	52	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, 85, 86, 87, 88, 92, 94, 95, 97, 98, 99, 101, 102, 105, 108, 124	2	115, 122	60
St. Helena	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	5
St. Lucia	45	2, 5*, 7*, 8*, 10, 11*, 15, 16, 22, 24, 25, 26*, 29, 32*, 35*, 36*, 37*, 38*, 39*, 40*, 44, 45, 50*, 56, 64*, 65, 68*, 69, 81, 84*, 86*, 87*, 88, 92, 94, 97*, 98*	0	—	105

NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number	Conventions Nos.	Number	Conventions Nos.	
St. Vincent	21	99*, 101, 102*, 105, 108*, 115, 122*, 124*	13	5, 10, 25, 42, 50, 63, 81, 82, 94, 105, 108, 122, 124	91
Seychelles	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	48
Solomon Islands	26	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108, 122, 124	0	—	144
Southern Rhodesia ² . . .	0	—	53	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, 122, 124	4 530
Swaziland ^{2,3}	24	5, 7, 8, 11, 15, 26, 32, 35, 36, 37, 38, 39, 40, 50, 64, 68, 84, 86, 87, 97, 98, 99, 102, 108	2	122, 124	385
United States of America .	5		0		
American Samoa	1	58	0	—	29
Guam	1	58	0	—	94
Puerto Rico	1	58	0	—	2 697
Trust Territory of Pacific Islands	1	58	0	—	93
Virgin Islands	1	58	0	—	56

* Reports received too late to be summarised in Report III (Part I).

¹ Source: United Nations: *Demographic Year Book*, 1967.

² Territory having no seaboard.

³ Reports for the period ending 30 June 1968, communicated by the Government of the United Kingdom.

III. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

Afghanistan

The Committee refers to its direct requests of 1967 and 1968, and once again expresses the hope that a solution will be found shortly to the problem of translation into the national languages of the instruments adopted by the Conference and that the Government will thus be able to submit to the competent authorities the instruments adopted from the 46th to 51st Sessions of the Conference.

Algeria

The Committee notes the statement made by a Government representative to the Conference Committee in 1968 that the Revolutionary Council, which is the organ vested with the power to legislate is the competent authority and that all the instruments adopted since the 47th Session would be submitted thereto. As no further information has been supplied in this regard, the Committee trusts that the Government will take all necessary measures to ensure that the instruments adopted from the 47th to the 51st Sessions of the Conference are submitted to the competent authorities and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Bolivia

The Committee regrets to note that no information has been communicated by the Government since a Government representative stated before the Conference Committee, in 1967, that measures would be taken in 1968 to submit to the competent authorities the instruments adopted by the Conference. The Committee recalls that this obligation, incumbent on States Members under article 19 of the Constitution of the ILO, has not been fulfilled by the Government in regard to the instruments adopted by the Conference since its 31st Session (1948), except for four ratified Conventions.

The Committee urges the Government to take the measures required and to supply the information and the 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 at the 51st Session of the Conference have been submitted to the Presidium of the National Assembly. In the absence of any new information, the Committee once more expresses the hope that the Government will also find it possible to communicate these instruments to the National Assembly.

The Committee must also point out that the documents, submitting the Conventions and Recommendations and containing the Government's proposals with regard to the action to be taken thereon, have never been supplied, as called for in the Memorandum adopted by the Governing Body and repeatedly requested by the Committee.

Burma

Further to its previous observations, the Committee notes that the instruments adopted at the 51st Session of the Conference have been submitted to the competent authorities, together with those instruments adopted from the 44th to the 50th Sessions. 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 1968 that in view of the more stable institutions in Burundi it was hoped to submit the instruments adopted since the 47th Session of the Conference to Parliament in the course of that year. As no further information has been supplied in this connection, the Committee trusts that the Government will take the necessary action to submit to the competent authorities the instruments adopted from the 47th to the 51st 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 that the instruments adopted at the 51st 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.

The Committee must also point out that the documents, submitting the Conventions and Recommendations and containing the Government's proposals with regard to the action to be taken thereon, have never been supplied, as called for in the Memorandum adopted by the Governing Body and repeatedly requested by the Committee.

Central African Republic

The Committee regrets that the Government has supplied no information in reply to its previous direct requests, and hopes that that Government will indicate whether the instruments adopted at the 49th, 50th and 51st Sessions of the Conference have been submitted to the competent authorities and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Ceylon

Further to its previous observations, the Committee notes with interest from the information supplied by the Government to the Conference Committee in 1968 that the instruments adopted at the 47th and 48th Sessions of the Conference have been submitted to the House of Representatives and to the Senate and that a memoran-

dum indicating the proposals of the Government was being prepared for submission to these bodies. The Government also indicated that the texts of the instruments adopted at the 49th and 50th Sessions of the Conference were being translated and would be submitted to the competent authorities as soon as the translation was completed.

In the absence of any further information in this connection, the Committee hopes that the Government will soon indicate whether the instruments adopted at the 49th, 50th and 51st Sessions of the Conference, as well as the Government's proposals on the instruments adopted since the 44th Session, have been submitted to the competent authorities. The Committee trusts moreover that the Government will also supply the information and documents called for in the Memorandum adopted by the Governing Body in connection with the above-mentioned instruments.

Chile

The Committee notes the information supplied by the Government that the instruments adopted by the Conference at its 49th Session have been submitted to the competent authorities. The Committee regrets however to note that the Government has not communicated the information and the documents called for in the Memorandum adopted by the Governing Body in this connection and further that no information has been supplied by the Government regarding the submission of the instruments adopted at the 50th and 51st Sessions of the Conference. The Committee hopes the Government will soon be in a position to indicate that these instruments have also been submitted to the competent authorities and that it will supply the information and the documents called for in the Memorandum adopted by the Governing Body in respect of all the instruments mentioned above.

Colombia

The Committee regrets to note that since the statement made by a representative of the Government before the Conference Committee in 1967 that the Government was preparing to submit to Congress all the instruments not yet submitted and, in 1968, that considerable progress has been made in this regard, no definite information has been supplied by the Government regarding the instruments listed in the last column of the table in Appendix I to this section. The Committee recalls that all Conventions and Recommendations must be submitted to Parliament and not only those which the Government intends to ratify. It trusts that the Government will in the near future take the measures necessary to submit the instruments in question to the competent authorities and will supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection.

Dahomey

The Committee had noted in 1968 the Government's statement indicating that, with the establishment of the appropriate institutions, it would soon be able to submit to the competent authorities the instruments adopted by the Conference. As no further information has been received, the Committee trusts that the Government will indicate whether the instruments adopted since the 45th Session of the Conference have been submitted to the competent authorities and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Dominican Republic

Following its observation of 1968 the Committee regrets to note that the Government has supplied no new information since it announced in 1967 that measures had been taken to submit a certain number of instruments to the National Congress. The Committee trusts that the Government will in the near future submit to the competent authorities all the instruments listed in the last column of the table in Appendix I to this section and will supply the information and the documents called for in the Memorandum adopted by the Governing Body in this connection.

Ecuador

Following its previous observation, the Committee notes from the information supplied by the Government to the Conference Committee in 1968 that, under the new Constitution of 1967, international labour Conventions and Recommendations have to be submitted to the legislature. The Committee also notes with interest the Government's statement that the Ministry of Labour and Social Welfare has transmitted to the Ministry of Foreign Affairs the texts of the Conventions not yet submitted to the competent authorities with a view to their submission to the Senate, which has already approved the ratification of a number of these instruments. The Committee would be glad if the Government would indicate in the near future whether all the Conventions listed in the last column of the table in Appendix I to this section have, in fact, been submitted to the legislature, and would supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Furthermore, since the Government has not yet supplied any further information concerning the Recommendations not yet submitted to the competent authorities, the Committee deems it necessary to recall once again that article 19 of the Constitution of the ILO requires Recommendations as well as Conventions to be submitted to the authorities vested with the power to legislate in respect of the questions to which the instruments concerned relate and that this must be done in all cases even if it is not proposed to ratify these Conventions or give effect to the Recommendations. The Committee accordingly hopes that the Government will soon be able to indicate whether all the Recommendations listed in the last column of the table in Appendix I to this section have also been submitted to the legislature, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

El Salvador

The Committee notes with regret that the Government has furnished no further information since the statement made by a Government representative to the Conference Committee in 1968 indicating that the Government would submit to the competent authorities the Conventions and Recommendations adopted by the Conference as soon as possible. It recalls that, with the exception of the three ratified Conventions, the Government appears to have taken no steps to submit to the competent authorities any of the instruments adopted since the 31st Session of the Conference. The Committee hopes that the Government will spare no effort to fulfil in the near future the fundamental obligation incumbent upon it under article 19 of the Constitution of the ILO, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Ethiopia

The Committee recalls the statement made by a Government representative to the Conference Committee in 1967 that it had been decided to submit Conventions and Recommendations not only to the Council of Ministers but also to Parliament, and that appropriate measures would be taken in regard to the instruments already submitted to the Council of Ministers. The Committee hopes that the Government will indicate whether the instruments adopted at the 50th and 51st Sessions of the Conference have been submitted to Parliament and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

France

Following its previous comments, the Committee notes with satisfaction that the instruments adopted by the Conference at its 51st Session have been submitted to the competent authorities in accordance with the procedure laid down in the Memorandum adopted by the Governing Body in this connection.

Greece

The Committee notes the information supplied by the Government to the Conference Committee in 1968 that a number of instruments adopted by the Conference have been submitted to the competent authorities. It hopes that the Government will soon indicate whether the numerous other 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 the information supplied by the Government that a number of Conventions and Recommendations have been submitted to Congress and that information will be supplied on the other instruments in respect of which submission has not yet taken place. The Committee therefore hopes that the Government will be able to indicate very shortly whether all the instruments listed in the last column of the table in Appendix I to this section have been submitted to Congress and will supply the information and documents requested in the Memorandum adopted by the Governing Body in this connection.

Haiti

The Committee notes the information supplied by the Government that the instruments adopted by the Conference are being examined and will be submitted to the Legislative Chambers at its next meeting in April 1969. It trusts that the Government will soon take the necessary measures to submit to the Legislative Chambers the numerous instruments listed in the last column of the table in Appendix I to this section, some of which were adopted at the 31st Session of the Conference, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Honduras

The Committee regrets to note that the Government has still not supplied any information concerning the submission to the competent authorities of the instruments adopted by the Conference since its 46th Session. The Committee can only emphasise once again the fundamental importance of the obligation incumbent upon member States under article 19 of the Constitution of the ILO, and to recall that member States must submit the Conventions and Recommendations adopted by the Conference to the competent authorities *in all cases*, even if it is not proposed to ratify the Conventions or to take measures to give effect to the Recommendations. The Committee earnestly hopes that the Government will take the necessary steps in the near future to submit to the competent authorities, the instruments in question, and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Hungary

The Committee notes the information supplied by the Government that the instruments adopted at the 51st Session of the Conference have been submitted to the Presidential Council. In this connection, the Committee reiterates the hope that the Government will also find it possible to communicate the instruments to the National Assembly.

The Committee must also point out that the documents, submitting the Conventions and Recommendations and containing the Government's proposals with regard to the action to be taken thereon, have never been supplied, as called for in the Memorandum adopted by the Governing Body and repeatedly requested by the Committee.

Iraq

The Committee notes the information supplied by the Government that in accordance with the Interim Constitution of the Republic of Iraq, the Council of Ministers is the competent authority. It trusts that the Government will take the necessary action 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.

Laos

The Committee notes with regret that the Government has not supplied any information in reply to its previous observation and requests. It trusts that the Government will take all necessary steps, as required by article 19, paragraphs 5 (b) and 6 (b) of the Constitution of the ILO, to submit to the competent authorities the instruments adopted from the 48th to the 51st 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 with regret that, except for two Conventions which were ratified, the Government has not submitted to the competent authorities any of the instruments adopted since the 31st Session of the Conference, as required by

article 19, paragraphs 5 (b) and 6 (b) of the ILO Constitution. The Committee trusts that the Government will in the very near future submit to Parliament the numerous instruments 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.

Liberia

The Committee notes with interest the statement made by a Government representative to the Conference committee in 1968 that the Government was aware that the national legislature was the competent authority for the purpose of submission but that under the normal procedure the instruments adopted by the Conference should first be submitted to the President and it would be for him to submit them to the legislature. The Committee recalls in this connection that all the instruments adopted by the Conference, and not only those which the Government intends to ratify, must be submitted to the legislature.

The Committee has also noted the information supplied by the Government that the instruments adopted at the 48th, 49th and 50th Sessions of the Conference have been submitted to the President. It hopes that the Government will indicate whether these instruments as well as those listed in the last column of the table in Appendix I of this section have been submitted to the national legislature and will supply the information and documents called for in the Memorandum adopted by the Governing Body, particularly the information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations.

Libya

The Committee has noted from the information supplied by the Government to the Conference Committee in 1967 and 1968 that the instruments adopted from the 35th to the 49th Sessions of the Conference had been submitted to Parliament. The Committee hopes that the Government will indicate whether the instruments adopted at the 50th and 51st Sessions have also been submitted to Parliament and will supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of the instruments adopted since the 35th Session.

Malagasy Republic

The Committee notes with regret that the Government has not replied to its previous requests. It recalls that the Government has indicated, in reply to its request of 1966, that Recommendations Nos. 115 to 122 had been submitted to the Government and that the Conventions adopted at the 48th Session of the Conference had been submitted to the President of the Republic. While noting that two of the three Conventions concerned have been ratified, the Committee must draw the Government's attention to the fact that, under article 19 of the Constitution, the expression "competent authority" means the body empowered to legislate in respect of the questions to which the Convention or Recommendations relates, i.e. as a rule the Parliament. The Committee trusts that the Government will be able to take the appropriate measures to submit these instruments also to the Legislative Assembly. It also hopes that the Government will indicate whether the instruments adopted at the 49th, 50th and 51st Sessions 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.

Malawi

The Committee notes the information supplied by the Government that the instruments adopted at the 51st Session of the Conference have been submitted to the competent authority and the statement made by the Government in reply to its previous request that all instruments adopted by the Conference are submitted to the President and the Cabinet and only those instruments which have application in Malawi will also be tabled before the National Assembly.

The Committee must draw the Government's attention, once again, to the fact that, under article 19, paragraphs 5 (b) and 6 (b) of the Constitution of the ILO, all Conventions and Recommendations and not only those instruments which are applicable to the country must be submitted to the competent legislative authorities. This is the case even when it is not proposed to ratify a Convention or to give effect to a Recommendation. The Committee hopes that the Government will find it possible to submit all the instruments to the National Assembly also and will supply the information and documents called for in the Memorandum adopted by the Governing Body, particularly the information concerning proposals and comments with regard to action to be taken on Conventions and Recommendations.

Mali

The Committee notes the information supplied by the Government that the instruments adopted from the 46th to the 50th Sessions of the Conference have been submitted to the competent authorities. It hopes that the Government will indicate whether the instruments adopted at the 51st Session have also been submitted to the competent authorities and will supply in respect of the instruments adopted since the 44th Session the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Mauritania

The Government notes the information supplied by a Government representative to the Conference Committee in 1968 that the instruments adopted at the 48th and 49th Sessions of the Conference have been submitted to the National Assembly and that the instruments adopted at the 47th and 50th Sessions would be submitted in the near future. The Committee hopes that the Government will indicate whether the instruments adopted at the 47th, 50th and 51st Sessions, as well as Recommendation No. 115, have also been submitted to the National Assembly and will supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of Recommendation No. 115 and the Conventions and Recommendations adopted from the 47th to the 51st Sessions.

Mexico

Following its previous observation, the Committee notes with satisfaction that Recommendations are at present also submitted to the legislative body. It also takes note of the information and documents supplied by the Government concerning the submission to the Senate of the Recommendations adopted at the 50th and 51st Sessions of the Conference. It hopes that the Government will soon be able to indicate whether all 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.

Netherlands

The Committee notes the information supplied by the Government that Conventions Nos. 125, 126, 127 and 128 have been submitted to Parliament. It hopes that the Government will supply information on the action, if any, taken by Parliament with regard to these instruments and will 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 that the Recommendations adopted by the Conference from its 40th to 51st Sessions have been submitted to the National Congress. It hopes that the Government will supply, in accordance with the Memorandum adopted by the Governing Body in this connection, information on the proposals made by the Government, at the time of submitting the instruments in question, as to the action that should be taken on them, and information on any decisions taken by the competent authorities in this respect.

Further, the Committee hopes that the Government will indicate whether Conventions Nos. 127 and 128 have also been submitted to the National Congress.

Pakistan

The Committee notes the Government's statement that it considers the President to be the competent authority for the submission of the instruments adopted by the Conference and that the instruments adopted at the 51st Session of the Conference are being examined before submission. The Committee must draw the Government's attention to the fact that, by virtue of article 19 of the Constitution of the ILO, 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 Parliament. The Committee hopes that the Government will take the necessary measures to submit the instruments adopted by the Conference to Parliament also and will indicate the action, if any, taken by Parliament with regard to the Conventions and Recommendations.

Panama

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1968 indicating that the Government had submitted to the National Assembly all the Conventions adopted by the Conference with a view to their ratification. The Committee regrets to note that the Government has furnished no further information on the subject and, in particular, has not supplied the information and documents called for in the Memorandum adopted by the Governing Body. It must also emphasise once again that under article 19 of the Constitution of the ILO member States have an obligation to submit to the competent authorities the Conventions and Recommendations adopted by the Conference *in all cases*, even if it is not proposed to ratify a Convention or give effect to a Recommendation. It can only urge the Government to take the necessary measures at an early date to submit to the competent authorities all the instruments adopted since the 31st Session of the Conference, and trusts that the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Peru

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1968 indicating that detailed information concerning the submission to the competent authorities of the instruments adopted by the Conference was to be forwarded shortly. The Committee regrets to note that no further information has been supplied by the Government since then, and trusts that the Government will indicate in the near future whether all the instruments listed in the last column of the table in Appendix I to this section have been submitted to Congress and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Portugal

In its observation of 1968 the Committee requested the Government to supply the information and documents called for in the Memorandum adopted by the Governing Body with respect to the instruments adopted at the 50th Session of the Conference, which had been submitted to the National Assembly. The Committee notes that the information and documents in question have not been supplied either for the aforementioned instruments or for those adopted at the 51st Session of the Conference, which have also been submitted to the National Assembly. The Committee hopes that the Government will not fail to supply the information and documents in question shortly.

Senegal

The Committee notes from the information supplied by the Government that the submission of the instruments adopted at the 51st Session of the Conference is in progress and that measures would be taken to submit Recommendation No. 118 to the National Assembly. The Committee hopes that the Government will indicate whether these instruments as well as those listed in the last column of the table in Appendix I to this section have now been submitted to the National Assembly 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 the information supplied by the Government that the instruments adopted at the 51st Session are expected to be submitted to Parliament before the end of 1968. In the absence of further information, the Committee hopes that the Government will indicate whether these instruments have now been submitted to Parliament. Further, as the Government has not supplied any information in reply to its previous observation concerning the submission to the competent authorities of the instruments adopted from the 46th to the 49th Sessions (except Convention No. 119 which has been ratified), the Committee trusts that the Government will indicate whether the necessary action has been taken in this regard and will supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of the instruments adopted from the 46th to the 51st Sessions (except Convention No. 119).

Somalia

The Committee notes the statement made by a Government representative to the Conference Committee in 1968 that, owing to administrative reasons, it was not

possible to submit the instruments adopted at the Conference to the competent authorities but that effect would be given to this obligation after the legislative elections to be held in 1969. The Committee hopes that the Government will soon be able to submit the instruments adopted since the 45th Session of the Conference to the competent authorities and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Spain

The Committee notes with interest the information supplied by the Government that the instruments adopted by the Conference at its 51st Session are being examined by the various competent administrative bodies with a view to their submission to the Cortes. It further notes, from a communication made by the Government to the Conference Committee in 1968, that the Council of Ministers has decided to submit to the Cortes the Conventions adopted at the above-mentioned session of the Conference and that the Government intends to carry out the successive submission of the instruments which have not yet been submitted, the basic examination necessary for submission to the Cortes being under way in every case. It hopes that the Government will be able to indicate very shortly whether all the Conventions and Recommendations listed in the last column of the table in Appendix I to this section have been submitted to the Cortes and will supply the information and documents requested in the Memorandum adopted by the Governing Body in this connection.

Sudan

In its previous direct requests the Committee had noted the information supplied by the Government in 1966 that the instruments adopted at the 45th, 46th and 47th Sessions of the Conference had been submitted to the Council of Ministers "pending acknowledgement" of the Constituent Assembly. As no further information has been received, the Committee hopes that the Government will indicate whether these instruments as well as those adopted from the 48th to the 51st Sessions have been submitted to the Constituent Assembly and will supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Syrian Arab Republic

In the absence of a reply to its previous observation, the Committee trusts that the Government will take appropriate measures to submit to competent authorities the instruments adopted by the Conference, 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 has taken note of the information supplied by the Government to the Conference Committee in 1968 that difficulties existed in the country. The Committee hopes that the Government will soon be able to overcome these difficulties and will submit the instruments adopted from the 47th to the 51st Sessions of the Conference to the National Assembly. It also hopes that the Government will then supply the information and documents called for in the Memorandum adopted by the Governing Body in this connection.

Thailand

The Committee notes the information supplied by the Government that the instruments adopted at the 51st Session of the Conference have been submitted to the Council of Ministers. It hopes that the Government will also indicate whether these instruments have also been submitted to the competent legislative authorities as the Government has done with regard to other instruments adopted by the Conference. The Committee also hopes that the Government will supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of the instruments adopted at the 48th, 49th and 50th Sessions, particularly information concerning proposals and comments with regard to the action to be taken on Conventions and Recommendations.

Tunisia

The Committee notes the information supplied by the Government that Conventions Nos. 125 and 126 have been examined by the competent departments with a view to their ratification within the next few months and that the instruments adopted at the 51st Session of the Conference have been submitted to the technical departments of the Government for examination with a view to their eventual submission to the National Assembly. The Committee also refers to the Government's statement before the Conference Committee in 1967, indicating that no procedure is provided for the communication to the Assembly of international Conventions which the Government does not intend to ratify and that in such cases it could only be a matter of communicating to the Assembly documents for its information. As under article 19 of the Constitution of the ILO the Government is free to decide on the proposals to make to the legislative body, but has the obligation *in all cases* to submit Conventions as well as Recommendations to the National Assembly as the organ vested with the power to legislate, the Committee hopes that the Government will be able to indicate whether the instruments adopted by the Conference at its 50th and 51st Sessions have been submitted to the National Assembly, and will supply the information and the documents requested in the Memorandum adopted by the Governing Body in this connection.

Ukraine

The Committee hopes that the Government will indicate whether the instruments adopted at the 51st Session of the Conference have been submitted to the competent authorities. As the Government has supplied no information in reply to its previous observation, the Committee once more expresses the hope that the Government will find it possible to communicate these instruments to the Supreme Soviet.

The Committee must also point out that the documents, submitting the Conventions and Recommendations and containing the Government's proposals with regard to the action to be taken thereon, have never been supplied, as called for in the Memorandum adopted by the Governing Body and repeatedly requested by the Committee.

USSR

The Committee notes the information supplied by the Government that the instruments adopted at the 51st 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.

The Committee must also point out that the documents, submitting the Conventions and Recommendations and containing the Government's proposals with regard to the action to be taken thereon, have never been supplied, as called for in the Memorandum adopted by the Governing Body and repeatedly requested by the Committee.

United Arab Republic

The Committee notes the Government's statement made to the Conference Committee in 1968 that the instruments adopted at the 50th and 51st Sessions of the Conference have been submitted to the National Assembly. The Government also reiterated its statement made in 1966 that all the instruments adopted by the Conference had been submitted to the National Assembly and the delay in supplying full information was only due to administrative difficulties which would be overcome shortly.

The Committee regrets that the Government has not supplied any further information in this connection. It trusts that the Government will soon find it possible to supply the information and documents called for in the Memorandum adopted by the Governing Body in respect of the instruments listed in the last column of the table in Appendix I to this section as well as of the instruments adopted from the 48th to the 51st Sessions.

Uruguay

The Committee notes with regret that the Government has supplied no information in reply to its direct requests of 1967 and 1968 concerning the submission to the competent authorities of the instruments adopted at the 48th, 49th and 50th Sessions of the Conference, nor has any information been received with regard to the submission of the instruments adopted at the 51st Session of the Conference. The Committee hopes that the Government will soon be able to indicate whether all the instruments in question 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.

Yemen

The Committee notes that the Government has not supplied any information in reply to its requests of 1967 and 1968. 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 ILO, to submit to the competent authorities the instruments adopted at the 49th, 50th and 51st Sessions of the Conference 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: *Austria, Barbados, Belgium, Brazil, Cameroon, Chad, China, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Czechoslovakia, Finland, France, Gabon, Ghana, Guinea, Iceland, Indonesia, Iran, Ireland, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lesotho, Luxembourg, Malaysia, Mexico, Morocco, Nepal, Niger, Nigeria, Paraguay, Philippines, Poland, Rwanda, Singapore, Togo, Trinidad and Tobago, Uganda, United States, Upper Volta, Venezuela, Viet-Nam and Zambia.*

**Appendix I. Information Supplied by Governments with Regard to the Obligation
to Submit Conference Decisions to the Competent Authorities**

(31st to 51st Sessions of the International Labour Conference, 1948-67)

Note: The number of the Convention or Recommendation is given in parentheses, 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 ILO 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, 50th and 51st
Algeria	—	47th, 48th, 49th, 50th and 51st
Argentina	31st to 51st	—
Australia	31st to 51st	—
Austria	31st to 46th (C 117; R 116, 117), 47th to 50th and 51st (C 127, 128; R 127, 128, 131)	46th (C 118) and 51st (R 129, 130)
Barbados	—	51st
Belgium	31st to 50th	51st
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, 50th and 51st
Brazil	31st to 45th, 46th, (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124; R 124, 125)	46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123), 50th and 51st
Bulgaria	31st to 51st	—
Burma	31st to 51st	—
Burundi	—	47th, 48th, 49th, 50th and 51st
Byelorussia	37th to 51st	—
Cameroon	44th to 49th	50th and 51st
Canada	31st to 51st	—
Central African Republic	45th to 48th	49th, 50th and 51st

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)
Ceylon	31st to 48th	49th, 50th and 51st
Chad	45th to 49th	50th and 51st
Chile	31st to 49th	50th and 51st
China	31st to 50th and 51st (C 127; R 128, 129, 130, 131)	51st (C 128)
Colombia	31st to 39th, 40th (C 105, 106, 107; R 103), 41st (C 109; R 105, 106, 108), 42nd to 44th, 45th (C 116) and 46th (C 118)	40th (R 104) and 41st (C 108; R 107, 109), 45th (R 115), 46th (C 117; R 116, 117), 47th, 48th, 49th, 50th and 51st
Congo (Brazzaville) . .	45th to 49th and 51st	50th
Congo (Kinshasa) . .	45th to 51st	—
Costa Rica	31st to 50th	51st
Cuba	31st to 50th and 51st (R 128, 129, 130, 131)	51st (C 127, 128)
Cyprus	45th to 51st	—
Czechoslovakia	31st to 50th	51st
Dahomey	—	45th, 46th, 47th, 48th, 49th, 50th and 51st
Denmark	31st to 51st	—
Dominican Republic . .	31st to 43rd, 47th (C 119)	44th, 45th, 46th, 47th (R 118, 119), 48th, 49th, 50th and 51st
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), 42nd (C 111), 43rd (C 112, 113), 45th (C 116), 48th (C 120), 49th (C 123, 124) and 51st (C 127)	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 (C 114; R 112), 44th, 45th (R 115), 46th, 47th, 48th (C 121, 122; R 120, 121, 122), 49th (R 123, 124, 125), 50th and 51st (C 128; R 128, 129, 130, 131)
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, 50th and 51st
Ethiopia	31st to 50th	51st
Finland	31st to 50th	51st
France	31st to 51st	—

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)
Gabon	45th to 50th	51st
Germany (Federal Republic)	34th to 51st	—
Ghana	40th to 51st	—
Greece	31st to 37th, 40th (C 105), 41st (C 108), 47th, 48th, 49th and 50th	38th, 39th, 40th (C 106, 107; R 103, 104), 41st (C 109; R 105, 106, 107, 108, 109), 42nd, 43rd, 44th, 45th, 46th and 51st
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), 48th and 51st (C 127; R 128, 129, 130)	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, 50th and 51st (C 128; R 131)
Republic of Guinea	43rd to 51st	—
Guyana	50th and 51st	—
Haiti	31st (C 90), 32nd (C 98), 34th (C 99, 100), 40th to 44th, 46th to 49th	31st (C 87, 88, 89; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th, 38th, 39th, 45th, 50th and 51st
Honduras	39th to 44th and 45th (C 116)	45th (R 115), 46th, 47th, 48th, 49th, 50th and 51st
Hungary	31st to 51st	—
Iceland	31st to 49th	50th and 51st
India	31st to 51st	—
Indonesia	33rd to 51st	—
Iran	31st to 49th	50th and 51st
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, 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), 45th (R 115), 46th, 47th, 48th, 49th (R 123, 124, 125), 50th and 51st
Ireland	31st to 50th	51st
Israel	32nd to 51st	—
Italy	31st to 49th	50th and 51st

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)
Ivory Coast	45th to 49th	50th and 51st
Jamaica	47th and 51st (R 129, 130)	48th, 49th, 50th and 51st (C 127, 128; R 128, 131)
Japan	35th to 51st	—
Jordan	40th (C 105), 42nd (C 111; R 111), 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 122), 49th (C 123, 124), 50th (R 127) and 51st (C 127; R 129, 130, 131)	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, R 120, 121, 122), 49th (R 123, 124, 125), 50th (C 125, 126; R 126) and 51st (C 128; R 128)
Kenya	48th to 50th	51st
Kuwait	45th to 51st	—
Laos	—	48th, 49th, 50th and 51st
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, 50th and 51st
Lesotho	—	51st
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, 47th and 51st
Libya	35th to 49th	50th and 51st
Luxembourg	31st to 50th	51st
Malagasy Republic	45th to 48th and 49th (C 123, 124)	49th (R 123, 124, 125), 50th and 51st
Malawi	49th to 51st	—
Malaysia	41st to 49th	50th and 51st
Republic of Mali	44th to 50th	51st
Malta	49th to 51st	—
Mauritania	45th (C 116), 46th, 48th and 49th	45th (R 115), 47th, 50th and 51st

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)
Mexico	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100; R 89, 90), 35th (C 101, 102, 103), 38th (C 104), 40th to 44th, 45th (C 116), 46th (C 117, 118), 47th (C 119), 48th (C 120, 121, 122), 49th (C 123, 124), 50th and 51st (R 128, 129, 130, 131)	32nd (R 84, 85, 86, 87), 33rd, 34th (R 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100), 39th, 45th (R 115), 46th (R 116, 117), 47th (R 118, 119), 48th (R 120, 121, 122), 49th (R 123, 124, 125) and 51st (C 127, 128)
Morocco	39th to 51st	—
Netherlands	31st to 40th, 41st (C 108, 109), 42nd (C 111), 43rd (C 112, 113; R 112), 44th to 49th, 50th (C 125, 126) and 51st (C 127, 128)	41st (R 105, 106, 107, 108, 109), 42nd (C 110; R 110, 111), 43rd (C 114), 50th (R 126, 127) and 51st (R 128, 129, 130, 131)
New Zealand	31st to 51st	—
Nepal	—	51st
Nicaragua	40th to 50th and 51st (R 128, 129, 130, 131)	51st (C 127, 128)
Niger	45th to 50th	51st
Nigeria	45th (C 116), 46th (R 117) and 48th	45th (R 115), 46th (C 117, 118; R 116) 47th, 49th, 50th and 51st
Norway	31st to 51st	—
Pakistan	31st to 50th	51st
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 50th and 51st
Paraguay	40th, 41st (R 105, 106, 107, 108, 109), 42nd (C 111; R 110, 111), 43rd (R 112), 44th, 45th, 46th (C 117), 47th, 48th (C 120, 122; R 120, 121, 122), 49th, 50th (R 126, 127), 51st (R 128, 129, 130, 131)	41st (C 108, 109), 42nd (C 110), 43rd (C 112, 113, 114), 46th (C 118), 48th (C 121), 50th (C 125, 126), 51st (C 127, 128)
Peru	31st to 43rd, 44th (C 115), 45th (C 116), 48th (C 120, 121, 122) and 49th	44th (R 113, 114), 45th (R 115), 46th, 47th, 48th (R 120, 121, 122), 50th and 51st
Philippines	31st to 51st	—

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)
Poland	31st (C 87, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 100; R 90, 91, 92), 35th (C 101; R 93, 94), 36th, 38th (C 104; R 100), 40th (C 105, 106, 107; R 104), 41st, 42nd, 43rd (C 112, 113, 114), 44th, 45th, 46th (C 117; R 116, 117), 47th (R 118, 119), 48th (C 120, 122; R 120) and 49th (C 123, 124; R 124, 125)	31st (C 88; R 83), 32nd (R 87), 33rd, 34th (C 99; R 89), 35th (C 102, 103; R 95), 37th, 38th (R 99), 39th, 40th (R 103), 43rd (R 112), 46th (C 118), 47th (C 119), 48th (C 121; R 121, 122), 49th (R 123), 50th and 51st
Portugal	31st to 51st	—
Rumania	39th to 51st	—
Rwanda	47th to 51st	—
Senegal	45th (C 116), 46th (C 117; R 116, 117), 47th (R 118, 119), 48th, 49th (R 123, 124, 125) and 50th (C 125)	44th, 45th (R 115), 46th (C 118), 47th (C 119), 49th (C 123, 124), 50th (C 126; R 126, 127) and 51st
Sierra Leone	45th, 47th (C 119), 50th and 51st	46th, 47th (R 118, 119), 48th and 49th
Singapore	50th and 51st	—
Somali Republic	—	45th, 46th, 47th, 48th, 49th, 50th and 51st
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, 48th and 51st
Sudan	39th to 47th	48th, 49th, 50th and 51st
Sweden	31st to 51st	—
Switzerland	31st to 51st	—
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 to 48th	33rd, 37th, 38th (R 100), 43rd (R 112), 45th (R 115), 49th, 50th and 51st
Tanzania	46th	47th, 48th, 49th, 50th and 51st
Thailand	31st to 51st	—
Togo	44th to 48th and 51st	49th and 50th
Trinidad and Tobago	47th to 49th	50th and 51st
Tunisia	39th to 49th	50th and 51st
Turkey	31st to 51st	—

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)
Uganda	47th to 50th	51st
Ukraine	37th to 50th	51st
USSR	37th to 51st	—
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, 46th (R 116, 117), 48th to 51st	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) and 47th
United Kingdom . . .	31st to 51st	—
United States	31st to 48th, 49th (C 124; R 123, 125), 50th and 51st (C 127; R 128, 129, 130)	49th (C 123; R 124) and 51st (C 128; R 131)
Upper Volta	45th to 49th and 51st	50th
Uruguay	31st to 47th	48th, 49th, 50th and 51st
Venezuela	31st to 50th and 51st (C 127; R 128)	51st (C 128; R 129, 130, 131)
Viet-Nam	33rd to 51st	—
Yemen	—	49th, 50th and 51st
Yugoslavia	31st to 51st	—
Zambia	49th and 50th	51st

Appendix II. Position of Member States with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

TABLE I. NUMBER OF STATES WHERE, ACCORDING TO INFORMATION SUPPLIED BY GOVERNMENTS, CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES WITHIN THE PRESCRIBED TIME LIMITS

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)	51st (June 1967)
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	43
Some of these decisions have been submitted	7	2	— ¹	4	3	1	— ¹	4	1	13	3	7	8	1	9	6	9	6	6	2	13
None of these decisions has been submitted (including cases in which no informa- tion has been supplied by the government)	37	42	42	35	38	37	40	41	37	26	43	36	38	44	58	58	67	67	59	60	61
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	117

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBER STATES AS AT 28 MARCH 1969

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)	51st (June 1967)
All the decisions have been submitted	52	49	50	52	54	56	57	56	63	64	66	68	63	67	79	74	78	85	76	67	43
Some of these decisions have been submitted	7	10	— ¹	8	5	—	— ¹	6	—	12	3	7	8	4	11	11	9	7	10	3	13
None of these decisions has been submitted (including cases in which no informa- tion has been supplied by the government)	1	2	13	4	7	10	12	7	13	1	10	4	9	12	11	17	21	18	28	45	61
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	117

¹ At this session the Conference adopted one Recommendation only.

PART THREE

**THE RATIFICATION OUTLOOK AFTER FIFTY YEARS:
SEVENTEEN SELECTED CONVENTIONS**

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INTRODUCTION

BACKGROUND AND SCOPE OF SURVEY

1. In accordance with article 19 of the Constitution of the International Labour Organisation, the Governing Body of the International Labour Office decided at its 170th Session (Geneva, November 1967) to request governments to report in 1968 on the ratification prospects and difficulties as regards a list of seventeen Conventions chosen among the most important instruments adopted by the ILO Conference over the years. The Governing Body intended these reports to provide the basis for a special review to be undertaken on the occasion of the Organisation's fiftieth anniversary.

2. The Conventions selected for the purpose of this review cover a cross-section of the major subjects dealt with in international labour standards: basic human rights (six Conventions), social policy (one), labour administration (one), employment policy and services (two), wages (three), social security (two), minimum age (one) and maternity protection (one). In making its choice, the Governing Body clearly desired to illustrate the variety of the standards which, with the passage of time, have grown into a comprehensive code specifying the principles, policies, structures, procedures and substantive measures which might underlie or govern national action in the field of social and human rights. As a result the seventeen Conventions are representative of four major areas of ILO concern: the improvement of conditions of work and life, the promotion of full employment, the strengthening of social institutions and the protection of the workers' fundamental rights and freedoms.

3. It is also significant that the instruments reviewed, at the request of the Governing Body, represent the fruit of standard-setting throughout the five decades of the ILO's existence. Three Conventions (Nos. 26, 29, 59) go back to the inter-war period, three others (Nos. 117, 118, 122) were adopted fairly recently and the remainder were framed between 1947 and 1958. The seventeen Conventions thus illustrate not only the variety of the standards which have found their way into the ILO statute book over the years, but also the expanding scope of the resulting Code and the continuity of ILO action in this field. The Committee's findings in regard to seventeen Conventions which involve so many facets of the Organisation's work and span so many years of its activity should therefore throw some light on the degree of effectiveness of these standards and on their continuing impact on the law and practice of the member States.

NATURE OF SURVEY

4. Because of the special character of the present survey, it appears essential to bring out clearly how it differs from the general surveys carried out normally by the Committee. Reports under article 19 of the Constitution are normally designed to reflect the position of the national law and practice in regard to the matters dealt with in a small and unified group of instruments. However, because of the large number of instruments involved in the present case, the Governing Body decided to ask

governments to indicate merely for each of the Conventions concerned (a) the extent to which it is proposed to give effect to the terms of the instrument and (b) any difficulties which prevent or delay ratification. Governments could moreover refer, as appropriate, to information previously supplied to the ILO in a report on an unratified Convention or in connection with the submission of a Convention to the competent authorities (article 19, paragraphs 5 and 7, of the Constitution).

5. Since the initiation of reporting under article 19, twenty years ago, the Committee has increasingly endeavoured to prepare surveys which afford a comprehensive picture of the position existing in both ratifying and non-ratifying States, so as to assess national developments in some detail. This pattern, which the Committee intends to revert to in future surveys concerned with a coherent group of instruments, could of course not be followed this year. Both the large number of instruments involved and the specific questions raised in the form of report make it necessary to focus attention exclusively on the information available from governments in so far as it bears on intended ratifications or describes what obstacles stand in the way of such action. The present survey therefore contains references to national law and practice mainly when they help to illustrate doubts or difficulties mentioned by governments in connection with the formal acceptance of the provisions of a given Convention.

6. The Committee considered, moreover, that the basic purpose underlying the Governing Body's request for special article 19 reports on a whole series of key Conventions would best be served by providing as clear and concise a picture of the position as possible. It hopes that in this way the task of the International Labour Conference in assessing the prospects for future action will be facilitated. The authoritative and up-to-date information received would thus enable the ILO, as it enters the second half-century of its existence, not only to learn of the studies and plans for further ratifications existing in the various member countries but also to have available, for each of the Conventions and groups of Conventions involved, an over-all view of the problems encountered and of the possibilities which exist for overcoming them.

INFORMATION AVAILABLE

7. As indicated above, governments were requested to provide information on two specific and inter-related points: to what extent they intended to implement a given Convention and what difficulties stood in the way of its ratification. The present survey is essentially based on the governments' replies to these two questions. As the value of the survey closely depends on its actuality, an effort has been made to include the most recent data thus available: in the great majority of cases these appeared in the reports themselves; in other cases the governments took advantage of the possibility, afforded by the form of report, to refer to information previously supplied in an article 19 report or in connection with the submission of a Convention to the competent national authorities; in yet other cases the Committee took into account information previously supplied in pursuance of article 19, no article 19 report having been received for the current period.

8. In order, moreover, to give this survey the most comprehensive scope possible, the Committee has also drawn on certain other types of official information, in so far as it deals specifically with ratification prospects, and was received from governments either in formal written communications to the ILO or in oral statements made during the International Labour Conference and reflected in the *Record of Proceedings*. Similarly, authoritative replies or pronouncements have also on occasion

been made by governments within the framework of other international organisations, such as the Council of Europe, when measures taken by their member States to ratify additional ILO Conventions were under examination. Unless the information used by the Committee is drawn directly from the current article 19 reports, the survey indicates in a footnote the source on which its findings are based.

9. Up to the time of meeting of the Committee ninety-five States Members had communicated reports on all or some of the Conventions for which information was requested. Full indications of the reports due and supplied by each country will be found in the detailed table appended to the survey.

10. Although the Governing Body's request concerned the ratification of Conventions by member States, two Governments (Australia, United Kingdom) included in their reports information on the effect given to unratified Conventions in certain non-metropolitan territories. The survey also takes account of this information.

ARRANGEMENT OF THE SURVEY

11. The present survey is arranged Convention by Convention and follows the order adopted by the Governing Body in the list of Conventions appended to the form of report. The survey is therefore divided into eight chapters each dealing with one of the broad subjects included in the list.

12. Within each chapter the various instruments are reviewed in the following manner: after a brief summary of the instrument and a reference to the ratifications it has secured thus far, the main obstacles to implementation mentioned by governments are analysed, together with any pertinent indications¹ which might contribute to a solution of these difficulties; the chapter then indicates the measures taken or envisaged by governments in order to give fuller effect to a Convention and concludes with a survey of ratification prospects.²

¹ When reference is made in this connection to previous reports of the Committee of Experts—*Report III (Part 4)* as submitted to the various sessions of the International Labour Conference—the abbreviation “RCE” is used, together with the year of the session; when these references concern the Committee's comprehensive surveys of the position in both ratifying and non-ratifying countries, the footnote indicates “general survey” as well as the relevant paragraphs thereof.

² In those cases where the government refers at the same time to measures to implement and to measures to ratify a Convention, these are dealt with jointly in the section on ratification prospects.

CHAPTER I

BASIC HUMAN RIGHTS

FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (No. 87)

13. The Convention provides that workers and employers without distinction whatsoever¹ shall have the right to establish and join organisations of their own choosing for the purpose of furthering and defending their respective interests; these organisations in turn shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes, free from any interference by the public authorities which would restrict this right or impede the lawful exercise thereof. Organisations shall not be liable to be dissolved or suspended by administrative authority. They may establish and join federations or confederations, which shall have the same rights and guarantees as those laid down in the Convention for primary organisations. The right of international affiliation of primary organisations, federations and confederations is also recognised.

14. In exercising the rights laid down in the Convention, workers and employers and their respective organisations are required, like other persons or organised collectivities, to respect the law of the land, which shall not, however, be such as to impair, nor shall it be applied so as to impair, the guarantees provided for in the Convention. In particular, the acquisition of legal personality by unions shall not be made subject to conditions of such a character as to restrict the application of the rights laid down in the Convention.

15. Finally, ratifying States undertake to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

16. The Convention has thus far been ratified by 76 countries.² A total of 33 reports have been supplied by non-ratifying States.

Difficulties Encountered

17. Among the difficulties preventing the ratification of the Convention, three countries refer, in a general manner, to their present stage of development, either

¹ With regard to the armed forces and the police, however, national laws or regulations shall determine the extent to which the guarantees provided for in the Convention shall apply.

² Albania, Algeria, Argentina, Austria, Barbados, Belgium, Bolivia, Bulgaria, Burma, Byelorussia, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Republic of Guinea, Guyana, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kuwait, Lesotho, Liberia, Luxembourg, Malagasy Republic, Republic of Mali, Malta, Islamic Republic of Mauritania, Mexico, Netherlands, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Rumania, Senegal, Sierra Leone, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Ukraine, USSR, United Arab Republic, United Kingdom, Upper Volta, Uruguay, Yugoslavia.

social, economic or political, and indicate that against this background the ratification of the Convention is not envisaged.¹

18. Three governments indicate, as obstacles to ratification, the existence of limitations on the rights of workers freely to establish and join organisations of their own choosing. Thus, in one country there is a prohibition on the existence of two or more primary trade unions in the same undertaking²; in another there is a system of compulsory unionism, which places some restraint on the formation of new unions where there already exists a union covering a particular field.³ A third government indicates that works unions may be dissolved by administrative authority if less than 25 workers are employed for six months or more in the undertaking on which the union is based⁴; this may be considered as constituting, in effect, a restriction on the existence of unions in small undertakings. In this respect, the Committee considers that a distinction must be drawn between the prohibition of the right to organise for workers employed in small undertakings and a legal minimum membership required for the establishment of a trade union. The Committee has accepted, as not being contrary to the Convention, provisions fixing a minimum membership, provided that the figure is not so high as to constitute an obstacle to the establishment of workers' organisations. In this connection, it has considered that a requirement of 50 workers might hinder the establishment of trade unions.⁵ On the other hand, if the legal minimum prescribed by the law is too high for the formation of a union within a small undertaking, it should be possible for the workers concerned to associate with other workers to establish a trade union.

19. Three governments refer to possible difficulties of ratification arising from conditions attaching to the registration of unions or to the acquisition by unions of legal personality. Thus, in one country the obligations to be fulfilled for the acquisition of legal personality by a trade union include the holding of a constitutive assembly attended by a fixed number of persons and presided over by a labour inspector, at which a provisional managing committee is elected, and the submission of its constitution to the Public Registry.⁶ Two governments refer to the obligation for unions to be registered.⁷ Another government indicates that there are doubts whether or not the requirements in national legislation relating to the registration of trade unions could be considered as "previous authorisation" for the establishment of trade unions.⁸ In this connection, it should be recalled, as the Committee has previously pointed out⁹, that the compulsory or optional nature of the formalities prescribed by law for a union's registration or acquisition of legal personality does not always provide a sufficient criterion for determining whether or not this amounts to a requirement of previous authorisation. In fact, in some cases, although registration is compulsory, the authority competent to effect the registration does not have power to refuse it or, which amounts to the same thing, can refuse registration only because of a formal defect which it is always possible to remedy; moreover, where refusal is possible, it may be appealed against to the courts.

¹ Kenya, Singapore, Tanzania.

² Colombia.

³ New Zealand.

⁴ Chile.

⁵ RCE, 1963, p. 103.

⁶ Chile.

⁷ Australia, Malaysia.

⁸ Venezuela.

⁹ RCE, 1959, General Survey, para. 27.

20. Two governments mention as difficulties to ratification limitations on the right of unions to organise their administration and activities and to formulate their programmes, or the possibility of interference by the public authorities which would restrict this right. In one case, certain restrictions, such as a reduction in the number of outsiders on the executives of trade unions, the prescription of a minimum membership fee and provision for statutory inspection of unions, had been agreed to by the workers' representatives of different shades of opinion and had not been objected to by any of the important workers' organisations; the aim of these restrictions, according to the government, is the strengthening of the trade union movement.¹ In another country the legislation renders unions liable to inspection and investigation.²

21. In the same connection, trade unions in one country are prohibited from engaging in commercial or political activities.³ With regard to the prohibition of commercial activities, it should be pointed out that the Convention defines an "organisation", for the purposes of the Convention, as being an "organisation of workers or of employers for furthering and defending the interests of workers or of employers"; for this reason, provisions which forbid unions to engage in commercial activities have not in the past given rise to comments on the part of the Committee.

22. The problem of provisions establishing a prohibition of political activities is more complex. The Committee considers that any general prohibition of such action would be contrary to the Convention.³

23. A difficulty referred to by one government is that its legislation provides that no person responsible for the administration and management of a trade union shall be a non-national.⁴ The Committee has pointed out in the past⁵ that the problem raised by provisions prohibiting the election to union office of non-nationals is fairly complex. It may be admitted that, as a general rule, a provision of this kind cannot give rise to difficulty. The Committee has, however, expressed the opinion⁶ that everything depends on the background against which such a provision is applied, since in given circumstances it is possible that a provision to this effect might, in practice, lead to a denial to certain categories of workers of the right freely to elect their representatives. Similarly, a prohibition on the employment by trade unions of non-nationals to handle their administration, act as advisers, etc., would have to be viewed in the light of the circumstances in each case.

24. A not dissimilar difficulty referred to by two countries⁷ is that, under national legislation, a given proportion of the officers of a union must be persons actually engaged or employed in an industry or occupation with which the union is connected. A distinction should be drawn, in this connection, between provisions stipulating that all trade union leaders shall belong to the occupation in respect of which the organisation carries on its activities, and those which require only a given proportion of leaders or officials to belong to the occupation in question. As the

¹ India.

² Turkey.

³ In this connection reference may also be made to the resolution concerning the independence of the trade union movement, adopted by the International Labour Conference at its 35th Session (Geneva, 1952) (*Record of Proceedings*, 35th Session, 1952, p. 451).

⁴ Congo (Kinshasa).

⁵ See, for example, RCE, 1959, General Survey, para. 59.

⁶ Ibid.

⁷ India, Malaysia.

Committee indicated in a previous report ¹, it would seem that when provisions in national legislation provide that all the trade union leaders shall belong to the occupations in respect of which the organisation carries on its activities the guarantees laid down in the Convention may be impaired. The Committee has in particular stressed the danger that the dismissal of a worker who is a trade union leader may, by reason of the fact that dismissal causes him to lose his status as a trade union officer, infringe the freedom of activity of the organisation and its right to elect representatives in freedom, and may even leave the way open for acts of interference by the employer.¹

25. In certain countries trade unions may be suspended ² or dissolved ³ by administrative authority. With regard to the legal provisions referred to in this connection, it would seem appropriate to point out that where, following the suspension or dissolution of an organisation by an administrative authority, a right of appeal exists to a judicial body or the decision to suspend or dissolve the organisation has to be confirmed by such a body, the suspension or dissolution may be considered as not being contrary to the Convention, provided that, pending the appeal to or confirmation by the judicial body, the union is free to function normally.⁴

26. Certain governments have referred to problems arising from the federation, either national or international, of trade unions. Thus, in one country the activities of confederations of workers' unions are limited to education, relief, provident institutions and the establishment of canteens and co-operative societies.⁵ In two other countries there are restrictions on the links between national trade unions and international organisations.⁶

27. The difficulty to ratification mentioned, perhaps, most frequently by governments relates to the trade union rights of public officials. In two countries these persons do not have the right to form a union or to belong to any union.⁷ In three other countries there are restrictions on the rights of some or all of these workers to establish and join organisations of their own choosing without previous authorisation.⁸ Two countries indicate additionally that organisations of civil servants do not have the right to affiliate with federations or confederations of their choice.⁹

28. This question is linked with the issue of the right to strike of civil servants, which has been specifically referred to by three countries.¹⁰ While the Governing Body

¹ RCE, 1959, General Survey, para. 61.

² Colombia, Switzerland.

³ Chile, Colombia, Malaysia (where the legislation permits, in certain circumstances, the cancellation of the registration of a trade union; this is, in effect, equivalent to dissolution), Venezuela.

⁴ However, if legislation under which an organisation may be suspended or dissolved is such as to impair, or may be applied so as to impair, the guarantees provided for in the Convention, then, even if the suspension or dissolution of the union is decided upon by a judicial body, the provisions of the Convention would be infringed.

⁵ Chile.

⁶ Malawi (where the Registrar of Trade Unions can control the activities of trade unions in their relationships with organisations outside Malawi); Malaysia (where the approval of the competent minister is required for the payment of affiliation fees to international organisations of workers and employers).

⁷ Chile (where workers in public undertakings are in the same position); Venezuela.

⁸ Ceylon, India, Uganda.

⁹ Ceylon, India.

¹⁰ India, Switzerland, Uganda.

Committee on Freedom of Association has pointed out on many occasions that the right of workers and their organisations to strike as a legitimate means of defending their occupational interests is generally recognised, it has considered that it may be acceptable for strikes to be prohibited or subject to certain restrictions in the civil service. In this connection, however, it has stressed the importance which it attaches, where strikes are prohibited or subject to restrictions in the civil service, to the establishment of adequate safeguards to protect the interests of the workers who are thus deprived of an essential means of defending their occupational interests; it has pointed out that such restrictions should be accompanied by adequate, impartial and speedy conciliation or arbitration procedures in which the parties concerned may participate at every stage, and that the awards given should in all cases be binding on both parties.¹

29. One government refers to a further difficulty to ratification with regard to public officials, namely that trade unions of civil servants may not engage in activities of a political nature.² The Committee has previously referred to provisions prohibiting trade unions from engaging in political activities³, without, however, referring to the rather special case of such a prohibition for civil service trade unions. While reaffirming its general attitude to prohibitions on political activities, referred to above, the Committee considers it pertinent to recall that general prohibitions of political activities in the case of civil servants' unions have not, in the past, given rise to comments on its part in its examination of reports under article 22 of the Constitution of the ILO.

30. Two governments indicate the existence of general provisions amounting to requirements that trade unions respect national law. Thus, in one country, organisations having an illegal purpose or employing illegal methods are forbidden.⁴ In another country unions may not affiliate with international workers' or employers' organisations which engage in activities which are not in conformity with the principles of national constitutional law.⁵ It is appropriate to point out in this respect that Article 8 of the Convention provides that in exercising the rights laid down in the Convention, workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land, but that the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in the Convention.

31. Finally, one government wonders whether the Convention leaves governments the right to restrict freedom of association in time of war or other exceptional events.⁶ While the Convention is silent on possible restrictions on trade union rights in such circumstances, it is pertinent to recall that the Governing Body Committee on Freedom of Association has, in various cases⁷, recognised the possibility of imposing some restrictions on trade union action during emergencies; these restrictions, however, have related to certain kinds of activities of trade unions (for example meetings and strikes) and have not affected the right to form and join trade unions.

¹ See, for example, para. 531 of the 101st Report of the Committee (*Official Bulletin* (Geneva, ILO), Vol. LI, No. 1, Jan. 1968, Supplement).

² India.

³ For example, RCE, 1959, General Survey, para. 69; and see para. 22 above.

⁴ Switzerland.

⁵ Turkey.

⁶ Switzerland.

⁷ See, for example, the 25th Report of the Committee, para. 165 (*Official Bulletin*, Vol. XL, No. 2, 1957); 78th Report, paras. 82 to 84, and para. 277 (*ibid.*, Vol. XLVIII, No. 1, Jan. 1965, Supplement).

Measures Taken or Envisaged

32. Certain governments have supplied information concerning measures taken in the field covered by the Convention or studies relating thereto. Thus, in Canada, a study has recently been made of the Convention and the degree to which Canadian law and practice now appear to conform to the Convention; formal consultation is now in progress between the Government and the provincial governments. In Chile a Bill to bring national legislation into conformity with the Convention was submitted to the National Congress in 1965 and is at present before that body. The Government of Uganda states that it is its policy to work towards establishing conditions in the country which will permit further legislation conforming fully with the provisions of the Convention. Lastly, in Venezuela the Government is preparing a Bill to eliminate all of the present divergences with the Convention, except with regard to the position of public servants; for this reason, ratification of the Convention will not be possible.

Ratification Prospects

33. Certain governments have supplied information relating to the possible ratification of the Convention. In Haiti the Convention was ratified by a decree of 7 February 1963, but the instrument of ratification has not yet been received by the Office. The Convention was submitted to the Senate of the United States in 1949 with a request for advice and consent to ratification. In Iran the legislation is stated to be in conformity with the Convention, which was submitted to Parliament in 1951 with a view to its ratification. In Sudan preparations have been made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968.

34. The Convention is at present before the Government of Morocco with a view to the normal procedure for ratification being set in motion. The Government of Rwanda indicates that there is no major difficulty preventing ratification, but the Convention has still to be submitted to the competent authority. Consideration is being given by the Governments of Afghanistan and Australia¹ to the question whether the Convention can be ratified.

35. On the other hand, the Government of Ceylon indicates that the ratification of the Convention is not possible until decisions are taken by it on recommendations made by the Commission of Inquiry appointed to recommend amendments to certain legislation and by the Committee of Inquiry appointed to report on the law and practice relating to trade unions; the Government has previously stated² that these two bodies would consider the Convention. The Government of Spain states that the consideration of the Convention with a view to its ratification has been postponed because of the impending legislation to develop the trade union organisation.

36. Finally, certain governments which state that they cannot at present ratify the Convention indicate that it may, nevertheless, have some influence in the future. Thus, in Congo (Kinshasa), although the Government considers itself unable to ratify the Convention at present, it hopes to do so as soon as possible. In Tanzania the position will be kept under constant review.

37. In conclusion, it appears from the information available at present that ratification of the Convention has been approved by the competent authorities in one

¹ Article 19 report, 1959.

² Letter of 21 March 1967 from the Ministry of Defence and External Affairs.

country, that the Convention has been submitted for approval to the competent authorities in two countries, that its ratification is being preparing in two countries and being considered in two others; the government of one country states that no difficulties prevent ratification.

RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98)

38. The Convention provides for the adequate protection of workers against acts of anti-union discrimination in respect of their employment, particularly against acts calculated to cause them prejudice, in engagement, dismissal or otherwise, on the ground of their trade union membership or activities. Protection is also prescribed for workers' and employers' organisations against acts of interference by each other or each other's agents or members in their establishment, functioning or administration, and in particular against those aimed at promoting the domination or control of workers' organisations by employers or employers' organisations. The Convention provides that machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the Convention. It also provides that measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary collective bargaining, with a view to the regulation of terms and conditions of employment by means of collective agreements.

39. Finally, it is provided that national laws or regulations shall determine the extent to which the guarantees provided for in the Convention apply to the armed forces and to the police, and that the Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status.

40. The Convention has thus far been ratified by 86 countries.¹ A total of 21 reports have been received from non-ratifying States.

Difficulties Encountered

41. Two countries refer, in a general way, to difficulties related to the present level of trade union development. Thus, one government indicates that, while its legislation is in conformity with the Convention, no employers' or workers' organisations have yet been established; it is not yet known how they will operate or whether there will be any outside influence on their freedom of action.² Another government also considers that there are no legal difficulties to ratification, but is of the opinion that ratification should be delayed until such time as workers'

¹ Albania, Algeria, Argentina, Austria, Barbados, Belgium, Brazil, Bulgaria, Byelorussia, Cameroon, Central African Republic, Chad, China, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Republic of Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lesotho, Liberia, Libya, Luxembourg, Malagasy Republic, Malaysia, Republic of Mali, Malta, Morocco, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Rumania, Senegal, Sierra Leone, Singapore, Sudan, Sweden, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yugoslavia.

² Rwanda.

organisations have reached a reasonable stage of maturity and responsibility and are representative of a large working population.¹

42. One government indicates that under national legislation an employer has complete freedom to employ—or not to employ—persons at will; in addition, he may dismiss a worker, provided that he observes the periods of notice prescribed, without giving a reason, which would permit him to dismiss a worker by reason of his trade union activities.² The government is inclined to the opinion that this system of freedom of contract is not compatible with the provisions of the Convention which lay down that the protection to be granted to workers shall apply in particular in respect of acts calculated, firstly, to make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership, and, secondly, to cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities.

43. The Committee has previously had occasion to refer to this particular difficulty.³ Basically, the Committee has considered that as long as the protection laid down in the Convention is effectively enjoyed, the methods to apply these provisions of the Convention may vary. As it has pointed out⁴, the methods employed in different countries will probably depend on the juridical techniques normally utilised for regulating conditions of employment and, especially, contracts of employment, that is, as a general rule, either intervention of the State through laws or regulations, on the one hand, or predominance of collective agreements, on the other. In the same connection, it should be recalled that Article 3 of the Convention lays down that, where necessary, machinery *appropriate to national conditions* shall be established for the purpose of ensuring respect for the right to organise as defined in the Convention. In addition, as the Committee has previously indicated⁵, in deciding upon the methods to be used to give effective application to these provisions of the Convention, governments will normally take into account such factors as the historical background of trade union development in their respective countries, the present strength of the trade union organisations and the experience of their leaders. The Committee wishes to stress, however, that, if in a country for which the Convention is in force workers were not adequately protected in respect of acts of anti-union discrimination, then, whatever methods were normally employed in the country to regulate conditions of employment, the government in question should, in order fully to implement the provisions of the Convention, take such measures as might be necessary to ensure the effective enjoyment of the protection prescribed in the Convention.

44. One government indicates that under its legislation unions have the right to request and obtain from the employer the dismissal from employment of any of its members who resign or are expelled from the union, provided that the relevant contract contains the clause excluding non-union members.⁶ The government considers that this provision might be incompatible with the provision of the Convention according workers protection in respect of acts calculated to cause the dismissal of a worker by reason of union membership or because of participation in

¹ Zambia.

² Switzerland.

³ See, in particular, RCE, 1959, General Survey, para. 45.

⁴ Ibid., para. 46.

⁵ Ibid.

⁶ Mexico.

union activities. In this connection, the Committee wishes to refer to the report of the Committee on Industrial Relations at the 32nd Session of the International Labour Conference, which indicates that, after examining various formulae to cover the case of union security arrangements under the Convention, the Committee in question "finally agreed to express in the report its view that the Convention could in no way be interpreted as authorising or prohibiting union security arrangements, such questions being matters for regulation in accordance with national practice".¹

45. One government indicates, as a difficulty to the ratification of the Convention, that civil servants, that is "those connected with the secretarial and executive functions of government", are not in the same position as other workers with regard to the guarantees laid down in the Convention.² It wonders whether the term "public servants engaged in the administration of the State", whose position is not dealt with by the Convention, covers all civil servants, including clerks, etc. The Committee has considered, in this connection³, that while the concept of public servant may vary to some degree under the various national legal systems, the exclusion from the scope of the Convention of public servants who do not act as agents of the public authority (even though they may be given a status identical with that of public officials engaged in the administration of the State) is contrary to the meaning of the Convention. The distinction to be drawn, therefore, would appear to be, basically, between civil servants employed in various capacities in government ministries or comparable bodies, that is, public servants who, by their functions are directly engaged in the administration of the State as well as lower-ranking officials who act as supporting elements in these activities, on the one hand, and other persons employed by the government, by public undertakings or by autonomous public institutions, on the other hand.

46. A difficulty to the ratification of the Convention referred to by one government is that under national legislation members of the armed forces and the police are absolutely prohibited from organising trade unions.⁴ In this connection, the Committee recalls that, as laid down in Article 5 of the Convention, the extent to which the guarantees provided for in the Convention shall apply to the armed forces and the police shall be determined by national laws or regulations. States ratifying the Convention, therefore, are free to decide the extent to which the right to organise shall apply to these persons, and, if it appears to them desirable, completely to exclude these persons from the protection laid down in the Convention.

47. Finally, two governments, while seeing no major difficulty in ratifying the Convention, consider that it would be inappropriate to ratify it without ratifying the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).⁵ In this connection, the Committee considers that, while Convention No. 98, which deals with the detailed application of the right to organise and with the right to bargain collectively, assumes that the basic right to establish unions, which is laid down in Convention No. 87, is granted in the country concerned, the two instruments are independent, and there would not moreover be any logical inconsistency for a State to ratify Convention No. 98, if it were prevented from

¹ ILO: *Record of Proceedings*, International Labour Conference, 32nd Session, Geneva, 1949 (Geneva, ILO, 1951), p. 468.

² India.

³ See RCE, 1967, pp. 100-101.

⁴ Ceylon.

⁵ India, New Zealand.

ratifying Convention No. 87 by reason of difficulties unconnected with the rights dealt with in Convention No. 98. In fact, Convention No. 98 has been ratified by 17 States which are not bound by Convention No. 87.

Measures Taken or Envisaged

48. Certain governments have supplied information concerning measures envisaged in the field covered by the Convention, or studies relating thereto. Thus, in Canada a study has recently been made of the Convention and of the degree to which Canadian law and practice appear now to conform to the Convention. The study shows that Canadian law appears to comply in most respects with the Convention, and it is contemplated that discussions of this subject will take place with provincial governments at a later date in the light of the federal-provincial discussions on Convention No. 87. The Government of Chile indicates that it intends to amend its legislation in order to make the provisions of the Convention fully applicable. In Kuwait the provisions of the Convention will be tackled in any future legislative amendment.

Ratification Prospects

49. Certain governments have supplied information on the possible ratification of the Convention. In Colombia the Convention was submitted to the National Congress for its approval in September 1965 and is at present before that body. In Iran the Convention was submitted to Parliament in 1951 with a view to ratification. In Congo (Brazzaville) arrangements were being made with a view to the ratification of the Convention in the near future.¹ The Government of Congo (Kinshasa) indicates that the ratification of the Convention is being prepared. In Australia ratification is being closely examined. In the Netherlands an amendment to the Civil Code which would permit the ratification of the Convention is being prepared; the parliamentary procedure for ratification was expected to begin shortly. In Ceylon the present position of the law is being examined by a Commission of Inquiry and the ratification of the Convention has to await the recommendations of this body. The Government of Spain refers to the information it supplied in respect of Convention No. 87 concerning the postponement of a decision on ratification.²

50. In conclusion, it appears from the information available at present that the Convention has been submitted for approval to the competent authorities in two countries and that its ratification is being prepared in four other countries.

FORCED LABOUR CONVENTION, 1930 (No. 29)

51. The basic undertaking entered into by States which ratify the Convention 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. 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 penal labour, work exacted in emergencies and minor communal services.

¹ Letter of 22 February 1967 from the Ministry of Labour.

² See under Convention No. 87.

52. The Convention has thus far been ratified by 103 countries.¹ A total of 13 reports have been supplied by non-ratifying States.

Difficulties Encountered

53. One government indicates that it is unable to ratify the Convention since national legislation, in order to avoid overburdening the courts, provides that tax defaulters may be ordered to perform public work by administrative officials.²

Measures Taken or Envisaged

54. Measures are envisaged in one country to give further effect to the Convention. In China revision of the existing Labour Service Act and its enforcement measures is under consideration.

Ratification Prospects

55. The Convention has been ratified by four more countries since the general survey of forced labour made by the Committee in 1968.³

56. The Government of Turkey states that work relating to ratification is now in progress. The Government of Uruguay indicates that it intends to initiate action with a view to ratification, while the Government of Ethiopia states that ratification will be considered after certain legislative modifications have been made.

57. According to the Governments of Afghanistan⁴, Canada, Nepal⁴, the Philippines and Rwanda, forced or compulsory labour does not exist or is prohibited in their countries. The Governments of Bolivia and Guatemala indicate that as forced labour does not exist in their countries and national legislation goes beyond the Convention, ratification of the Convention is not envisaged, the Government of Guatemala adding that the ratification of Convention No. 105 has made unnecessary ratification of Convention No. 29. In this connection the Committee observes, first, that as the stated objective of the Convention is the abolition of forced or compulsory labour in all its forms, its ratification in no way presupposes that a ratifying State would have recourse to forced or compulsory labour during a transitional period. Secondly, the Committee draws attention to article 19, paragraph 8 of the Constitution of the ILO, according to which "In no case shall . . . the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers

¹ Albania, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Bulgaria, Burma, Burundi, Byelorussia, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Federal Republic of Germany, Ghana, Greece, Republic of Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lesotho, Liberia, Libya, Luxembourg, Malagasy Republic, Malaysia, Republic of Mali, Malta, Islamic Republic of Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Rumania, Senegal, Sierra Leone, Singapore, Somali Republic, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, Upper Volta, Venezuela, Viet-Nam, Yugoslavia, Zambia.

² Malawi.

³ Cambodia, Colombia, Kuwait, Thailand.

⁴ Article 19 report, 1968.

concerned than those provided for in the Convention . . .". Thirdly, with regard to the relationship between the Forced Labour Convention, 1930, and the Abolition of Forced Labour Convention, 1957, the Committee calls attention to its general survey of forced labour of 1968, where it was indicated that these two Conventions are independent instruments whose scope is not wholly coterminous.¹

58. In conclusion, it appears from the information available at present that ratification of the Convention is being prepared in one country and is contemplated in another.

ABOLITION OF FORCED LABOUR CONVENTION, 1957 (No. 105)

59. The Convention requires the abolition of the use of any form of forced or compulsory labour in five specified cases, namely (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 method 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"; and (e) "as a means of racial, social, national or religious discrimination".

60. The Convention has thus far been ratified by 83 countries.² A total of 25 reports have been supplied by non-ratifying States.

Difficulties Encountered

61. Several countries cite difficulties preventing ratification of the Convention. Two governments indicate that they still entertain uncertainty as to the precise meaning of the term "forced or compulsory labour" in the Convention.³ In this connection the Committee calls attention to the explanations provided in its general survey of forced labour in 1968.⁴

62. For several other governments the main difficulty would appear to arise from the prohibition of the use of forced or compulsory labour for purposes of economic development contained in Article 1 (b) of the Convention.⁵ The Committee observes, however, that the countries in question have ratified the Forced Labour Convention, 1930, and have thus already undertaken to suppress the use of forced or compulsory labour in all its forms within the shortest possible time, subject to certain exceptions provided for in that Convention, for example, compulsory labour in cases of emergency and as minor communal services. In this connection the Committee recalls

¹ RCE, 1968, General Survey, paras. 41-44, 81-85. As regards the position of two members of the Committee, see also paras. 17 and 18 of this Survey.

² Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Brazil, Burundi, Cameroon (Western Cameroon), Canada, Central African Republic, Chad, China, Colombia, Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, Gabon, Federal Republic of Germany, Ghana, Greece, Guatemala, Republic of Guinea, Guyana, Haiti, Honduras, Iceland, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Luxembourg, Malaysia, Republic of Mali, Malta, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Rwanda, Senegal, Sierra Leone, Singapore, Somali Republic, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, Uruguay, Venezuela, Zambia.

* Bulgaria and Japan.

⁴ RCE, 1968, General Survey, paras. 41-46, 81-88.

⁵ Congo (Kinshasa), India and Upper Volta (article 19 report, 1968).

the explanations given in its general survey of forced labour in 1968, that compulsory labour exacted in cases of emergency or as minor communal services would not, if remaining within the limits laid down in the 1930 Convention, constitute a case of "mobilising and using labour for purposes of economic development" within the meaning of the Abolition of Forced Labour Convention, 1957.¹ One government refers, apparently also in relation to Article 1 (b) of the Convention, to legislative provisions, deemed necessary to relieve the burden on the courts, under which administrative officials may order tax defaulters to perform public work.²

63. Several countries mention difficulties arising from the fact that national legislation permits the imposition of compulsory labour on persons in circumstances which might fall within Article 1 (a), (c) or (d) of the Convention. Thus, one government refers to legislation, deemed necessary to preserve public order, under which persons may be detained and required to work while under detention.² Another government refers to legislative provisions under which penal labour may be exacted from persons convicted of violation of the prohibition for public employees to engage in political activities or of certain breaches of discipline in various public services and in the merchant marine.³ These questions were considered by the Committee in the survey of forced labour made in 1968, where it sought to indicate the bearing upon them of the 1957 Convention.⁴ Another government refers to the fact that penal labour may be imposed on persons participating in strikes which are illegal under the legislation governing the settlement of industrial disputes⁵; this question was likewise considered by the Committee in its survey of 1968.⁶

64. Convention No. 105 has been ratified by three more States since the general survey of forced labour of 1968.⁷

Measures Taken or Envisaged

65. Several countries indicate that measures are envisaged or have been adopted to give further effect to the Convention. The Government of Ceylon indicates that the Convention will be considered by Commissions of Inquiry set up to deal with questions relating to the Industrial Disputes Act and the Trade Unions Ordinance.⁸ The Government of Viet-Nam indicates that consideration is being given to a proposed amendment to exclude "labour exacted by virtue of tax obligations" from the list of exceptions to the prohibition of forced or compulsory labour contained in the Labour Code. The Governments of Lesotho and Upper Volta⁹ refer to legislative measures adopted with a view to giving effect to the Convention.

Ratification Prospects

66. In Chile the Government has submitted the Convention to Parliament with a view to ratification. In France and Sudan the Convention has been prepared for

¹ RCE, 1968, General Survey, para. 44.

² Malawi.

³ Japan.

⁴ RCE, 1968, General Survey, paras. 93-95, 115, 119-121, 126-127.

⁵ Ceylon.

⁶ RCE, 1968, General Survey, para. 124.

⁷ New Zealand, Paraguay, Uruguay.

⁸ Letter of 21 March 1967 from the Ministry of Defence and External Affairs.

⁹ Article 19 report, 1968.

submission to Parliament for ratification. Ratification is contemplated by the Government of the Congo (Brazzaville).¹ The Governments of Czechoslovakia and Ethiopia state that ratification will be considered after certain legislative modifications have been made. The Government of Rumania indicates that national legislation conforms with the principles of the Convention and that its ratification is envisaged when the revision of the labour legislation has been completed. The Government of the USSR indicates that the competent organs are studying the possibility of ratifying the Convention.² The Governments of Lesotho, Mauritania, Thailand³ and Togo indicate that there are no difficulties preventing ratification or application of the Convention. The Governments of Burma, Byelorussia, Hungary, Nepal³, the Ukraine, the USSR and Yugoslavia state that forced labour does not exist in their countries. The Government of Bolivia states that as no forced labour exists in the country, ratification is not envisaged. In this regard the Committee observes that the non-existence of forced labour would facilitate the ratification of the Convention.

67. In conclusion, it appears from the information available at present that the Convention has been submitted for approval to the competent authorities in one country, while in two other countries it has already been prepared for submission, that ratification is contemplated in one country, that it will be considered in three countries after certain modifications to the national legislation have been made; the governments of four countries state that no difficulties prevent ratification.

DISCRIMINATION (EMPLOYMENT AND OCCUPATION) CONVENTION, 1958 (No. 111)

68. Every State that ratifies the Convention undertakes to promote equality of opportunity and treatment with a view to eliminating any discrimination in respect of employment and occupation, through the application of a national policy designed to promote this aim by methods appropriate to national conditions and practice. Under the Convention discrimination consists in any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin (or any other grounds determined by the State Member) that has the effect of nullifying or impairing equality of opportunity or treatment in the fields in question. The Convention covers not only access to employment, but also terms and conditions of employment and access to vocational training; it applies to all classes of workers and all kinds of activity.

69. At the time of the present report the Convention had been ratified by 67 countries.⁴ The total number of reports received from countries that have not ratified it is 39.

¹ Letter of 22 February 1967 from the Ministry of Labour.

² Letter of 30 December 1968 from Mr. Goroshkin, member of the Governing Body of the ILO, in reply to the resolution concerning action by the ILO in the field of human rights and in particular with respect to freedom of association, adopted by the June 1968 Conference.

³ Article 19 report, 1968.

⁴ Argentina, Brazil, Bulgaria, Byelorussia, Canada, Central African Republic, Chad, China, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Gabon, Federal Republic of Germany, Ghana, Guatemala, Republic of Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Ivory Coast, Jordan, Kuwait, Liberia, Libya, Malagasy Republic, Malawi, Republic of Mali, Malta, Islamic Republic of Mauritania, Mexico, Morocco, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Portugal, Senegal, Sierra Leone, Somali Republic, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, Ukraine, USSR, United Arab Republic, Upper Volta, Viet-Nam, Yugoslavia.

Difficulties Encountered

70. The first group of obstacles mentioned by governments relates to the situation of certain classes of persons under the criteria on which distinctions are based for the purpose of the Convention.

71. Discrimination on grounds of sex creates the difficulty most often mentioned in this connection, which arises in two fields, that of access to employment (and maintenance in employment)¹ and that of terms and conditions of employment or, more precisely, equal remuneration for work of equal value without distinction on grounds of sex.² Most of the countries concerned, however, state that the difficulties are gradually disappearing. It should be recalled here that the Convention does not require that all discriminatory practices should already have disappeared before ratification, but rather that there should be a policy to eliminate them through methods appropriate to national conditions and practice.³ With regard to equal remuneration without distinction based on sex, the Committee has had occasion to point out that Convention No. 111 presents this question (in a different way from Convention No. 100) as one element among others in a general policy intended to cover many aspects of discrimination based on various causes, a fact that allows greater flexibility in timing and choice of means than exists under Convention No. 100.⁴

72. The question of discrimination based on national extraction is raised by one country, in which a waiting period is imposed on naturalised persons before they can have access to public office and certain occupations which the Government considers to be "connected with activities of public interest."⁵ In examining the scope of the provision in the Convention to the effect that distinctions "based on the inherent requirements" of a particular job shall not be deemed to be discrimination (Article 1, paragraph 2), the Committee has observed that the existence of restrictions of this type "may be due to a desire for assurance as to the durability and finality of the person's attachment to his new nationality".⁶ In the case in question, moreover, the Government states that the measure seems to be justified on grounds connected with the abilities and qualifications required for the employments specified.

73. Certain countries also refer in their reports to restrictions applied to foreign workers.⁷ In this connection it must be recalled⁸ that Convention No. 111 applies to discrimination based on "national extraction" and not to that based on nationality; the situation of foreign workers, which it does not cover as such, is covered by other instruments.

74. Other countries have taken measures to ensure an equitable representation of the various groups of the population.⁹ The governments stated in their reports that they do not consider these measures to be discriminatory since they are intended to

¹ Finland, Ireland, Luxembourg, Norfolk Island (Australia).

² Australia, Ceylon, Kenya, Netherlands, New Zealand, United Kingdom.

³ RCE, 1963, General Survey, para. 108.

⁴ Ibid., para. 34.

⁵ France.

⁶ RCE, 1963, General Survey, para. 42.

⁷ Ceylon (which also mentions the question of stateless workers), Congo (Kinshasa), Rwanda, United Kingdom (Bahamas).

⁸ RCE, 1963, General Survey, para. 27.

⁹ Preferences granted to Africans in Tanzania and Uganda, to Malays in Malaysia, or again measures intended to protect the Gibraltarian minority in Gibraltar (article 19 report, 1963).

correct a less favourable economic situation or a lack of balance in the distribution of jobs in the public service. They do consider, however, that these measures prevent their ratifying the Convention. As the Committee has already stated¹, certain arrangements of this kind may not necessarily be regarded as discrimination in the sense of the Convention if their effect is rather to bring about a balance between different communities, to ensure protection for minorities, or again to combat a discrimination to which certain categories have been subjected in practice.² It must, however, be possible in each particular case to assess the actual situation and the application in practice of the relevant provisions.¹ Another country refers to the impediment constituted by the existence of "national policies aimed at fostering national unity", without specifying their nature.³

75. Another group of difficulties mentioned by governments relates to the nature of the legal obligations resulting from the provisions of the Convention.

76. Several countries consider that certain provisions of the Convention might involve an obligation to adopt legislation and direct interference by the State in fields traditionally reserved to negotiation between the parties to industrial relations.⁴ The Committee, however, has already pointed out that the Convention cannot be interpreted either as imposing on the State the obligation to act in certain spheres by methods not appropriate to "national conditions and practice" or as imposing an obligation to adopt legislation in all the spheres in question.⁵

77. One country stresses that action to be taken with a view to giving effect to the Convention depends not only on the federal authorities, but also on the constituent units.⁶ The Committee has already stated, however, that the Convention, by leaving it to the countries to choose methods appropriate to national conditions and practice, has been specially devised so as to impose only obligations that can be carried out without impairing the distribution of powers between a federal State and its constituent units.⁷

78. Lastly, there are cases where the obstacles and delays reported are linked with the general situation of the country. Sometimes there is a delay in considering ratification of the Convention for political⁸, economic⁹, or other reasons.¹⁰

Measures Taken or Envisaged

79. Many countries have issued laws or regulations to promote equality of opportunity and to oppose discrimination appearing in various forms (United States,

¹ RCE, 1963, General Survey, para. 39.

² Ibid., para. 51.

³ Zambia.

⁴ Austria, Jamaica, New Zealand. The United Kingdom mentions the absence of legislation against discrimination on grounds of sex, age, religion, political opinion or social origin.

⁵ RCE, 1963, General Survey, para. 60.

⁶ United States.

⁷ RCE, 1963, General Survey, para. 63.

⁸ Venezuela (elections and the volume of parliamentary business).

⁹ Bolivia.

¹⁰ Austria (legislation in course of being codified).

for example ¹), or in particular spheres: equal pay for work of equal value without distinction of sex (United States, Jamaica), racial discrimination (United Kingdom ²).

80. Special bodies responsible for devising and applying the policy for the promotion of equal opportunity and the elimination of discrimination have been set up in the United States ³ and Japan ⁴: the setting up of similar bodies is provided for in the United Kingdom by the Race Relations Act, 1968. Certain countries such as Malaysia, the United Kingdom and the United States have taken positive measures to institute educational work: education or information of employers and, more generally, of all persons concerned, through the Ministry of Labour, the public employment or placement services or other services dealing with social questions.

81. The employment services provide a means used by certain governments of eliminating discrimination in placement operations. Sometimes there are clauses against discrimination in the texts governing the operation of these services. The policy or practice followed, however, often consists in putting the placement and employment services at the disposal of all without discrimination, and in particular without racial discrimination (New Zealand), or again as in Japan, the United Kingdom or the United States, in bringing employers to base their offers of employment and their corresponding decisions solely on qualifications and merit. In the United States one of the tasks of the employment service is to help minority groups to enjoy equal opportunities.

82. In the field of vocational guidance and training, certain laws or regulations also contain anti-discrimination clauses. Examples can be found in Japan ⁵ and the United States.⁶ Equality of opportunity in this field may also be ensured in practice by a general policy opening access to education and training to all without distinction (Colombia, France, Japan, Thailand ⁷), or again by special programmes for the protection or assistance of certain groups (New Zealand ⁸, United Kingdom ⁹).

83. Lastly, several countries state that they have tried to act in co-operation with the employers' and workers' organisations, and co-operation with other public or private organisations is also sought in the United Kingdom and the United States.

Ratification Prospects

84. It will first of all be noted with interest that since 1963, when the last survey under article 19 was published on this Convention, 28 new ratifications have been registered.

85. It will also be noted that in Haiti ¹⁰ ratification of the Convention has been approved by the competent authorities in 1963, but not communicated to the ILO. In

¹ Civil Rights Act of 1964, Fair Employment Practice Acts in many states, Age Discrimination in Employment Act of 1967.

² Race Relations Act, 1968.

³ Commission on Civil Rights, Equal Employment Opportunity Commission, bodies responsible for the application of state laws or advisory bodies set up under these laws.

⁴ Council on Integration Measures.

⁵ Employment Security Law.

⁶ Code of Federal Regulations.

⁷ Article 19 report, 1963.

⁸ Programme for the training of the Maoris.

⁹ Programme for the vocational training of women.

¹⁰ Ratification of the Convention has been approved by a decree published in *Le Moniteur*, 24 Jan. 1963, No. 8.

Chile, Uruguay and Venezuela, the Convention has been submitted to the competent authorities with a view to ratification. The Government of Belgium states that a Bill to approve the Convention is at present being drawn up. In Sudan preparations have been made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968. In Nigeria the procedure for ratification is well advanced.

86. The question of ratification is being examined by the Governments of Afghanistan and Burma. In Peru¹ it was expected that the Convention would be ratified very shortly. The Government of Finland hopes that it, too, will soon be in a position to ratify.

87. The question of ratification will be considered later in Barbados, Bolivia and Congo (Brazzaville).²

88. Lastly, in Greece, the possibility of adapting the legislation to the provisions of the Convention will be considered with a view to ratification, and the Government of Rumania states that the national laws are in conformity with the principles of the Convention and that ratification will be considered when the revision of the labour legislation has been completed.

89. To conclude, the information available at present shows that ratification of the Convention has been approved by the competent authorities in one country, that the Convention has been submitted to the competent authorities for approval in three countries, that ratification is being prepared in four countries, and is under consideration in two others.

EQUAL REMUNERATION CONVENTION, 1951 (No. 100)

90. The Convention lays down as a general principle that each member State that has ratified it shall promote and, in so far as to do so is consistent with the methods in operation for determining rates of remuneration within its country; ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value. For the purpose of the Convention, the term "remuneration" includes the basic wage and any additional emoluments in cash and in kind, and the term "equal remuneration" refers to rates of remuneration established without discrimination based on sex. The principle may be applied by national laws or regulations, by any legal wage fixing machinery, by collective agreements or by a combination of these various systems. One of the means advocated by the Convention for facilitating the application of the principle established by it is the objective appraisal of jobs on the basis of the work to be performed. Lastly, the Convention provides that governments shall co-operate with employers' and workers' organisations for the purpose of giving effect to its provisions.

91. The Convention has so far been ratified by 65 countries.³ Forty-one reports have been supplied by States that have not ratified it.

¹ Statement by a Government representative to the Conference Committee on the Application of Conventions and Recommendations, 1968.

² Letter of 22 February 1967 from the Ministry of Labour.

³ Albania, Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Byelorussia, Central African Republic, Chad, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Finland, France, Gabon, Federal Republic of Germany, Ghana, Guatemala, Republic of Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Libya, Luxembourg, Malagasy Republic, Malawi, Republic of Mali, Mexico, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Rumania, Senegal, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukraine, USSR, United Arab Republic, Yugoslavia.

Difficulties Encountered

92. The difficulty most often mentioned as impeding the ratification of the Convention is that in certain States the government takes no direct part in the fixing of wages in the private sector ¹—where they may be fixed by arbitration boards ², collective agreements or individual agreement between the employer and the wage earner—and the government does not consider it proper to interfere in these negotiations to impose the principle of equal pay. In these same countries, however, the principle is generally applied already to civil servants or state employees. A report from one of these countries where the principle is applied only in respect of non-manual jobs in the public service and the nationalised undertakings contains the words: “if equal pay for women in the public service could be phased in over seven years, our industrial women deserve no less generous treatment.” ³ On the other hand, another country reports that the principle is established by legislation for manual workers, but that for salaried employees it applies at present only to the minimum wage. ⁴

93. While the situation as described above may present problems to the governments concerned, it must nevertheless be pointed out that of the five States which referred to the same difficulty during the last general survey carried out in 1956 ⁵, three have since ratified the Convention. ⁶ As long ago as 1956, indeed, the Committee stated: “The government’s obligation to *ensure* implementation of the principle of equal remuneration is limited under Article 2, paragraph 1, of the Convention to those areas where such action is ‘consistent with the methods in operation for determining rates of remuneration’. If, under the existing system, the government remains outside the wage-fixing process, it is free to confine itself, under the same provision of the Convention, to *promoting* the application of the principle.” ⁷

94. The absence in their countries of any system of objective job appraisal on the basis of the work to be performed, or the inadequacy of an existing system, has also been reported by several governments as constituting an obstacle to ratification. ⁸ It must be recalled, however, that the establishment of such a system is not compulsory, but that the Convention proposes it where it can “assist in giving effect” to the principle of equal remuneration, the governments remaining free to make use of it.

95. Economic grounds are also mentioned as delaying or standing in the way of ratification, whether by industrialised countries where female labour is important ⁹ or by developing countries. ¹⁰ Two governments in the latter group mention the insignificant number of women wage earners. ¹¹

¹ Australia, Cyprus, Ireland, Jamaica, Malta, New Zealand, Singapore, United Kingdom.

² Australia (article 19 report, 1956).

³ United Kingdom.

⁴ Chile.

⁵ Denmark, Norway, Sweden, Switzerland, United Kingdom.

⁶ Denmark, Norway, Sweden.

⁷ RCE, 1956, General Survey, p. 156.

⁸ Ceylon, Cyprus, Malaysia, Venezuela, Zambia.

⁹ Netherlands, United Kingdom.

¹⁰ Kenya, Lesotho, Morocco.

¹¹ Pakistan, Rwanda.

96. One government describes in detail the social and psychological obstacles in the way of ratification: the present stage of development is such that the woman wage earner has appeared only recently and employers still consider her a temporary worker (when she marries, the woman ceases to work) from whom a lower output is sometimes accepted. The application of the principle of equal remuneration would close the labour market to women and so deprive them of all chance of proving that their output could equal that of men.¹ Two other countries have stated that there would be the same risk of unemployment for women if the government tried to impose equality of remuneration², and yet another considers that the application of the principle must be carried out over a period of time in the light of national conditions.³ One government intends to reserve its decision until it is in a position to assess the extent to which such discrimination is still practised locally.⁴

97. The lack of uniformity in the legislation of the constituent states or provinces and the division of responsibility between them and the federal authorities have been mentioned by two federal States as preventing ratification at present.⁵ One country states that "the definition given in the Convention of 'work of equal value' is too vague for ratification" and fears that it would lead to a serious disturbance of the accepted system of determining working conditions.⁶

Measures Taken or Envisaged

98. The Governments of Guyana, Pakistan, Togo and Uganda report that national law or practice is in conformity with the principle laid down by the Convention. In addition, in some countries, legislative or administrative measures have been taken to give fuller effect to the Convention. Thus, in the Congo (Kinshasa) a 1967 ordinance makes the general classification of jobs compulsory, and in Lesotho a 1964 administrative regulation lays down a minimum wage for the lowest grades of manual worker irrespective of sex. In the United States the Equal Pay Act of 1963, which was amended in 1966 to broaden its scope and eliminate certain exemptions, requires the employer to pay equal wages to men and women doing equal work on jobs requiring equal skill, effort and responsibility.

99. Other States (Australia, Malta, New Zealand and Zambia), where the government takes no part in wage fixing, try to influence the bodies responsible for it and so endeavour to promote the application of the principle, though they are unable to ensure it in the immediate future. In Australia certain arbitral tribunals have introduced the equal pay principle and legislation has been adopted in two states to prepare the way for equal pay. Zambia reports that, thanks to a policy of this nature, nearly all recent wage determinations have abolished the differentials based on sex.

100. Lastly, there are countries that fear the economic effects which might result from the general application of the principle of equal remuneration and are instituting it by stages, as authorised by the Convention. In Greece and New Zealand, for example, the gaps between men's and women's wages are being

¹ Cyprus.

² Morocco, Zambia.

³ Malaysia.

⁴ Barbados.

⁵ Canada, United States.

⁶ Jamaica.

gradually reduced on the occasion of wage increases, women's wages receiving greater increases. In Malta parity in the public service will have been achieved in stages by 1971.

Ratification Prospects

101. In Venezuela the Convention was submitted to Congress in 1968 with a view to ratification. In Sudan preparations have been made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968. In Switzerland ratification of the Convention was proposed to Parliament by the Federal Council in 1960, but although one of the Chambers was in favour of ratification, the other has rejected it. In Nigeria the procedure for ratification has already been set in motion, and in the Congo (Brazzaville) ¹, Iran, Upper Volta and Viet-Nam, law and practice are considered to be in conformity with the Convention and ratification is contemplated in the foreseeable future.

102. Other countries indicate that ratification is being examined (Afghanistan, Burma, Greece, Tanzania) or that it will be possible in the future (Kuwait). The Government of Uruguay states that the text of the Convention is being studied by a working group.

103. The adoption of special measures is considered necessary in some countries before ratification can take place: in Cameroon no further obstacle to ratification will exist after the adoption of the regulations for the application of the Labour Code; in Ethiopia certain administrative adjustments must be made to ensure the application of the Convention; in Morocco the Labour Code, which is at present being drawn up, will contain provisions making ratification possible.

104. To conclude, the information at present available shows that the Convention has been submitted to the competent authorities in one country, that ratification is being prepared in two countries, and that in some eight countries ratification is under consideration.

¹ Letter of 16 February 1967 from the Ministry of Labour and Social Welfare.

CHAPTER II

SOCIAL POLICY

SOCIAL POLICY (BASIC AIMS AND STANDARDS) CONVENTION, 1962 (No. 117)

105. The Convention states as a general principle that all social policies shall be primarily directed to the well-being and development of the population and to the promotion of its desire for social progress. It then fixes certain standards that governments must take into account with a view to attaining the aim defined above. Accordingly, the improvement of levels of living must be sought through measures including the introduction of a system for the protection of land tenure for the benefit of those who work the land, through the improvement of living conditions in rural areas in order to avoid congestion in urban areas and through the promotion of town planning in these urban areas. Special protective measures are laid down for migrant workers. The Convention also deals with minimum wage fixing and wage protection. It further provides for the abolition of all discrimination on grounds of race, colour, sex, belief, tribal association or trade union affiliation in all fields of working conditions and welfare. Lastly, it provides for the development to the greatest extent possible of general and technical education and vocational training and lays down that a minimum age for employment and a school-leaving age shall be prescribed.

106. These various provisions have been taken over, with the appropriate modifications, from the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82). As a consequence of the access to independence of many countries to which this Convention applied and in order to meet a wish expressed at the First African Regional Conference of the ILO, the 1947 Convention was revised by the 1962 Convention mainly with the purpose of enabling these independent States to continue applying it and to ratify it.

107. The Convention has so far been ratified by 18 countries.¹ A total of 72 reports has been submitted by countries that have not ratified it.

Difficulties Encountered

108. A number of governments, referring to the origin of the Convention, consider that it is intended essentially for developing countries or countries that have recently achieved independence, and is therefore not adapted to conditions in their own countries.² One government considers that certain provisions of the Convention (for example those dealing with measures for the elimination of chronic indebtedness and some of those concerning migrant workers) do not seem to be adapted to the

¹ Brazil, Central African Republic, China, Congo (Kinshasa), Costa Rica, Ghana, Republic of Guinea, Israel, Italy, Jamaica, Jordan, Kuwait, Malagasy Republic, Niger, Paraguay, Senegal, Syrian Arab Republic, Zambia.

² Australia, Austria, Byelorussia, Colombia, Czechoslovakia, Finland, France, Federal Republic of Germany, Ireland, Japan, Luxembourg, Spain, Switzerland, USSR, United Kingdom.

situation in more advanced countries.¹ Lastly, other governments state that certain provisions of the Convention (for example those concerning migrant workers or the control of the alienation of land and of conditions of ownership) relate to situations that do not exist or do not call for special measures in their countries.² In this connection, it may be worth while to recall that the provisions of the Convention covering certain important sectors of social policy are flexibly drafted and so give each government the opportunity of adapting their application to national conditions. Article 4, for example, sets forth "measures to be considered by the competent authorities" with a view to improving the standards of living of agricultural producers, and decisions in this field have thus to be taken in accordance with the particular needs of the producers in the country in question. Similarly, the adoption of various measures advocated by the Convention on behalf of migrant workers presupposes the actual existence of such workers, and the fixing of minimum wages by regulation is made dependent by Article 10 of the Convention on the absence of adequate arrangements under collective agreements.

109. Certain governments, though they declare their approval of the aims laid down by the Convention, state that existing economic and social conditions make it impossible to give full effect as yet to all its provisions.³ One country states that the fields covered by the Convention have not yet all been the subject of appropriate legislation or regulation.⁴ Other governments point out particular spheres in which difficulties might arise in application. Another country states that there are certain discrepancies between the national legislation and the provisions of the Convention.⁵ The problems referred to by these different countries relate in particular to the requirements of the Convention relating to the improvement of standards of living of agricultural producers⁶, the protection of migrant workers⁷, minimum wage fixing⁸ and wage protection⁹, the development of educational programmes and the fixing of the school-leaving age¹⁰, and the fixing of a minimum age for employment.¹¹ One country also considers that the provisions included in its Constitution to safeguard the position of certain groups of the population are an obstacle to the application of the provisions of the Convention concerning the abolition of discrimination.¹²

110. In view of the points thus raised in the reports, it seems useful to recall that various provisions of the Convention are flexibly drafted, not only leaving governments a certain freedom in choosing the means of ensuring their application but also allowing the gradual achievement of the aims set forth. The Committee pointed out in 1959—in connection with the corresponding provisions of Convention No. 82—that its conclusions concerning the application of certain provisions,

¹ New Zealand.

² Finland, Malta, Singapore, Ukraine.

³ Chad (information on submission, 1966), Ivory Coast, Lesotho, Mauritania (information on submission, 1964), Mexico, Rwanda, Thailand (information on submission, 1962). The special difficulties mentioned by these countries are indicated further on.

⁴ Cameroon.

⁵ Portugal.

⁶ Gabon, Malta, Mexico, Netherlands, Spain.

⁷ Ceylon, India, Rwanda.

⁸ Bulgaria, Denmark, Sweden, Thailand (information on submission, 1962).

⁹ Cyprus (information on submission, 1964), Denmark, Guyana, Malta, Mexico, Sweden.

¹⁰ India, Kenya, Malaysia.

¹¹ India, Kenya.

¹² Malaysia. In this connection, the Committee refers to the relevant comments concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) contained in Ch. I.

including those relating to the improvement of standards of living, the protection of migrant workers and the abolition of discrimination would have to be based mainly on information concerning progress made in pursuing social policy and implementing the measures provided for in the Convention. The Committee also pointed out that the provisions concerning the fixing of a school-leaving age were contained in an article providing for the progressive development of broad systems of education and vocational training and could also be applied gradually both in respect of the geographic scope of compulsory school attendance and in respect of its duration.¹

111. One government states that, although most of the basic aims and standards contained in the Convention have been incorporated in its legislation, it cannot consider ratification because it is at war.²

112. Two federal countries state that the questions dealt with in the Convention are partly within the jurisdiction of the federal authorities and partly within the jurisdiction of the states or provinces.³

Measures Taken or Envisaged

113. In a number of countries legislative or other measures have been adopted or are under consideration to give fuller effect to the Convention. The Government of Chile states that it intends to give legal effect to the provisions of the Convention under its domestic law. In Cyprus the enactment of legislation on compulsory education has removed one of the difficulties in the way of the full application of the Convention.⁴ In Ethiopia the draft Third Five-Year Plan takes into account the principles laid down by the Convention, and the Government hopes that, after the approval of the Plan by the competent authorities, measures will be adopted to give effect to the Convention. In Finland an Act of 1967 has laid down a minimum age for employment of general application. In Greece the Government reports that the Convention is under examination with a view to the adoption of additional measures, regard being had to the need for a gradual adapting of national institutions and law. The Government of Guyana states that it hopes to obtain technical assistance for the working out of legislation giving effect to the provisions of the Convention dealing with the protection of wages. The Government of Kenya states that an Employment Act at present being drafted will make it possible to come nearer the aims of the Convention. In Malta measures have been adopted to amend the law in order to give effect to the provisions of the Convention dealing with the protection of wages. The Government of Thailand⁵ states that it regards the Convention as a guide to the country in the drafting of economic and social plans.

Ratification Prospects

114. The information available shows that in a number of countries the procedure for ratification has already been started or ratification is being considered for the foreseeable future. The Governments of the Dominican Republic, Nicaragua, Uruguay and Venezuela state that the Convention has been submitted to the National Congress with proposals for ratification. In Sudan preparations have been

¹ RCE, 1959, pp. 72-73.

² Viet-Nam.

³ Canada and United States (information on submission, 1963).

⁴ Information on submission, 1964.

⁵ Information on submission, 1962.

made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968. The Government of Morocco has before it the question of starting the procedure for ratification.

115. The Belgian Government states that it intends to propose ratification as a gesture of solidarity. The Government of Dahomey states that it is possible to ratify the Convention. In Ecuador the Government considers it desirable to ratify the Convention. In Sierra Leone a tripartite consultative committee has made its recommendations to the Government and formal ratification may be expected after the Government has considered them. In Hungary the Government intends to reconsider the possibilities of ratifying. The Government of Tunisia envisages ratifying the Convention shortly. The Iranian Government is at present carrying out a careful study of the Convention, which may be ratified in the near future. In Nigeria, a memorandum on the Convention will shortly be submitted to the National Labour Advisory Council. The Government of Rumania states that national law is in conformity with the principles of the Convention and that ratification will be considered when the revision of the labour legislation has been completed.

116. Certain governments consider that ratification would call for the adoption of special measures. In Guatemala the ratification of the Convention would make it necessary to adopt measures for its application and the advisability of ratification is being studied at present. The report from Guyana shows that the possibility of ratification will be considered as soon as the Labour Ordinance has been amended.

117. Lastly, the Governments of Burma, Cuba, Pakistan and Togo state that there is no obstacle to ratification.

118. To conclude, the information available at present shows that the Convention has been submitted to the competent authorities with a view to ratification in four countries, that it will shortly be submitted to the competent authorities in two countries, that ratification is being prepared in two countries and is contemplated in some five others; the government of one country states that ratification is possible.

CHAPTER III

LABOUR ADMINISTRATION

LABOUR INSPECTION CONVENTION, 1947 (No. 81)

119. The Convention lays down the principle that each State which ratifies it must have a system of labour inspection to secure the enforcement of the legal provisions relating to conditions of work and the protection of workers in industrial workplaces, it being left to the State's discretion whether or not to cover mining, transport and commercial undertakings. Some of the provisions of the Convention deal with the organisation and functioning of inspection services: responsibility of a central authority, co-operation with other services, both public and private, and with employers and workers or their organisations; recruitment of qualified staff, including women, in sufficient numbers; facilities—offices, transport—appropriate to the needs of the service; regular and thorough inspection of establishments; publication of annual reports and statistics on the activities of the inspection services.

120. Other essential provisions of the Convention are concerned with the role of the labour inspector—to inform and advise employers and workers and, where necessary, to take steps to suppress breaches of the law—and the powers that should be conferred upon him to enable him to carry out his functions: power to enter freely by day or by night any workplace liable to inspection; power to make inquiries unhindered: by interrogation, the examination of documents, the removal of samples; power to make orders with a view to remedying defects; power to give warnings or to institute proceedings as he deems fit.

121. The effective exercise of such powers requires that the inspector should command respect; the Convention relies for his authority upon a status and conditions of service such that he is assured of stability of employment and adequate career prospects and is independent of any improper influences. In return the inspector is expected to comply with certain obligations, which may be summed up as follows: detachment (inspectors should not have any direct or indirect interest in the undertakings under their supervision) and absolute professional secrecy, both as concerns the undertakings inspected (manufacturing processes or commercial secrets) and with regard to any workers who may approach them (treating as confidential the source of any complaint).

122. To date the Convention has been ratified by 70 countries.¹ A total of 33 reports have been furnished by States which have not ratified it.

¹ Algeria, Argentina, Austria, Barbados, Belgium, Brazil, Bulgaria, Cameroon (Western Cameroon), Central African Republic, Ceylon, Chad, China, Colombia, Congo (Kinshasa), Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Ghana, Greece, Guatemala, Republic of Guinea, Guyana, Haiti, India, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Malawi, Malaysia, Republic of Mali, Malta, Islamic Republic of Mauritania, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Portugal, Senegal, Sierra Leone, Singapore, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom, Venezuela, Viet-Nam, Yugoslavia.

Difficulties Encountered

123. The difficulties standing in the way of ratification of the Convention are essentially of two kinds: material difficulties and legal difficulties.

124. A number of developing countries have stated that lack of qualified staff or funds to provide the inspection services with proper equipment has prevented or delayed ratification of the Convention.¹

125. Some of the legal difficulties derive from the structure of the country in question. Federal States, for instance, have referred to the sharing of responsibility for inspection by the federal State and the individual constituent units.² It would appear, however, that if it is not possible to adopt measures applicable throughout the country, the setting up or extension of machinery for consultation between the federal authorities and the authorities of the units of the federation should help to overcome this difficulty.

126. One country states that it has not been possible to ratify the Convention because the inspection services are competent to deal only with health and safety questions, but adds that competent supervisory bodies exist in respect of other areas of inspection.³

127. Another country finds Article 6 of the Convention, which stipulates that labour inspectors must be "public officials", an obstacle to ratification, its inspection staff being composed mainly of trade unionists.⁴ It is clear, however, from the deliberations which led up to the adoption of the Convention that what the Conference had in mind in wording Article 6 as it did was the guaranteeing to inspectors of stability and independence in their employment, and that giving them civil service status appeared to be the most appropriate means of affording them such guarantees. Other formulas offering the same guarantees have also been regarded as satisfactory.⁵

128. For one country the main obstacle to ratification is the fact that labour inspectors fall into the category of "officials holding posts of confidence, a situation which is incompatible with the provisions of Article 6 of the Convention".⁶

129. Most of the other difficulties mentioned by Members arise out of divergences between national legislation and the Convention; in some cases it is considered impossible to eliminate such divergences; in others amending legislation is considered necessary before ratification becomes possible. The function of conciliator or arbitrator in labour disputes, often entrusted to inspectors, is considered by three countries as being an obstacle to ratification.⁷ It should be recalled in this connection that it is the associated Recommendation (No. 81) which advocates that inspectors should not act as conciliators or arbitrators, while Convention No. 81 objects to this only in so far as such functions would interfere with the discharge of the inspectors' primary duties.

¹ Burundi (article 19 report, 1966), Congo (Brazzaville) (article 19 report, 1966), Ecuador, Lesotho, Rwanda.

² Australia, Canada, United States.

³ Hungary.

⁴ Poland.

⁵ RCE, 1966, General Survey, paras. 99 and 100.

⁶ Mexico.

⁷ Ecuador, Gabon, Ivory Coast.

130. The fact that under national legislation the powers of inspectors are more limited than those provided for by the Convention have been mentioned by several countries as creating a discrepancy which would have to be eliminated before the Convention could be ratified. The restricting of the right of entry to "any time during working hours" or "any reasonable hour" constitutes one such divergency¹; the absence of provisions entitling inspectors to take samples of materials or substances used in the undertaking is another. One country states that empowering inspectors to enter premises freely by day or by night would be contrary to the provisions of the national Constitution with respect to the inviolability of one's domicile.²

131. One government has stated that, since no provision is made in the country for women to become labour inspectors, ratification is not contemplated.³ In another country one of the main obstacles to the ratification is that legislation makes insufficient provision for the compulsory notification of industrial accidents and cases of occupational disease.⁴ Lastly, in reference to the obligation to publish an annual general report on the work of the inspection service, one country has stated that the federal authorities do not publish such a report.⁴

132. Several countries have explained the delay in ratification of the Convention as being due to the need to amend regulations or make changes in administrative procedures before ratification can take place.⁵

133. Lastly, one country has declared that it has no inspection system at all.⁶

134. It will be seen from the above review that in fact the main obstacles to ratification derive from a shortage of qualified staff, a lack of material and financial resources, and persistent shortcomings in the administrative structure of a number of countries. Material obstacles of this nature are, indeed, invoked more often than difficulties of a purely legislative order. These remarks do not differ essentially from the conclusions reached when the matter was last reviewed in 1966. Since then four ratifications have nevertheless been registered.⁷

Measures Taken or Envisaged

135. A number of countries are contemplating or are in the process of making changes in their law or practice to make ratification possible. Others are engaged in a detailed study of the Convention. In Burma any decision as to ratification will have to wait until new legislation has been passed. The Government of Canada states that the difficulties which have hitherto constituted an impediment to ratification now appear to be relatively minor, and that further consideration of the Convention will be given high priority. Chile states that as soon as the Civil Service Regulations are promulgated the Government will be in a position to ratify the Convention. In Upper Volta the Convention is shortly to be placed before the competent authority. Amendments to the legislation of the Philippines to give effect to those provisions of the Convention not yet covered by national legislation have been proposed to

¹ Australia, Libya (article 19 report, 1966).

² Uruguay.

³ Gabon.

⁴ Australia.

⁵ Czechoslovakia, Ecuador, Libya (article 19 report, 1966).

⁶ Laos (article 19 report, 1966).

⁷ Colombia, Congo (Kinshasa), Paraguay, Venezuela.

Congress. In Uruguay, whose legislation makes no provision for the compulsory notification of industrial accidents and cases of occupational disease, an amendment to the law on employment injuries has been proposed to that effect. The Ukraine and the USSR, on the other hand, state that their inspection system, which differs from that provided for in the Convention, offers firmer guarantees for the enforcement of labour legislation within the national context.

136. Zambia presents a special case by stating that, since national legislation is consistent with the Convention, ratification is not an urgent matter. The Committee, however, is of the view that in these circumstances the ratification of an instrument dealing with such an important subject would be very useful.

Ratification Prospects

137. Finally, some countries take a more positive attitude to ratification. In Jordan ratification was approved in 1963.¹ In Nicaragua the Convention was submitted to Congress with a view to ratification in August 1967. Ethiopia hopes to ratify the Convention before the 53rd Session of the Conference. The Malagasy Republic has stated that the Government plans to ratify the Convention in due course.² In Sudan preparations have been made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968. The Government of Rumania states that national legislation is in conformity with the principles embodied in the Convention and that ratification will be considered when the revision of the labour legislation is completed. Dahomey, Iran, Niger and Togo merely state that their legislation is in conformity with the Convention and that there is no technical difficulty in the way of ratification.

138. In conclusion, the information now available indicates that ratification of the Convention has been approved by the competent authorities in one country, submitted to the legislative authorities for approval in another, and is contemplated in four countries and the legislation is in conformity in four other countries according to the governments' reports.

¹ Letter of 26 January 1963 from the Minister of Foreign Affairs.

² Article 19 report 1966.

CHAPTER IV

EMPLOYMENT POLICY AND SERVICES

EMPLOYMENT SERVICE CONVENTION, 1948 (No. 88)

139. The Convention requires member States to establish and maintain a free public employment service, the essential duty of which is to ensure the best possible organisation of the employment market as an integral part of the national programme for the achievement and maintenance of full employment and the development and use of productive resources. Detailed provisions are laid down regarding the organisation of the service and its co-operation with other authorities to ensure effective recruitment and placement. The co-operation of employers' and workers' representatives is provided for through advisory committees and otherwise; the nature of the employment service's activities and the measures it should take are set out and the special needs of certain categories of workers are taken into account. The Convention also contains requirements regarding the status and conditions of the staff of the employment service.

140. The Convention has thus far been ratified by 49 countries.¹ A total of 51 reports have been supplied by non-ratifying States.

Difficulties Encountered

141. A fundamental difficulty mentioned by some governments relates to the establishment of an employment service. One government considers it difficult to establish the service owing to lack of sufficient personnel²; another indicates that ratification of the Convention would require the reorganisation of the Ministry of Labour and would necessitate special budgetary allocation, which would not be possible at the moment³, and a third government considers that it would not be opportune to ratify the Convention owing to the present situation in the country.⁴ Other countries state that the full implementation of the Convention would be difficult at the present stage.⁵

142. Other problems relate to the organisation and scope of the existing service. In one country the national legislation does not accord with the provision of the Convention requiring that placement be effected by public authorities but substantial

¹ Algeria, Argentina, Australia, Belgium, Brazil, Bulgaria (subsequently denounced), Canada, Central African Republic, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dominican Republic, Ethiopia, France, Federal Republic of Germany, Ghana, Greece, Guatemala, India, Iraq, Israel, Italy, Japan, Kenya, Libya, Luxembourg, Malta, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Sierra Leone, Singapore, Spain, Sweden, Switzerland, Syrian Arab Republic, Tanzania (Tanganyika), Thailand, Tunisia, Turkey, United Arab Republic, United Kingdom, Venezuela, Yugoslavia.

² Ecuador.

³ Nicaragua.

⁴ China (letter of 19 February 1968 from the Ministry of the Interior).

⁵ Rwanda, Viet-Nam.

changes are to be introduced in the system in 1969.¹ In another the government feels that some divergences and possibilities of different interpretation still exist concerning occupational mobility, and regarding the means of ascertaining the qualifications of the staff of the employment service.² Another government refers to difficulties regarding the measures required to meet adequately the needs of particular categories of workers, such as disabled persons, and regarding the use of the employment service facilities by employers and workers on a voluntary basis.³

143. In one country it was not yet considered desirable to extend the competence of the employment service to cover workers who wish to change jobs because of the prevailing high incidence of unemployment.⁴ The governments of two countries indicate that the structure and functions of their employment service are basically different from those envisaged in the Convention.⁵ The government of one country states that it cannot extend the employment service to all professional activities.⁶

144. One of the principal difficulties preventing or delaying the ratification of the Convention, cited by a number of governments, is the inability to comply fully with the provisions of the Convention relating to the employment service's co-operation in the administration of unemployment insurance⁷; this is often explained by the absence of such unemployment insurance schemes.⁸

145. In this connection, it may be noted that, while Article 6 (*d*) of the Convention provides that the employment service shall co-operate in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed as one of the means of ensuring effective recruitment and placement, this does not imply an obligation to establish unemployment insurance schemes, a subject which is covered by other Conventions.

146. The present structure of the service in one country does not permit the establishment of offices sufficient in number to serve each geographical area of the country and conveniently located for employers and workers as required by the Convention.⁹ The government of another country indicates that owing to the relative absence of industry there is no need for measures complying fully with the Convention.¹⁰ Another government states that, although the facilities provided do not meet the standard fixed by the Convention, they are adequate for the present needs of the country.¹¹

147. Three governments state that, although an employment service exists, there are no advisory committees.¹²

¹ Denmark.

² Finland.

³ Morocco.

⁴ Guyana (report under articles 22 and 35 for 1963-65 on the application of the Convention to British Guiana).

⁵ Bulgaria, Ukraine.

⁶ Portugal.

⁷ Finland, Mali, Morocco.

⁸ Dahomey, Gabon, Jamaica, Zambia.

⁹ Senegal.

¹⁰ Lesotho.

¹¹ Malawi.

¹² Ceylon, Jamaica, Malawi.

148. The government of one country feels that the problems relating to the existence of private employment agencies would be an obstacle to ratification.¹ It should be noted in this connection that the Convention does not deal with the existence of private employment agencies but merely specifies, in Article 11, that the public employment service should co-operate with private agencies not conducted with a view to profit.

Measures Taken or Envisaged

149. Measures to give effect to the terms of the Convention are mentioned in several reports. Thus the Government of Uruguay states that a draft Bill on the National Employment Service has been prepared in accordance with the Convention. Consideration is to be given to the provisions of the Convention when future amendments are made to the Labour Law of Kuwait which now only covers implicitly such matters as employment services and employment exchanges which undertake to find jobs for unemployed workers. The Government of Senegal states that the structure of the employment service is constantly changing and is gradually to be brought into conformity with the provisions of the Convention. In Barbados the Government maintains an employment exchange and has plans to put into effect a number of provisions of the Convention which are relevant to the country. A number of other governments, in referring to the prospects of ratification, also indicate that legislative or other measures which will meet the requirements of the Convention have been taken recently or are being envisaged.

Ratification Prospects

150. A number of governments supply information regarding the possible ratification of the Convention. The Government of Nicaragua indicates that the Convention was submitted to the National Congress in August 1967 with a view to ratification. The Government of Austria indicates that the Convention is applied *de facto* although certain of the necessary legal foundations do not yet exist; an Employment Promotion Act is being drafted which will change the situation and ratification will be considered after this Act comes into force. In Cameroon and Chile ratification will be possible after the rules relating to the employment service, which will comply with the Convention, have been made. Ratification will also be considered by Denmark after the Employment Service and Unemployment Insurance (Amendment) Act, 1968, comes into force on 1 April 1969.

151. The Government of Rumania indicates that national legislation conforms with the principles of the Convention and that its ratification is envisaged when the revision of the labour legislation has been completed.

152. The Government of Congo (Kinshasa) indicates that account has been taken of the Convention in establishing a national employment service and that a study will be made of the work of the service before the possibility of ratification is examined. The Government of Dahomey states that ratification will be considered when the economic position of the country permits the establishment of a permanent unemployment insurance scheme. In Ireland the Government is considering proposals for a fundamental reorganisation of the employment service which would reopen the question of ratification. The Government of Malaysia hopes that it will be possible to ratify the Convention after the present plan to develop and improve the service has been completed. The possibility of ratifying the Convention is now being

¹ Mexico.

considered or will soon be considered in a number of other countries, such as Bolivia, Burma, Ecuador, Finland and Hungary. Finally, the Governments of Niger, Pakistan and Togo indicate that there is no difficulty preventing or delaying the ratification of the Convention.

153. In conclusion, it appears from the information available at present that the Convention has been submitted for approval to the competent authorities in one country, that its ratification is being considered in five countries and will be considered in some six others; the governments of three countries state that no difficulties prevent ratification.

EMPLOYMENT POLICY CONVENTION, 1964 (No. 122)

154. Each State which ratifies the Convention undertakes to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment. This policy must aim at ensuring that there will be work for all who are available for and seeking work, that such work will be as productive as possible, that there is freedom of choice of employment, and that each worker will have the fullest possible opportunity to qualify for and to use his skills and endowments in a job for which he is well suited, irrespective of his race, colour, sex, religion, political opinion, national extraction or social origin.

155. The employment policy must take due account of the stage and level of economic development and be pursued by methods appropriate to national conditions.

156. The measures to be adopted for attaining the objectives laid down by the Convention must be decided and kept under review within the framework of a co-ordinated economic and social policy and such steps as may be needed for the application of these measures, including when appropriate the establishment of programmes, must be taken. Representatives of workers and employers must be consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their co-operation in formulating and enlisting support for such policies.

157. So far, the Convention has been ratified by 25 countries.¹ A total of 68 reports have been furnished by States which have not yet ratified the Convention.

Difficulties Encountered

158. One of the obstacles to ratification of the Convention most often mentioned by governments in their reports is the impossibility of fulfilling the objectives of the Convention immediately. Some of the developing countries refer to the impossibility of achieving full employment in the foreseeable future.² Other countries state in more general terms that their present stage of development does not yet permit of ratification of the Convention.³ One country even expresses doubts as to the

¹ Brazil, Byelorussia, Canada, Chile, Costa Rica, Cyprus, Finland, Republic of Guinea, Ireland, Jordan, Malagasy Republic, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Senegal, Sweden, Thailand, Tunisia, Uganda, Ukraine, USSR, United Kingdom.

² Ghana, Guyana, India, Malaysia, Nigeria, Turkey.

³ Congo (Kinshasa), Ivory Coast, Kenya, Kuwait, Lesotho, Malawi, Trinidad and Tobago (information on submission, 1968), Upper Volta, Viet-Nam, Zambia.

possibility of a State guaranteeing full employment in a market economy, since it has to take into account not only employment objectives but also other economic objectives such as price stability or the balance of payments, and all of these aims could never be attained at the same time.¹

159. It is not considered that the impossibility of achieving full employment in the immediate future should be looked upon as an obstacle to ratification of the Convention, since the obligation deriving from its terms is not to achieve full employment immediately, but to pursue a policy designed to promote it. The Convention specifically states that such a policy should take account of the stage and level of economic development as well as the mutual relationships between employment objectives and other economic and social objectives. Furthermore, the policy advocated by the Convention is itself viewed as a means of stimulating economic growth and development, raising levels of living, meeting manpower requirements and overcoming unemployment and underemployment. According to the Convention it is therefore the intention underlying the measures taken as a whole and their forcefulness which count—bearing in mind, of course, the economic and social conditions prevailing in a particular country.

160. The other obstacles to ratification to which attention is drawn in reports concern the methods to be used and the measures to be adopted for the implementation of the employment policy. One country considers that effect cannot be given to the Convention by means of legislation, since in respect of such matters it could only impose rigid measures.¹ Some countries plead lack of available resources to carry out an employment policy², or more specifically to ensure that the national employment service is run properly³, or the absence of unemployment insurance.⁴ One country declares that the contents and extent of the full employment policy to be declared and pursued by each Member cannot always be clearly defined, since full, productive and freely chosen employment can only be achieved by action in all fields—monetary, financial, industrial, etc.⁵ Another country queries the extent of the “mandatory character” of the Convention.⁶ Yet another country, in which full employment is an accomplished fact, wonders whether new measures will have to be taken to give effect to Article 2 of the Convention, and what kind of measures these should be.⁷

161. In this connection Articles 1 and 2 of the Convention leave to the discretion of each Member the choice of the methods to be followed in framing and pursuing its employment policy, having regard to its level of development, as well as the choice of the measures to be adopted within the framework of this policy, these measures having to be conceived in such terms as to attain the objectives specified in Article 1 of the Convention, and if possible kept under review to take account of changes in the general economic and social situation, as provided in Article 2.

162. Other difficulties of a more specific nature have been cited. Some countries have stated that they are unable to ratify the Convention because their national laws

¹ Austria.

² Rwanda.

³ Ecuador, Nicaragua.

⁴ Turkey.

⁵ Japan.

⁶ Denmark.

⁷ Luxembourg.

and practice allow priority in employment to be given to nationals over aliens, this being inconsistent with Article 1, paragraph 2 (c), of the Convention, which prohibits discrimination on the basis of national extraction.¹ One government declares that ratification is dependent upon the solution of the problem of providing employment for "stateless persons" resident in the country.² It should be pointed out that the term "national extraction" is taken from Article 1, paragraph 1 (a) of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and is intended to refer to such distinctions as may be made in a State as between nationals of that State on the ground of the foreign ancestry of some of these nationals and not distinctions made with respect to foreign nationals.³

163. Lastly, one country has expressed doubts as to the interpretation to be given to Article 3 of the Convention and stated that it could not ratify the Convention if this provision was intended to mean that the views of the employers and workers consulted had to be fully complied with in every case.⁴ It may be worth recalling that Article 3 of the Convention does not confer any right of co-decision upon the representatives of the employers and workers, but stipulates that they should be consulted. The purpose of such consultation is, moreover, stated in the Convention as being to enable their experience and views to be taken into account in the formulation of employment policies and their co-operation and support to be enlisted.

164. Bearing in mind the various considerations mentioned above, in the majority of cases there does not appear to be any fundamental obstacle in the way of ratification of the Convention. It is significant in this connection that most of the countries which have felt unable to ratify the Convention have nevertheless expressed their sympathy with its aims⁵ or stated that their policy is in conformity with the Convention.⁶

Measures Taken or Envisaged

165. It is to be noted that the principles embodied in the Convention have also found wide acceptance in other countries which have not yet ratified the Convention. Barbados, Ceylon, Jamaica, Mali and Singapore have declared that they are in agreement with the provisions of the Convention; some countries have stated that effect is given to these provisions either by national employment policy (Hungary, Morocco, Uruguay) or by national legislation (Guatemala, Italy, Nicaragua (whose Government declares that there is no divergency between the legislation and the Convention)) or by national legislation and economic policy (Czechoslovakia); the Government of the Dominican Republic has stated that the application of the Convention is a reality, while in Dahomey there would, it is stated, be no difficulty in applying it; the Government of Singapore has expressed the intention of giving full effect to the Convention.

¹ Gabon, Mexico (these countries have ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)).

² Ceylon.

³ In this connection see the memorandum by the International Labour Office published in the *Official Bulletin*, Vol. XLII, No. 7 (1959), pp. 395-397.

⁴ Federal Republic of Germany.

⁵ Austria, Congo (Kinshasa), Gabon, Ivory Coast, Kenya, Rwanda, Trinidad and Tobago (information on submission, 1968), Zambia.

⁶ Ghana, Luxembourg, Malaysia, Turkey, Upper Volta.

166. Some reports refer to measures contemplated in connection with the Convention. In Uruguay it is proposed to give effect to the Convention through the enactment of a law. In Congo (Kinshasa) a national employment service is being established. In Luxembourg the employment service is being reorganised. It is planned to set up a National Human Resources Council in Nicaragua; in Argentina a Directorate of Human Resources is being set up, which will be responsible for matters relating to employment policy.¹ Mali has undertaken an employment planning programme, with assistance from the ILO, while an ILO expert has gone to Syria to study and improve its employment services. The Government of Ethiopia has asked for the assistance of an ILO expert to study manpower evaluation and planning and intends, once this study has been completed, to prepare a draft law to apply the Convention.

Ratification Prospects

167. Many reports give indications as to the prospects for ratification of the Convention. Ratification has been approved by the competent authorities in Cuba ², but the instruments of ratification have not yet been communicated to the ILO. The Convention has been submitted for approval to the competent authorities in Belgium ³, the Dominican Republic, Iran ⁴, Nicaragua ⁵, Syria, the United States and Venezuela. In Sudan preparations have been made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968. The procedure for ratification has been initiated or will be initiated shortly in France, Italy and Morocco. In Australia the ratification is being considered actively. There appear no difficulties in the Commonwealth jurisdiction and all States but one have agreed to ratification. In Israel steps are now being taken with a view to ratification of the Convention. Ratification is contemplated in Cameroon and Czechoslovakia and is to be considered in Dahomey.

168. The possibility of ratification is at present being examined in Bolivia ⁶, Burma, Colombia, Guatemala, Jamaica, Niger and Spain; it will be considered in Sierra Leone as and when the legislative programme permits, and reconsidered in Hungary. The matter will be considered or reconsidered after the adoption of certain legislative enactments within the purview of the Convention in the Federal Republic of Germany ⁷, Ethiopia ⁸, China ⁹ and Luxembourg.¹⁰ According to the Government no difficulties prevent ratification of the Convention by Portugal.

169. The Government of Rumania states that national legislation is in conformity with the principles of the Convention and that ratification will be considered when the revision of the labour legislation is completed.

170. The Government of Ecuador is favourably disposed towards ratification of the Convention, but this depends on the resources needed for its application being

¹ For information concerning the employment service, see above under the Employment Service Convention, 1948 (No. 88).

² Letter of 8 March 1966 from the Permanent Representative of Cuba in Geneva.

³ Letter of 4 March 1969 from the Ministry of Employment and Labour.

⁴ Letter of 24 July 1966 from the Ministry of Labour.

⁵ See under footnote 3, para. 160, however.

⁶ According to the report, ratification depends upon economic possibilities.

⁷ Employment Promotion Bill.

⁸ The Government will bring the Convention to the attention of the competent authorities.

⁹ Proposed Employment Security Law.

¹⁰ Proposed law for the reorganising of the National Labour Exchange.

available. As for the Government of Tanzania, the possibility of ratifying the Convention will be kept in mind, since the Convention appears to constitute a useful guide to national policy. The extension of the ratification of the Convention to the Australian territories of New Guinea and Papua will be considered at the appropriate time.

171. In conclusion, the information now available indicates that ratification of the Convention has been approved by the competent authorities in one country, that it has been submitted for approval to the competent authorities in six countries, that ratification is being prepared in five countries, is being considered in eight others, and is contemplated in three countries. The government of one country states that no difficulties prevent ratification.

CHAPTER V

WAGES

MINIMUM WAGE FIXING MACHINERY CONVENTION, 1928 (No. 26) ¹

172. The Convention requires ratifying countries to create or maintain minimum wage fixing machinery in certain of the trades (manufacture and commerce) or parts of trades (particularly in home-working trades) where there is no arrangement for the effective regulation of wages by collective agreement or otherwise and where wages are exceptionally low. Representatives of the employers and workers concerned and of their respective organisations are to be consulted before the said machinery is applied to a trade or part of a trade. Furthermore, the employers and workers concerned must be associated in equal numbers and on equal terms in the operation of the machinery. It is also specified that the minimum rates of wages shall be binding on the parties concerned and that information on the practical application of the Convention must be sent to the ILO periodically.

173. The Convention has so far been ratified by 76 countries.² A total of 29 reports have been supplied by non-ratifying States.

Difficulties Encountered

174. It seems from the information supplied by governments that in many cases the decision not to ratify the Convention is not so much due to difficulties in meeting its requirements as to the view that ratification would serve no useful purpose because of the conditions or system existing in the country. This may be due to a highly developed system of collective agreements³, combined with opposition by the employers' and workers' organisations to any proposal to depart from the present wage fixing system.⁴ It may also be due to the fact, mentioned by one government, that the trade union membership covers practically the whole labour force, that the

¹ It may be noted that the International Labour Conference will consider at its 53rd Session (Geneva, 1969) an item entitled "Minimum Wage Fixing Machinery and Related Problems, with Special Reference to Developing Countries".

² Argentina, Australia, Barbados, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Kinshasa), Cuba, Czechoslovakia, Dahomey, Dominican Republic, Ecuador, France, Gabon, Federal Republic of Germany, Ghana, Guatemala, Republic of Guinea, Guyana, Hungary, India, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Kenya, Lebanon, Lesotho, Luxembourg, Malagasy Republic, Malawi, Republic of Mali, Malta, Islamic Republic of Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Paraguay, Peru, Portugal, Rwanda, Senegal, Sierra Leone, Republic of South Africa, Spain, Sudan, Switzerland, Syrian Arab Republic, Tanzania, Togo, Tunisia, Uganda, United Arab Republic, United Kingdom, Upper Volta, Uruguay, Venezuela, Viet-Nam, Zambia.

³ Denmark, Finland.

⁴ Sweden.

wages are regulated by collective agreements and may be extended to all non-organised employers and employees, and that home-working trades do not exist to any substantial extent.¹ Similarly, the government of another country indicates in this regard that there is no need for minimum wage fixing machinery in the prevailing situation as the regulation of wages is adequately taken care of in practice.²

175. In considering difficulties preventing ratification reference should be made to cases such as that of one country the government of which recognises that the creation of minimum wage fixing machinery is of paramount importance but indicates that economic instability, due to rapid progress, made it difficult for specialists in this field to agree on minimum wages.³

176. The government of another country refers to several difficulties.⁴ The first relates to the absence of provision for consultation of employers' organisations in the Minimum Wage Fixing Act: it may be recalled in this connection that the same matter was raised by this government in 1958 when it was pointed out that this is not contrary to the Convention since the Act in question operates only where no competent employers' organisation exists.⁵ The second difficulty relates to the lack of specific provision in the Home-Working Act of 1961 for workers and employers to be consulted in all circumstances: in this case also there would seem to be no real divergency with the Convention, in view of the prior consultation of the persons concerned and of the representation of workers and employers on the home-working committee on an equal footing, which is required by the Act when minimum wage rates are fixed. The third difficulty mentioned by the government relates to the invalidation of minimum wage rates by collective agreements: in this regard also it has already been pointed out⁵ that this need not be considered as a difficulty since a general provision for the supersession of a minimum wage award by a collective agreement would not run counter to the Convention. In another case the government indicates that for 16 years no recourse has been had to the Minimum Wage Law as the government considers that wage fixing should be left to ordinary trade union activity; however, reference is also made to comparatively underpaid groups of unorganised or poorly organised workers, such as girls and women in clerical work and in small establishments, in respect of whom appropriate measures are being considered.⁶ Finally, in one case it is stated that the difficulty in the way of ratification is that the matters dealt with in the Convention are appropriate, in whole or in part, for action by the constituent States.⁷

Ratification Prospects

177. The ten years separating the last survey prepared on this Convention and the present review are marked by a notable increase in the number of ratifications, from 37 in 1958 to 76 today; thus a Convention adopted as far back as 1928 would seem, as already noted by the Committee in 1958, to conserve its value.

¹ Israel.

² Singapore.

³ Kuwait.

⁴ Austria.

⁵ RCE, 1958, General Survey, para. 73.

⁶ Cyprus.

⁷ United States.

178. The latest information available on the subject shows that some additional ratifications may be expected, often as a result of new measures which have been taken or are being envisaged in regard to minimum wage fixing machinery. Thus, in Iran the Convention has been submitted to Parliament for ratification. In Austria ¹ the Convention is being considered with a view to ratification, while the Government of Greece is examining the possibility of adapting the national legislation to the provisions of the Convention to enable its ratification. The Government of Ethiopia states that it will consider the Convention as soon as a survey on the matter, now under way, is completed and the report approved. The Government of Malaysia intends to take steps to ratify the Convention. In Japan, where legislation on the subject has been recently enacted, the fundamental policy to be adopted in regard to minimum wages is reviewed, and the Government is prepared to take the necessary measures and then to consider the question of ratification. The Government of Rumania indicates that national legislation conforms with the principle of the Convention and that its ratification is envisaged when the revision of the labour legislation has been completed. Finally, the Government of Turkey states that the question of ratification of the Convention may be considered at a later date, on the basis of experience acquired in the working of the recent legislation on minimum wages.

179. In conclusion, it appears from the information available at present that the Convention has been submitted for approval to the competent authorities in one country and that its ratification is being considered in some five countries.

MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION, 1951 (No. 99)

180. The Convention provides for the creation or maintenance of adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations. The precise undertakings, occupations and categories of persons to be covered and the nature and form of the machinery as well as the methods to be followed in its operation are to be determined after consultation with the most representative organisations of employers and workers concerned, if any. The employers and workers concerned are to take part on a basis of complete equality in the operation of the machinery. Provision is made for the possible exclusion of particular categories of persons whose conditions of employment render the provisions of the Convention inapplicable to them, and exceptions are permitted for handicapped workers.

181. The Convention further requires that statutory rates must be binding on the employers and workers. It also prescribes enforcement measures (including, where necessary, provision for supervision, inspections and sanctions) and the right of workers to recover amounts underpaid. Information on the practical application of the Convention must be sent to the ILO periodically.

182. The Convention has so far been ratified by 30 countries.² A total of 67 reports have been supplied by non-ratifying States.

¹ Statement made by the Minister of Social Affairs at the plenary sitting of the 52nd Session of the Conference (1968).

² Algeria, Austria, Belgium, Brazil, Central African Republic, Ceylon, Colombia, Costa Rica, Cuba, Czechoslovakia, France, Gabon, Federal Republic of Germany, Guatemala, Republic of Guinea, Ivory Coast, Malawi, Mexico, Morocco, Netherlands, New Zealand, Paraguay, Peru, Philippines, Senegal, Sierra Leone, Syrian Arab Republic, Tunisia, United Kingdom, Uruguay:

Difficulties Encountered

183. In reporting on the difficulties preventing or delaying the ratification of the Convention, a number of governments indicate that the system of collective bargaining in agriculture is highly developed and works satisfactorily, thus obviating the need for special minimum wage fixing machinery¹; two of these governments also refer to the absence of public control or of suitable labour inspection in regard to wages in agriculture.² In this connection, it may be pointed out that the Convention can be implemented through collective agreements³, provided these agreements together with any other relevant provisions ensure the application of the various requirements of the Convention.

184. Another case where the need for minimum wage fixing machinery is obviated, according to the government, is that of countries where most agricultural undertakings are run under a co-operative system in which a different wage fixing method is used.⁴

185. A special difficulty mentioned by certain governments involves cases where a single nation-wide minimum wage rate is prescribed for industry and agriculture alike⁵, a situation which may mean, more specifically, that the agricultural employers and workers concerned—or their organisations—are not consulted or do not take part in the operation of the minimum wage fixing machinery.⁶ A somewhat similar reason for not ratifying the Convention is invoked by another government which states that the present situation in the country—collective bargaining together with general minimum wage fixing machinery—is satisfactory and that it is not considered necessary to prescribe specific measures for wage fixing in agriculture.⁷ It may be pointed out in this regard that the Convention does not require the creation of separate machinery for agricultural workers and that the question of consultation of, or participation by, the agricultural workers and employers may be ensured by their proper representation within the more general arrangements.

186. One government indicates that, although there is no major difficulty preventing ratification, it does not wish to do so as it is already bound by Convention No. 26 which applies to all branches of activity.⁸ Here, it should be pointed out that Convention No. 26 applies only to minimum wage fixing in industry and commerce, whereas Convention No. 99 is concerned with agriculture and related occupations.

187. Certain governments indicate that measures such as the Convention requires are unnecessary in their countries because of the relative lack of agriculture⁹, or because of the fact that a large proportion of agricultural undertakings are run on a family system.¹⁰ As regards this last point, it should be noted that such conditions do not in themselves constitute an obstacle to the implementation of the Convention since the latter expressly provides for the possible exclusion of members of the farmer's family from application (Article 1, paragraph 3).

¹ Denmark, Finland, Israel, Jamaica, Malaysia, Nigeria, Norway, Sweden.

² Nigeria, Norway.

³ See also RCE, 1958, General Survey, para. 33.

⁴ Bulgaria.

⁵ Ghana.

⁶ Chile.

⁷ Guyana.

⁸ Congo (Kinshasa).

⁹ Kuwait, Singapore.

¹⁰ Lesotho, Luxembourg, Nigeria.

188. Certain countries refer to their federal structure: one government indicates that all the constituent states have not agreed to ratification¹, and two others indicate that the Convention is partly within the authority of the federal government and partly within that of the provinces or states.²

189. Other reasons invoked for non-ratification include the following: that some doubt still exists as to whether the recently established machinery is sufficient to ensure the full application of the Convention³; that the government wishes to refrain—except in special circumstances not existing in agriculture—from direct intervention in wage fixing since this would be incompatible with the economic system⁴; that the government has doubts as to whether the legislation gives full effect to the Convention and also prefers to rely on collective bargaining⁵; that in one country, though the legislation is stated by the government to be in harmony with the Convention, there are difficulties in connection with the application of the national legislation⁶; and that a state of war exists at present.⁷

Measures Taken or Envisaged

190. Many of the difficulties mentioned above had already been brought up by governments in the previous article 19 reports on this Convention. None the less, the number of ratifications has increased materially in the years since 1958 when this Convention was last examined by the Committee of Experts (from 12 to 30), and the information analysed below shows not only that many countries are adopting new measures to fix minimum wages in agriculture, but also that a considerable number of new ratifications may be expected within a fairly short period.

191. A number of governments refer in their reports to measures recently taken, or still under consideration, on the subject of minimum wage fixing in agriculture. Thus People's Peasants' Councils are being set up throughout Burma, an operation which will affect the decision to ratify the Convention; in China temporary regulations fixing wages in agriculture were adopted in 1968; in Hungary a number of decrees regarding the payment of wages were issued in 1967; in Kenya statutory measures were taken in 1965 and 1967 to meet the requirements of the Convention; in Malta an agricultural and allied industries wages council was set up in 1967; in the case of Rwanda reference is made to a new law on agricultural workers which is to conform to the Convention; finally, in Venezuela a decree on minimum wage fixing in agriculture was promulgated in 1966 and a law which will also deal with this question is now being prepared.

Ratification Prospects

192. The possible ratification of the Convention is mentioned specifically by a considerable number of governments. Thus, in Nicaragua, Turkey and Venezuela the Convention has already been submitted to parliament for ratification. In addition, the Government of Italy states that it will be able to ratify the Convention very

¹ Australia.

² Canada, United States.

³ Malta.

⁴ Switzerland.

⁵ Cyprus.

⁶ Portugal.

⁷ Viet-Nam.

shortly, the Kenyan Government states that arrangements are in hand for ratification, and the Governments of Dahomey and Spain indicate that the Convention could be ratified without any difficulty whatsoever. The Government of Rumania indicates that national legislation conforms with the principles of the Convention and that its ratification is envisaged when the revision of the labour legislation has been completed. In Cameroon the possibility of ratifying the Convention will be envisaged after a ministerial decree laying down the minimum conditions of accommodation and the standard daily ration of food has been issued.

193. In other cases it is stated in more general terms that the possibility of the ratification of the Convention is being considered, as in Australia, Bolivia, China, Hungary, India, Japan and Portugal¹; or that it may be considered at a later stage, as in Burma, Ethiopia, Upper Volta and Zambia.

194. In conclusion, it appears from the information available at present that the Convention has been submitted for approval to the competent authorities in three countries, that its ratification is being prepared in two countries and is being considered in some eight other countries; the governments of two countries state that no difficulties prevent ratification.

PROTECTION OF WAGES CONVENTION, 1949 (No. 95)

195. After defining the term "wages", the Convention indicates the persons covered by its provisions, leaving the possibility open to governments of excluding certain categories of persons (non-manual workers and domestic staff). It goes on to lay down standards in respect of such matters as the form in which wages should be paid, the possibility of paying part of the wages in kind under certain conditions, the freedom of the worker to dispose of his wages as he thinks fit without any compulsion to buy from works stores, the regulation and limitation of deductions from wages, the protection of wages in the event of the bankruptcy or judicial liquidation of an undertaking, regularity of payment, the time and place of payment, and the provision of information to workers about matters connected with their wages.

196. To date the Convention has been ratified by 61 countries.² A total of 43 reports have been furnished by States which have not ratified the Convention.

Difficulties Encountered

197. Three countries have stated that the compulsory nature of most of the provisions of the Convention constitutes the main obstacle to ratification, since in these countries the principle of freedom of negotiation is generally accepted, on wages as on other matters.³

¹ Article 19 report, 1957.

² Afghanistan, Algeria, Argentina, Austria, Barbados, Brazil, Bulgaria, Byelorussia, Cameroon, Central African Republic, Chad, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Dahomey, Ecuador, France, Gabon, Greece, Guatemala, Republic of Guinea, Guyana, Honduras, Hungary, Iraq, Israel, Italy, Ivory Coast, Libya, Malagasy Republic, Malaysia, Republic of Mali, Malta, Islamic Republic of Mauritania, Mexico, Netherlands, Niger, Nigeria, Norway, Paraguay, Philippines, Poland, Senegal, Sierra Leone, Somali Republic (former British Somaliland), Spain, Syrian Arab Republic, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Republic, United Kingdom, Upper Volta, Uruguay.

³ Denmark, Sweden, Switzerland.

198. In some countries the main difficulty apparently lies in the fact that the scope of the Convention is wider than that of national legislation¹, which is not applicable to certain categories of workers (such as agricultural workers², domestic staff³, those whose wages exceed a specified minimum⁴, or private salaried employees⁵). In this connection it should be pointed out that Article 2 of the Convention provides for the possibility of excluding from the application of all or some of its provisions certain categories of workers not employed in manual labour or employed in domestic service or work similar thereto.

199. Some countries have stated that provisions corresponding to certain standards laid down in the Convention are lacking in national legislation, but that in practice they are complied with.⁶ One country has stated that in order to meet all the provisions of the Convention it would be necessary to enact new legislation as well as amend existing legislation, an exercise which is not considered necessary, having regard to local practice.⁷ Several countries have indicated that certain requirements of the Convention are not entirely met by national legislation or in practice or are not embodied in the legislation.⁸ One country refers to certain difficulties as regards the application of the national legislation, which otherwise is stated by the government to be in harmony with the Convention.⁹

200. One country considers that the economic and social situation renders anachronistic some of the provisions of the Convention, such as those relating to the prohibition of the payment of wages in the form of liquor of high alcoholic content or of noxious drugs, or the absence of any coercion upon workers to make use of works stores.¹⁰ Other governments have also stated that no special measures are required in their countries to implement the provisions concerning works stores.¹¹

201. In the light of these various comments it should be pointed out that the Convention is worded in such a way as to allow for a certain amount of flexibility as to the manner in which effect is given to it. While some of its provisions concern prohibitions which appear to require the existence of statutory provisions or provisions with the force of law, others permit their application by means of collective agreements or arbitration awards (or even by arrangement between the employer and the worker, or by practice). Yet other provisions call for the adoption of measures only under certain conditions or if there is a danger of abuse, or are worded in such a way that they could be applied by practice or current usage.¹²

¹ Burma, Chile, India, Kenya, Luxembourg, New Zealand, Pakistan, Singapore, Switzerland.

² Luxembourg.

³ Kenya.

⁴ Chile.

⁵ Federal Republic of Germany (Articles 3 (para. 1), 4, 7 and 12 (para. 2)), Japan (Article 13 (para. 1)).

⁶ Jamaica.

⁷ Australia (Articles 6, 7 (para. 2) and 13 (para. 2)), Ceylon (Article 3 (para. 2)), Finland (Articles 4, 9 and 13 (para. 2)), Federal Republic of Germany (Articles 11 and 13 (para. 2)), Ghana (Articles 5 and 10 to 14), Ireland (Articles 8 to 10), Singapore (Article 10), Sweden (Article 8).

⁸ Portugal.

⁹ Czechoslovakia.

¹⁰ Malawi, New Zealand.

¹¹ See, in this connection, the opinion expressed by the ILO in answer to a request from the Government of the Federal Republic of Germany : *Official Bulletin*, Vol. XXXVII, No. 7, 31 Dec. 1954, pp. 386-391, and the observation concerning the application of the Convention to Cyprus: RCE, 1960, p. 67.

202. Two countries have mentioned their federal structure. In one the matters dealt with in the Convention are partly within the authority of the federal Parliament and partly within the authority of the legislatures of the provinces¹; however, the Government is giving high priority to a study of the Convention and of the exact degree to which law and practice appear now to conform to the Convention. In the other country ratification is not considered appropriate in view of the fact that the provisions of the Convention involve, to a considerable degree, areas of state jurisdiction.² In another federal country legislation in at least one state does not conform with certain provisions of the Convention.³

203. One country mentions the existence of certain technical difficulties which necessitate further examination of the problem of ratification.⁴

204. The above analysis highlights the fact that the difficulties standing in the way of ratification of the Convention arise from provisions which differ from country to country. These difficulties are, broadly speaking, of the same order as those which existed in 1953, when reports were last submitted on this Convention under article 19 of the Constitution. Some countries have themselves stated that the situation has not changed since 1953, or have referred to the reports they submitted at that time.⁵ It is interesting to note, however, that whilst in 1954 the Convention had been ratified by only ten countries, the number of ratifications today is sixty-one.

Measures Taken or Envisaged

205. Several countries have stated that measures have been taken or are contemplated with a view to giving effect to the provisions of the Convention. This is the case with the Dominican Republic, where the provisions of the Convention are embodied in national legislation; Ethiopia, where the Convention will be taken into consideration as soon as the survey which is under way is completed and the report on it approved; and Kuwait, where the provisions of the Convention will likewise be taken into consideration when the labour law now in force is amended. In Luxembourg, where the legislation governing the legal position of workers in the event of the bankruptcy of their employer is now being reviewed, a solution is being sought which will give wages due to workers absolute priority over all other debts.

Ratification Prospects

206. According to the report of Nicaragua there is no difficulty involving legislation or practice in the way of ratification, and the Convention has already been submitted to Congress for consideration. In Venezuela the Convention was submitted to Congress in 1968 with a view to ratification. In Sudan preparations have been made to submit the Convention to the Constituent Assembly for ratification, which was expected before the end of 1968. The Government of Viet-Nam is contemplating the submission of the Convention to the competent authorities with a view to ratification. Belgium, Iran and Rwanda have stated their intention of ratifying the Convention. In Ceylon the Convention is being studied with a view to ratification.

¹ Canada.

² United States.

³ Australia (Articles 3 (para. 2), 9, 12 and 14 (b)).

⁴ Japan.

⁵ Federal Republic of Germany, India, Ireland (where the obstacles to ratification are currently being re-examined by the Government, however), Japan, Switzerland, United States.

The Governments of the Congo (Kinshasa), Lesotho and Zambia state that their legislation is in conformity with the provisions of the Convention and that there is no difficulty in the way of ratification. The Government of Ghana considers that there are no difficulties preventing ratification of the Convention, but that regulations will have to be made to give effect to those Articles of the Convention not at present covered by national legislation. In Kenya a new Employment Act, now being drafted, will enable the provisions of the Convention to be accepted in full. In Czechoslovakia the possibility of ratification will be examined within the context of the essential legislative measures now being drafted. In Morocco, in order to decide upon the conditions to be attached to ratification if it were to take place, a study is to be undertaken to determine whether certain categories of persons would have to be excluded from the application of all or any of the provisions of the Convention, as provided for in Article 2 of the instrument. The Government of Rumania states that the legislation is in conformity with the principles embodied in the Convention and that ratification will be considered when the revision of the labour legislation is completed.

207. In conclusion, the information now available indicates that the Convention has been submitted for approval to the competent authorities in two countries and is ready for submission to the competent authorities with a view to its ratification in another country, that ratification is being prepared in one country, and is contemplated in three others. The governments of four countries state that no difficulties prevent ratification.

CHAPTER VI

SOCIAL SECURITY

SOCIAL SECURITY (MINIMUM STANDARDS) CONVENTION, 1952 (No. 102)

208. This Convention deals in a single instrument with the nine main branches of social security, namely medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit (Parts II to X).

209. The acceptance of three of these nine branches is enough for ratification, but these three must include at least one of those relating to unemployment, employment injury, old age, invalidity and survivors. States that have ratified it in respect of certain of its Parts can later accept the obligations deriving from other Parts. Further, Article 3 of the Convention authorises a number of temporary exceptions for States "whose economy and medical facilities are insufficiently developed". These States may in particular restrict the protection provided for by the Convention in each branch accepted to a smaller number of persons, determined by referring simply to the numbers of wage earners employed in industrial workplaces of a certain size (employing 20 persons or more).

210. The Convention provides for medical care (and in some cases for certain other benefits in kind) and for cash benefits consisting of periodical payments. In addition to certain rules common to Parts I, XI, XII and XIII (definitions and organisation, calculation of benefits, financing, claims, etc.), the Convention has in each branch special provisions defining the contingency, the minimum coverage of the protection given, the level of benefits, their duration and the conditions for their granting. On these points the Convention is drafted with enough flexibility to take account of various techniques and stages of development. Accordingly, the scope is determined, as a rule, by the choice of States Members, in three ways: by reference to employees, to the economically active population, or to residents. Likewise, the minimum level of benefits taking the form of periodic payments is calculated by reference to the level of wages in the country concerned.

211. As regards the method of calculation of benefits the Convention provides three formulae intended to suit the practical working of the various systems of protection: benefits proportional or partly proportional to the previous earnings of the beneficiaries or their breadwinners (Article 65); benefits fixed at a uniform rate or in any case including a fixed minimum amount related to the wage of an ordinary labourer (Article 66); benefits depending on the means of the persons concerned during the contingency, the amount of which, when the person concerned has not enough means to justify a reduction, is fixed as in the previous case (Article 67).

212. As regards the rates of cash benefits the Convention fixes for each of the contingencies covered the rates at which such benefits must be paid in relation to the previous earnings of a skilled manual male employee (Article 65), or to the earnings of an ordinary labourer (Articles 66 and 67) for persons depending on their family situation (standard beneficiaries). For other beneficiaries the benefits must bear a reasonable relation to those of the standard beneficiary. In calculating these benefits account must also be taken of family allowances paid during the contingency.

213. Non-national residents must have the same rights as national residents; provided that special rules may be prescribed in respect of benefits payable wholly or mainly out of public funds and in respect of transitional schemes (Article 68).

214. Benefits may also be suspended in certain cases and in particular when the beneficiary is absent from the territory of the State Member, when, subject to certain conditions, he is maintained at public expense or at the expense of a social security institution or service or is in receipt of other benefits, and in certain other circumstances connected with his behaviour (Article 69). Every claimant must have a right of appeal in case of refusal of the benefit or complaint concerning its quality or quantity.

215. The Convention lays down a number of principles concerning the financing of benefits and provides that the State Member shall accept general responsibility for the due provision of benefits and the proper administration of the institutions and services concerned in its application. Finally, the Convention provides that, where the administration is not entrusted to an institution regulated by the public authorities or to a government department, representatives of the persons protected shall participate in the management of social security institutions, or be associated therewith in a consultative capacity.

216. The Convention has been ratified by 19 States¹ that have accepted all or some of its Parts. A total of 76 reports has been provided by States that have not ratified it.

Difficulties Encountered

217. The difficulties pointed out by governments relate sometimes to general, sometimes to particular, points.

218. A number of governments² state that the financial situation and the stage of economic development of their countries do not for the time being allow them to ratify the Convention. It is clear from the reports received, however, that some of the States in question have social security schemes based on the principles set forth by the Convention and covering several of its branches. They might, then, so far as these schemes meet the standards laid down by the Convention, consider the possibility of accepting the corresponding Parts of this instrument, taking advantage, where necessary, of the exceptions provided for by Article 3. Indeed, it is to take into

¹ Belgium (Parts II-X), Denmark (Parts II, IV-VI and IX), Federal Republic of Germany (Parts II-X), Greece (Parts II-VI and VIII-X), Iceland (Parts V, VII and IX), Ireland (Parts III, IV and X), Israel (Parts V, VI and X), Italy (Parts V, VII and VIII), Luxembourg (Parts II-X), Islamic Republic of Mauritania (Parts V-VII, IX and X), Mexico (Parts II, III, V, VI and VIII-X), Netherlands (Parts II-X), Niger (Parts V-VIII), Norway (Parts II-VII), Peru (Parts II, III, V, VIII and IX), Senegal (Parts VI-VIII), Sweden (Parts II-IV and VI-VIII), United Kingdom (Parts II-V, VII and X), Yugoslavia (Parts II-VI, VIII and X).

² Ceylon, Congo (Kinshasa), Dahomey, Kenya, Lesotho, Nigeria, Rwanda, Sierra Leone, Singapore, Syrian Arab Republic, Tunisia, Upper Volta, Zambia.

account very different degrees of development and to make the minimum standard accessible to countries that are but little industrialised that the Convention, as has been said above, contains in several connections formulae that are flexible enough to enable the State concerned to reach its aims gradually.¹ To ratify the Convention then it is not necessary, as certain governments seem to think, to wait for all its branches to be covered by national legislation.

219. Some other States ² indicate that their social security schemes do not cover the number of Parts required to ratify the Convention, or that, if they cover them, the national legislation is not in full conformity with one or other of them.

220. Certain States ³, with social security schemes covering most of the branches covered by the Convention, indicate that their legislation has many differences on points of principle or of detail from the provisions of the Convention, which makes it impossible for the moment to consider ratification.

221. Some States ⁴ specify that the differences relate mainly to coverage; the number of persons protected does not reach the percentage established by the Convention, because the national legislation covers only certain groups of workers, because it does not apply to the whole territory, or again because it applies only to industrial establishments employing at least 20 persons. On the last point it should be recalled that the States concerned might consider taking advantage of the exceptions provided for by Article 3 of the Convention.

222. Other States refer to the level of cash benefits ⁵ (for example rate or duration of benefits inadequate, absence of reduced benefits where the conditions concerning the qualifying period are not fully met) or to the nature of the medical care ⁶ (for example no provision for domiciliary visits, no hospitalisation or hospitalisation for a reduced period of certain members of the family of the insured person).

223. Some other States ⁷ stress the fact that, in the branches covered, their legislation does not ensure equality of treatment between national residents and non-national residents, as prescribed by Article 68 of the Convention. It should, however,

¹ See RCE, 1961, General Survey, para. 3.

² Gabon, Guatemala, Ivory Coast.

³ Including: Bulgaria, Cuba, Hungary, Jamaica, Malawi, New Zealand, Poland (article 19 report, 1961), Spain, Switzerland (in principle, the insurance schemes are optional but supervised by the public authorities. In many cantons, however, they have been declared compulsory. It should be recorded in this connection that for certain of its Parts and in certain conditions the Convention authorises Members to take account of insurance that is not compulsory (Article 6)), United States (the questions dealt with by the Convention come partly under the federal authorities and partly under those of the states. The federal Government indicates, however, that legislation seems to be in conformity with Parts V, IX and X of the Convention and with the relevant provisions of Parts XI, XII and XIII), Uruguay.

⁴ Burma, Colombia, India (the Government states that, even under Article 3 of the Convention, the percentage of persons protected is not reached), Iraq (the social security scheme covers industrial establishments employing 20 workers or more), Pakistan, Switzerland (for certain branches), Uruguay (sickness insurance).

⁵ Cuba (absence of reduced benefits), Hungary (the Government states that, although the rate of the benefits is higher, there are differences in the way of calculating them and in the definition of the standard beneficiary), Malta (for certain branches), Pakistan, Poland (absence of reduced benefits, calculation of benefits based on elements other than those of the Convention—article 19 report, 1961), Spain (for certain cases of invalidity insurance), Switzerland (for most of the branches covered).

⁶ Cuba, Hungary, India, Japan, Malta, Spain.

⁷ Ghana, Malta.

be recalled that the Convention is flexibly drafted on this point and that in certain cases it allows the establishment of special rules, as has already been said. Still other States¹ refer to cases of suspension that in the national framework would go beyond those provided for by Article 69 of the Convention. There are States² that indicate among other things that their legislation does not contain provisions to adapt the benefits to fluctuations in the economic situation, particularly in respect of long-term benefits. Finally, one government states that it is not possible to apply certain principles of the Convention to the whole national territory, in particular not to some of the overseas provinces.³

Measures Taken or Envisaged

224. Despite the difficulties set forth above, several countries, as a result of the Convention, have adopted, or intended to adopt, either specific measures giving effect to certain of the provisions or more general measures improving the existing social security schemes. Thus, in many cases the minimum standards laid down by the Convention are reached or even exceeded, particularly in respect of short-term benefits, except in the branch of unemployment insurance. Special efforts have been made to improve medical care. Improvement of long-term benefits also seems to preoccupy several countries, in particular those whose social security schemes are still at the stage of being organised.

225. Since 1960, when governments were called on to furnish reports on this Convention under article 19 of the Constitution, considerable progress has been made in several of the spheres dealt with in it.

226. Accordingly, some countries have broadened the coverage of their social security schemes. Among them are Byelorussia, Ukraine and the USSR, where the benefits of social security have been extended to the members of kolkhozes. In Australia old-age and invalidity benefits have been extended to non-nationals. In India the coverage of state social insurance has been broadened in the field of sickness benefit, maternity benefit and employment injury benefit. In New Zealand a new Social Security Act has extended the coverage of certain benefits, in particular by broadening the definition of the term "resident" in accordance with the provisions of the Convention and in allowing the granting of survivors' benefits for certain dependent children. In Venezuela the social security scheme has been expanded both in respect of the number of persons protected and in respect of the benefits granted.

227. Some States have increased the rate or duration of cash benefits, either in general or in certain branches of social security: they include Byelorussia, the Ukraine and the USSR, whose Governments state that in certain cases the rate is 100 per cent of the wage. The level of benefits has also been raised in Hungary, in India, in Morocco (family benefit), in Switzerland (old-age and survivors' benefits), in the United States (old-age benefit) and in Venezuela.

228. In some States the improvements have applied to certain branches of existing schemes, in particular medical care and sickness benefit: this is true of Austria, Finland, India, Switzerland and the United States.

¹ Austria, Poland (suspension of certain benefits, regard being had to the other income of the beneficiaries—article 19 report, 1961).

² Austria, Malta, Poland (article 19 report, 1961).

³ Portugal.

229. In other States (Cameroon, Cuba, Guinea, Mali, Morocco, Pakistan (West), Rwanda and Togo), new social security schemes have been introduced to cover all or some of the contingencies covered by the Convention. The Government of Cuba states that the national scheme goes beyond the standards laid down by the Convention in certain important respects such as that of the coverage and the level of the benefits. The Government of Guinea states that the provisions of the national legislation meet the obligations deriving from the Convention in respect of family, employment injury, sickness, invalidity, old-age and survivors' benefits. The Government of Mali states that in some of the branches covered by the national social security scheme, the standards laid down by the Convention are reached or even exceeded, and the Government of Togo states that new laws and regulations have been adopted with the specific purpose of giving effect to the Parts of the Convention dealing with medical care, employment injury benefit, family benefit and maternity benefit. In Hungary a new pension scheme has been set up for members of agricultural production co-operatives and their families.

230. In Kuwait a first attempt to establish a social security scheme in certain branches covered by the Convention was made in 1962 with the Public Assistance Law.

231. Lastly, three other countries (Turkey, Uruguay and Venezuela) are examining the possibility of amending the existing schemes with a view to bringing them into closer harmony with the standards of the Convention, which would make it possible to give effect to certain of its Parts. Studies are also being carried out in Cameroon to see how far effect can be given to certain Parts of the Convention that are not covered by national law.

Ratification Prospects

232. Since 1961, when this Convention was the subject of a general survey under article 19 of the Constitution, eight new ratifications have been registered including five by developing countries. Besides, three States that have ratified it have extended the coverage to new Parts.¹

233. Several governments state that they have considered the possibility of ratifying the Convention in respect of certain Parts or of the whole.

234. The Government of Nicaragua states that the Convention has been submitted to the National Congress, and that in accepting Parts III, V, VI and VIII it will have to take advantage of the exceptions provided for by Article 3 of the Convention.

235. In Venezuela the Government considers that Parts II, III, V and VIII to X of the Convention could be accepted without difficulty, but states that ratification has had to be postponed to 1969 for reasons of internal procedure. This is also true of Turkey, and the Bill drafted for the purpose has been revised and again submitted to the Council of Ministers.

236. The Government of Chile states that, except in respect of unemployment benefit, national law does not stand in the way of ratifying the Convention. In the Dominican Republic the Convention is under study with a view to submission to Parliament.

¹ Denmark, Netherlands, Sweden.

237. In Cyprus the Government has decided to propose ratification of the Convention to Parliament; this seems to be true of Ecuador as well. In France certain reasons that formerly prevented ratification of the Convention no longer exist and the Government states that there seems to be nothing in the way of setting the procedure for ratification in motion soon.

238. The possibility of ratifying the Convention is also being considered in the following countries: Austria (Parts III to VI, IX and X), Barbados (Parts III, V and X), Brazil, Canada (several Parts), Costa Rica, Czechoslovakia, Finland, Uruguay.

239. Other countries are also considering ratification when certain improvements (already started in some cases) have been made to their national law; this conclusion is to be drawn from the reports of Ghana, Guyana and Liberia.¹

240. Lastly, the Government of Rumania states that national law is in harmony with the principles of the Convention and that ratification will be considered when the revision of the labour legislation has been completed.

241. To conclude, the information at present available shows that the Convention has been submitted to the competent authorities for approval in one country, that ratification is being prepared in two countries and is being considered in over ten others; the governments of four countries state that no difficulties prevent ratification.

EQUALITY OF TREATMENT (SOCIAL SECURITY) CONVENTION, 1962 (No. 118)

242. The Convention requires a member State to grant within its territory equal treatment with its own nationals to the nationals of any other member State for which the Convention is in force, to refugees and to stateless persons. Such equality of treatment relates to both coverage and the right to benefits and must be granted in respect of every branch of social security covered by the Convention for which the member State has accepted the obligations of the Convention.² It must be accorded without any condition of residence, save in the cases set out in Article 4, paragraph 2, which provides that the grant of certain benefits payable under non-contributory schemes may be made subject to a condition of residence, preceding the filing of a claim, the length of which may not exceed the period laid down by the Convention.

243. The obligations of the Convention may be accepted for one or more of the following branches of social security for which the member State has in effective operation legislation covering its own nationals: medical care, sickness, maternity, invalidity, old age, survivors, employment injury, unemployment and family benefits.

244. The Convention (which does not apply to special schemes for civil servants, for war victims or public assistance) requires that the provision of certain benefits (invalidity benefits, old-age benefits, survivors' benefits, death grants and employment injury pensions) be guaranteed both to a State's own nationals and to the nationals of any other member State which has accepted the obligations in respect of the branch or branches concerned, when they are resident abroad. Similarly, the grant of family allowances, both to a State's own nationals and to the

¹ Article 19 report, 1961.

² It may be noted that the Convention permits a State to refuse equality of treatment, as regards any branch of social security, to nationals of another State which has legislation relating to that branch but does not grant equality of treatment in respect thereof to the nationals of the first State.

nationals of any other member State having accepted the obligations of the Convention for that branch, is to be guaranteed in respect of children who reside in the territory of any such member State. The Convention also provides that the ratifying States shall endeavour to participate in schemes for the maintenance of the acquired rights and rights in course of acquisition under their legislation of the nationals of member States for which the Convention is in force.

245. The Convention has thus far been ratified by 18 countries¹, which have accepted the obligations in respect of all or certain branches of social security. A total of 74 reports have been supplied by non-ratifying States.

Difficulties Encountered

246. One of the main difficulties preventing or delaying ratification of the Convention cited by a number of countries relates to the condition of residence for entitlement to benefits in respect of certain branches of social security² or to the fact that benefits are not paid in the case of residence abroad.³

247. As regards the condition of residence, it should be noted that, as appears from the discussions at the Conference when the Convention was adopted, this clause of the Convention (Article 4, paragraph 1) should be taken to mean that equality of treatment should not be restricted by a qualifying condition of residence imposed on non-nationals *only*, except in cases where such a restriction is permitted by the Convention. On the other hand, this provision is not in any way intended to require a member State to grant benefits to non-nationals without a qualifying condition of residence in cases where national laws impose such a condition on the nationals of the country concerned.⁴ It should also be recalled that under the same Article of the Convention equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence in its territory. Moreover, Article 4, paragraph 2, provides

¹ Brazil (branches (a) to (g)); Central African Republic (branches (c), (e), (g), (i)); China (branches (a) and (c) to (g)); Congo (Kinshasa) (branches (d), (e), (g)); Guatemala (branch (c)); Republic of Guinea (branches (a), (b), (c), (e), (f), (g), (i)); India (branches (a), (b), (c)); Ireland (branches (a), (b), (h), (i)); Israel (branches (c), (e), (f), (g), (i)); Italy (branches (a) to (i)); Jordan (branches (c), (d), (f), (g)); Malagasy Republic (branches (b), (c), (d), (g)); Islamic Republic of Mauritania (branches (d), (e), (f), (g), (i)); Netherlands (branches (a) to (i)); Norway (branches (f), (i)); Sweden (branches (a), (b), (c), (g), (h)); Syrian Arab Republic (branches (d) to (g)); and Tunisia (branches (a), (b), (c), (g), (i)).

² Belgium (family benefit), New Zealand.

³ Austria (sickness, accident and pensions schemes), Cameroon (employment injury benefit is not paid to the dependants if they were resident abroad when the accident occurred), Cuba, Czechoslovakia, Federal Republic of Germany (death grant not payable in respect of persons dying abroad; benefits suspended in certain cases of residence abroad), Hungary, Luxembourg (the non-contributory part of the pension cannot be paid abroad unless the Government authorises it), Mali (in respect of family benefit, however, workers who change their residence during periods of absence from work continue to receive this benefit, old-age benefits and employment injury pensions in certain cases), Mexico (pensions suspended during residence abroad), New Zealand (employment injury), Rwanda (the Government merely states that financial problems arise when a non-national returns abroad), Switzerland (the non-contributory part of invalidity, old-age and survivors' benefits cannot be paid abroad), and the United States (old-age, survivors' and invalidity benefits are payable abroad to nationals of other countries who pay benefits to United States nationals outside their territories without restriction. However, no benefits may be sent to persons residing in countries where there is no assurance that the benefits may be received).

⁴ See International Labour Conference: *Record of Proceedings*, 46th Session (1962), p. 756. See also *Equality of Treatment of Nationals and Non-Nationals in Social Security*, Report V (2), International Labour Conference, 46th Session, Geneva, 1962, p. 23.

that, except for medical care, sickness benefit, employment injury benefit and family benefit, the grant of benefits under non-contributory schemes, or which do not depend on a qualifying period of professional activity, can be made subject to the condition that the beneficiary (or the deceased in the case of survivors' benefit) has resided in the territory of the Member concerned for a certain period prescribed by the Convention (not exceeding six months for maternity benefit and unemployment benefit; five consecutive years for invalidity benefit and survivors' benefit; ten years after the age of 18 for old-age benefit).

248. The question of the payment of benefits to persons resident abroad arises in particular in relation to invalidity benefits, old-age benefits, survivors' benefits, death grants and employment injury pensions. It should be recalled in this connection that the obligations of the Convention can be accepted in respect of one or more branches of social security; that the obligations of a State which has accepted any of these branches of the Convention are limited to its own nationals and the nationals of States which have ratified the Convention for the same branches; that when these benefits are granted under non-contributory schemes their payment to beneficiaries resident abroad can be made subject to the participation of the member concerned in schemes for the maintenance of acquired rights and rights in the course of acquisition; and that benefits granted under transitional schemes do not come within the scope of this provision. The difficulties mentioned in this connection might, therefore, be re-examined in the light of the various factors just reviewed.

249. In certain countries the legislation requires that non-nationals should spend a certain period of employment in the country before any other period of their employment abroad could be included in the qualifying period.¹ In one country non-nationals are required in certain cases to provide evidence of a longer qualifying period of employment than are nationals.²

250. These difficulties should also be considered in the light of the exceptions authorised by the Convention in respect of conditions of residence for certain benefits and of the other considerations which have been mentioned above.

251. The requirement by national legislation of a certain period of residence (or of employment) for the grant of benefits other than medical care, sickness benefit, employment injury benefit or family benefit, may thus not be incompatible with the Convention, provided of course that the period does not exceed that laid down by the Convention and that the benefits in question are granted under a non-contributory scheme.

252. In other countries foreign nationals are either excepted from the scope of the national social security scheme³ or their benefits are lower than those of nationals.⁴ In some cases citizenship is required either for the recognition of certain periods for the purpose of insurance or for the grant of benefits.⁵

¹ Byelorussia, Czechoslovakia, Ukraine.

² Federal Republic of Germany (but only in relation to unemployment assistance schemes).

³ Ghana and Greece (where equality of treatment is accorded only to the nationals of Belgium, France and the Federal Republic of Germany, on the basis of bilateral treaties concluded with those countries).

⁴ Belgium and the United States (in 26 states and the District of Columbia, death benefits are provided to non-resident alien dependants either on a reduced basis or in lump-sum commutations in reduced amounts).

⁵ Austria (citizenship required for validation of periods of war service and assimilated periods with regard to invalidity, old-age and survivors' benefit) and the Federal Republic of Germany (family benefit for children residing abroad payable only to nationals of EEC member States).

253. In one country the government feels it difficult to apply the provisions of Articles 7 and 8 of the Convention in respect of the maintenance of the rights in course of acquisition.¹

254. Certain countries consider that the system of reciprocity instituted by the Convention is too broad in scope and that it would be preferable to safeguard the rights of foreign workers to social security by means of bilateral or multilateral agreements between the States concerned.²

255. In certain countries with a federal structure the matters dealt with in the Convention fall partly within the competence of the federal authorities and partly within the competence of the provinces or states.³

256. In some cases the government indicates that national conditions do not yet permit the establishment of a social security scheme or that there is no legislation providing for equality of treatment.⁴ Thus, ratification cannot be considered for the time being. On the other hand, one government feels that although national legislation is in conformity with the provisions of the Convention, a national provident fund covering employment accidents has to be set up.⁵ One country mentions financial difficulties⁶, another the existing state of war.⁷ In a further country the social security benefits listed in the Convention exist, but only for certain types of employees; on the other hand, the legislation in question applies equally to foreign nationals and to citizens.⁸ The government of one country considers that ratification should be postponed until a social security scheme, as closely following the scope of the Convention as possible, has been established.⁹ It may be pointed out in this connection that the Convention is based on the progressive application of its provisions in respect of one or more of the branches of social security mentioned therein and that it enables a ratifying member State to accept at a later stage the obligations of the Convention in respect of further branches of social security not specified at the time of ratification.

Measures Taken or Envisaged

257. Several countries indicate the measures which are being considered or will be taken with a view to giving fuller effect to various provisions of the Convention. Thus, in Ethiopia¹⁰, Guyana, Ivory Coast, Jamaica and Malaysia the Governments are considering the adoption of a social security scheme or of legislation on certain specific points, which would implement the provisions of the Convention. In the Federal Republic of Germany and Ghana the Governments have proposed the repeal of certain provisions of national legislation which are not in harmony with the Convention.

¹ Spain.

² Japan, United Kingdom.

³ Canada, United States.

⁴ Malawi, Rwanda.

⁵ Chad (information on submission, 1966).

⁶ Dahomey.

⁷ Viet-Nam.

⁸ Singapore.

⁹ Ivory Coast (information on submission, 1965).

¹⁰ Letter of 16 December 1966 from the Ministry of National Community Development and Social Affairs.

Ratification Prospects

258. A number of countries provide information concerning the possibility of ratifying the Convention. While in Denmark, Finland, Mexico¹ and Pakistan² the ratification has already been approved by the competent authorities, the Governments of Chile, Colombia, Dominican Republic, Iran³, Nicaragua, Uruguay and Venezuela state that the Convention has been submitted for ratification, and the Governments of Cyprus and Ecuador indicate that the Convention will be submitted to the competent authorities with a proposal for ratification. The Governments of Austria, Canada, France, Greece, Malta, Morocco, Nigeria and Tanzania indicate that the Convention either is being or will be considered by the competent authorities or services with a view to its possible ratification. In Barbados and Turkey steps are being taken to ratify the Convention and its ratification has been suggested by the governmental services in Kuwait.⁴ The Government of Iran states that it does not anticipate any difficulties as regards ratification of the Convention. The Government of Australia continues to examine the possibility of ratification in respect of medical care, sickness, maternity, unemployment and family benefits. The Government of Iraq indicates that as a new social security scheme has recently come into operation, some experience with the application of the scheme is needed before the ratification of the Convention. In Rwanda the ratification depends partly on the revision of a national law on social security and partly on the bilateral agreements which will be concluded on the subject. The Government of Rumania indicates that national legislation conforms with the principles of the Convention and its ratification is envisaged when the revision of the labour legislation has been completed. Finally, in Dahomey ratification could be considered later on.

259. In conclusion, it appears from the information available at present that ratification of the Convention has been approved by the competent authorities in four countries, that it has been submitted for approval to these authorities in seven countries, that it will be submitted for approval in two others, and that ratification is being prepared in three countries; the government of one country states that no difficulties prevent ratification.

¹ Letter of 5 February 1968 from the Permanent Delegation in Geneva.

² However, the formal instrument of ratification has not yet been registered because in East Pakistan there is no legislation in effective operation, as required by Article 2 of the Convention. The instrument will be registered as soon as the East Pakistan social security legislation is enacted.

³ Letter of 24 July 1966 from the Ministry of Labour.

⁴ Periodic report on Human Rights submitted to the United Nations Economic and Social Council on 6 December 1966 (document E/CN.4/917/Add. 2).

CHAPTER VII

MINIMUM AGE

MINIMUM AGE (INDUSTRY) CONVENTION (REVISED), 1937 (No. 59)

260. The Convention fixes the minimum age for admission of children to industrial employment at fifteen years. Below this age no child should be employed or work in any public or private industrial undertaking. On the other hand, the Convention requires that national laws prescribe a higher age for employments which are dangerous to the life, health or morals of the persons employed therein. Certain exceptions are permitted in respect of children working in undertakings where only members of the employer's family are employed. The Convention does not apply to work done by children in technical schools.

261. The Convention has thus far been ratified by 22 countries.¹ A total of 73 reports have been supplied by non-ratifying States.

Difficulties Encountered

262. The main difficulty preventing ratification of the Convention cited by many countries is that the minimum age prescribed by national law or applied in practice for admission of children to industrial employment is lower than that laid down by the Convention. It is usually fixed at 14 years², but in a few countries below 14 years.³ In several countries, while the national legislation fixes a minimum age lower than 15 years, it provides for certain added safeguards: young persons under the prescribed age (which usually is 16 or 18 years) shall not be employed in work which is beyond their strength, or shall not work in harmful and dangerous industries.⁴ In some cases the government indicates that although the legislation is largely in conformity with the Convention and fixes the minimum age at 15 (or even at 16)

¹ Albania, Bulgaria, Byelorussia, China, Cuba, Ghana, Iraq, Italy, Kenya, Luxembourg, New Zealand, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Sierra Leone, Tanzania, Ukraine, USSR, Uruguay.

² Argentina, Barbados, Belgium, Brazil, (the Government merely indicates that the minimum age fixed by national legislation is lower than that prescribed by the Convention), Cameroon, Ceylon, Chile, Cyprus, Dominican Republic, Guatemala, Honduras (article 19 report, 1960), Malawi, Malaysia, Mali, Malta, Mexico, Nicaragua, Senegal, Spain, Upper Volta, Venezuela and Viet-Nam. The same situation appears in the following non-metropolitan territories: Bahamas, British Honduras (here, however, the Government indicates that the existing practice precludes employment of young persons under the age of 18 years), Hong Kong, St. Vincent.

³ El Salvador, Iran, Malaysia, Morocco, Singapore, United Arab Republic (article 19 report, 1960).

⁴ Bolivia, Congo (Kinshasa), Dahomey, Israel, Kuwait, Turkey.

years, certain exceptions may be allowed for children who have attained 14 years¹; or in certain parts of the country—where nine-year compulsory school attendance has not yet been introduced—the minimum age is under 15 years.² In one country, while the minimum age is fixed at 14 years, the government states that practically 80 per cent of children who have attained this age continue their studies at secondary schools, in apprenticeship courses, etc.³ In another country, while the national legislation fixes a higher minimum age than 15 years, the government finds it difficult to ensure the supervision of the application of this provision.⁴

263. In several countries employment of children under the age of 15 years in undertakings in which only members of the employer's family are employed is permitted more extensively than is provided for by the Convention.⁵

264. In certain cases the pertinent national law either does not relate to all the industrial undertakings referred to in the Convention or provides for certain exceptions.⁶

265. In some countries the register required by the Convention in respect of all employed persons under the age of 18 years is not kept at all, or is kept in respect of persons under an age lower than that prescribed by the Convention, or is kept only where more than a prescribed number of such persons is employed in the undertaking concerned, or this obligation does not apply to all employers.⁷ In one country legislation does not specifically require employers to keep a register of employees' dates of birth; however, according to the government, this is usually done in practice.⁸ In the case of India (for which special provisions are laid down in Article 7 of the Convention), the Government considers that the following difficulties prevent ratification: no provision exists for the medical certification of fitness for work in the case of adolescents working above ground in mines; it is difficult to provide for the compulsory medical examination of young persons employed above ground in mines.

266. The review which precedes seems to confirm that the main obstacle to ratification of the Convention in many countries is the fixing of the minimum age at a level lower than the 15 years prescribed by the Convention. While the article 19 survey made in 1960 on this Convention had revealed the same main obstacle to ratification, it is interesting to note that the Convention has in fact been ratified by nine more countries since that date.

Measures Taken or Envisaged

267. It is also significant that measures are under consideration in several further countries to raise the minimum age, which is at present lower than 15 years: Austria⁹, Cyprus, Israel and Morocco.¹⁰ In the Netherlands an amendment to the

¹ Australia, France, Sweden, Switzerland.

² Federal Republic of Germany (in Bavaria).

³ Hungary.

⁴ Ivory Coast.

⁵ Ceylon, Chile, Switzerland.

⁶ Burma, Denmark, Sweden.

⁷ Chile, Finland, Senegal, Sweden.

⁸ Australia.

⁹ Article 19 report, 1960.

¹⁰ The Government intends to raise the minimum age from 12 to 14 years.

Labour Act of 1919 raising the minimum age from 14 to 15 years has already been adopted by Parliament and it was hoped that it would come into force at the beginning of 1969. The Government of Jamaica intends to raise further the minimum age for employment in industrial undertakings. The Government of Cameroon states that it will take into account, if possible, the requirements of the Convention as to the fixing of the minimum age. In Barbados the Government intends to prepare up-to-date legislation on the subject and will give due consideration to the provisions of the Convention. Finally, in Finland the competent authority will define the line of division which separates industry from agriculture, in accordance with Article 1, paragraph 2, of the Convention.

Ratification Prospects

268. A number of countries provide information concerning the possibility of ratifying the Convention. While in Nicaragua the Convention has been submitted for approval to the National Congress, in Costa Rica and Czechoslovakia the Governments intend to submit it to the competent authorities. In the Dominican Republic the Convention is being considered by the competent ministry with a view to submitting it for approval to Parliament. The Governments of Burma, Congo (Kinshasa), Dahomey and Zambia do not envisage any difficulties in ratifying the Convention. Ratification seems possible, but not immediately, or could be considered at a later stage, according to the Governments of Bolivia, France, Guyana, Niger and Thailand.

269. The Government of Rumania indicates that national legislation conforms with the principles of the Convention and that its ratification is envisaged when the revision of the labour legislation has been completed. In Jamaica the ratification of the Convention cannot be considered until an amendment to the law to raise the minimum age for employments which are dangerous to the life, health or morals of the persons employed therein has been made.

270. Finally, the reports from Australia on Nauru and Norfolk Island indicate that no difficulties seem to prevent or delay extension of the Convention to these territories and the report from the United Kingdom on Bermuda states that the Convention is applied.

271. In conclusion, it appears from the information available at present that the Convention has been submitted for approval to the competent authorities in one country, that its ratification is being prepared in two countries and is being considered in another; the governments of four countries state that no difficulties prevent ratification.

CHAPTER VIII

MATERNITY PROTECTION

MATERNITY PROTECTION CONVENTION (REVISED), 1952 (No. 103)

272. The Convention applies to women employed in industrial undertakings and in non-industrial and agricultural occupations, including domestic staff and women wage earners working at home. It covers women working in public or private undertakings, irrespective of age, nationality, creed or marital status. It exempts only family undertakings, but allows for temporary exceptions to be made in respect of certain categories of non-industrial occupations, occupations carried on in agricultural undertakings, other than plantations, domestic work for wages in private households, work done at home or undertakings engaged in transport by sea (Article 7).

273. The Convention stipulates that the women to whom it applies must have a period of maternity leave of at least twelve weeks, not less than six of which must be taken after confinement. This leave must be extended in the event of any mistake in estimating the date of confinement or in case of illness arising out of pregnancy or confinement.

274. The Convention lays down that during this leave the woman shall be entitled to receive cash benefits sufficient for the full and healthy maintenance of herself and her child in accordance with a suitable standard of living, and medical benefits, including prenatal, confinement and postnatal care as well as hospitalisation care, where necessary, in a hospital of her choice.

275. Benefits must be provided either by means of compulsory social insurance or by means of public funds. Where cash benefits provided under compulsory social insurance are based on previous earnings, they must be at a rate of not less than two-thirds of the earnings taken into account. In no case may the employer be individually liable for the cost of benefits.

276. If a woman is nursing her child she must be entitled to interrupt her work for this purpose, such interruptions being counted as working hours and remunerated accordingly.

277. Lastly, the Convention prohibits the dismissal of a woman for any reason whatsoever while she is absent from work on maternity leave or at such a time that the notice of dismissal would expire during her absence.

278. To date the Convention has been ratified by 10 countries.¹ A total of 83 reports has been furnished by Members who have not ratified it.

¹ Brazil, Byelorussia, Cuba, Ecuador, Hungary, Spain, Ukraine, USSR, Uruguay, Yugoslavia.

Difficulties Encountered

279. A major obstacle to ratification to which many States have referred is the scope of the Convention.¹ The national legislation of most of these countries does not apply to women employed in agriculture or domestic service or working for wages at home or employed by transport undertakings. It should be pointed out, however, as concerns these categories of workers, that the States concerned may, at the time of ratification, consider availing themselves of the exceptions permitted under Article 7 of the Convention. Other countries state that their legislation, even though it covers most of the workers to whom the Convention applies, is applicable only to certain regions, either because of the federal structure of the countries in question² or due to circumstances peculiar to developing countries³ (a social security scheme applicable only to certain areas of the country, for instance).

280. In other cases certain categories of women are excluded from compulsory insurance schemes, either because they are married⁴ or on account of their high earnings⁵ (schemes applying an income ceiling to eligibility for insurance).

281. A second difficulty arises out of the length of the leave. Some countries appear to be experiencing some difficulty in introducing a minimum standard of twelve weeks as required by the Convention, or making postnatal leave compulsory.⁶

282. For one State a difficulty arises out of the fact that its legislation does not permit a woman to postpone her prenatal leave until after the expiration of her postnatal leave.⁷ It should be noted, however, that in this connection Article 3, paragraph 3, of the Convention is worded in extremely flexible terms, requiring a minimum of six weeks' leave to be compulsorily taken after confinement, but leaving it to the discretion of the legislation of each country as to how the remainder of the leave is to be taken.

283. Other countries state that their legislation does not provide for the possibility of prolonging maternity leave in the event of a mistake in estimating the date of confinement⁸ or in case of illness arising out of pregnancy or confinement.⁹ In this latter case it is pointed out that the provisions of the Convention relating to the prolongation of leave in case of illness (Article 3, paragraphs 4 and 5) merely provide for the possibility of granting supplementary sick leave in addition to the

¹ Argentina, Burma, Ceylon, Chile (only domestic workers excluded), Denmark, Ghana, India, Iran, Iraq, Italy (only in the case of women working at home and domestic servants, who are, however, covered by the insurance scheme), Jordan (article 19 report, 1965), Malaysia, Morocco, New Zealand (only women employed by public services and teachers are covered), Norway, Pakistan, Sweden, Switzerland, Turkey (article 19 report, 1965), United States, Viet-Nam.

² Australia, Canada, Malaysia (article 19 report, 1965), United States.

³ Burma, Guatemala, India.

⁴ United Kingdom.

⁵ Netherlands.

⁶ Argentina, Ceylon (four weeks' postnatal leave), China (article 19 report, 1965), Colombia, Costa Rica, Finland, Guatemala (article 19 report, 1965), India (in the areas where the Employees' State Insurance Act is not applicable), Ireland, Jordan (article 19 report, 1965), Kuwait, Malaysia (States of Malaya) (article 19 report, 1965), Morocco, Rwanda (article 19 report, 1965), Sweden (particularly for commercial employees and office workers), Switzerland, Tunisia, United Kingdom, Venezuela, Viet-Nam.

⁷ Senegal.

⁸ Norway, Pakistan, Venezuela.

⁹ Canada, Federal Republic of Germany (for women not covered by insurance during the postnatal leave period), Mexico, Morocco, Sweden.

normal period of maternity leave.¹ Since a number of the States in question have provisions affording equivalent protection under the sickness insurance scheme, the obstacle referred to does not appear to be insurmountable.

284. Another difficulty to which attention has been drawn concerns the level of benefit. Several countries state that the rate of cash benefit fixed by their social security legislation is lower than the two-thirds of previous earnings required by the Convention.² On this point also it is pointed out that the Convention (Article 4, paragraphs 2 and 6) imposes no obligation upon States ratifying it to take previous earnings as the basis for calculation of benefit, but allows for the possibility for determining the amount of benefit upon some other basis, such as presumptive earnings, for instance. Accordingly, it is only in cases where previous earnings are the basis for calculation of benefit that the benefit should be not less than two-thirds of the previous earnings taken into account.³ It should also be noted that in some of the countries which have invoked this difficulty women are entitled, in addition to the actual maternity allowance, to other cash benefits (prenatal allowances, maternity grants, etc.) which, taken together with the maternity allowance, reach the figure of two-thirds of the previous earnings stated in the Convention.

285. Although they are invoked less often, shortfalls in medical benefits also seem to constitute an obstacle in certain countries⁴, as does the absence of a provision guaranteeing freedom of choice of doctor or hospital.⁵

286. In other countries the employer is liable for all or part of the cost of maternity benefits, and this constitutes a major obstacle to ratification.⁶ In some cases the employer bears part of the cost of benefits and the insurance scheme bears the rest, or he is liable for the full cost of benefits due to employees who, for one reason or another, are not covered by the insurance scheme. In other cases the full cost of benefits must be borne by the employer because the financial and economic resources of the countries concerned are not yet sufficient to enable them to institute or generalise compulsory social security schemes. This latter difficulty is particularly stressed by certain countries, some of which add that ratification of the Convention would involve a financial burden too heavy for their economy to assume under present conditions.⁷

287. According to one State the only difficulty preventing ratification lies in the existence of a qualifying period prescribed by national legislation which stipulates that a woman must have been in employment for at least three months to be eligible for an allowance equal to 100 per cent of her earnings.⁸ It should be recalled in this

¹ RCE, 1965, General Survey, para. 125.

² Belgium, Central African Republic (article 19 report, 1965), Finland, France, Gabon, Iraq, Mauritania, Mexico, Morocco, Nicaragua, Niger, Norway, Switzerland, Viet-Nam.

³ RCE, 1965, General Survey, para. 138, footnote 1.

⁴ Iraq, Malaysia, Norway (only as concerns hospitalisation in private establishments), Philippines, Switzerland.

⁵ India, Nicaragua, Turkey (article 19 report, 1965), Venezuela.

⁶ Belgium (only as a supplement to benefits under the insurance scheme), Ceylon, China (article 19 report, 1965), Dominican Republic, Ghana, Guatemala (where the woman is not covered by the social security scheme), Iceland (article 19 report, 1965), India (in areas where the Employees' State Insurance Act is not applicable), Malaysia (article 19 report, 1965), Pakistan, Philippines, Singapore, Viet-Nam.

⁷ Guatemala, Ivory Coast, Jordan (article 19 report, 1965), Kenya, Lesotho, Morocco, Rwanda, Sierra Leone, Singapore, Syrian Arab Republic, Tanzania, Zambia.

⁸ Bulgaria.

connection that the requirement of a qualifying period is compatible with the Convention when benefits are provided under an insurance scheme (Article 4, paragraphs 4 and 5).

288. Other States refer to the absence of statutory provisions authorising the interruption of work for nursing purposes.¹ Here again it should be recalled that the Convention provides for the possibility of determining the position by collective agreement (Article 5).

289. The legislation of certain other countries contains no provision prohibiting the dismissal of a woman during her absence on maternity leave or forbidding it absolutely during the twelve weeks of her leave or during any extension of that leave.² It should be pointed out in this connection that the result of the prohibition imposed by the Convention is not to oblige an employer, who, for example, is closing down his business or who detects a serious fault on the part of one of his women employees, to maintain the employment contract of a woman worker, despite reasons justifying dismissal, because she is pregnant or confined, but merely to extend the legal period of notice by adding on a supplementary period equal to the period of protection provided for by the Convention.³

290. Lastly, a few States have indicated that national tradition and structure are such that there are few women among the working population, and they leave their jobs upon marriage; consequently these States do not consider it necessary for the time being to introduce a scheme for maternity protection complying fully with the Convention.⁴ One country merely states that there are certain divergences between the national legislation and the provisions of the Convention.⁵

Measures Taken or Envisaged

291. Even though a relatively short time has elapsed since members were last asked to furnish reports on this Convention under article 19 of the ILO Constitution, it will be seen that since that date (1964) some progress has been made towards closer observance of the standards laid down in the Convention.

292. Thus the coverage of the maternity protection scheme has been extended in Costa Rica, the Federal Republic of Germany, India, Norway, Poland and Turkey.

293. The legislation of Austria, France and Rwanda has been amended to increase the length of the period of maternity leave and provide for its extension if necessary, while in Nicaragua it has been judicially decided that the Labour Code (which provides for twelve weeks' leave) overrides the national Constitution. In Mali and Norway cash benefits have been increased. In Chile the provisions relating to nursing breaks have been made applicable to salaried employees. In France the Labour Code has been amended to make it absolutely forbidden to dismiss a woman during her absence on maternity leave.

¹ Belgium (though the Government does mention collective agreements), Canada, Denmark, Finland, Ireland (article 19 report, 1965), Israel (in the case of occasional or temporary employment), Morocco (except for agricultural workers), United Kingdom.

² Denmark, Dominican Republic, Finland, Federal Republic of Germany (article 19 report, 1965), Ireland (article 19 report, 1965), Sweden, United Kingdom (article 19 report, 1965).

³ RCE, 1965, General Survey, para. 200.

⁴ Afghanistan (article 19 report, 1965), Congo (Kinshasa), Cyprus (article 19 report, 1965), Jordan (article 19 report, 1965), New Zealand.

⁵ Portugal.

294. Other countries are considering the possibility of taking steps to amend existing legislation or enact new legislation to provide for the establishment of an appropriate social security scheme.

295. In Bulgaria, for instance, the new Labour Code now being drafted will take into account the existing inconsistencies with the Convention, while the Government of Ethiopia has decided to revise the legislation with this end in view. Amendments to national legislation will also be necessary in Venezuela.

296. In Norway and the United Kingdom the matter will be reviewed in the light of the results of studies now being carried out by special commissions.

297. Social security schemes making provision for maternity insurance are soon to be launched in Guyana and Malaysia.

298. Lastly, it should be noted that since the comprehensive survey undertaken in 1965 there have been two further ratifications of the Convention.¹

Ratification Prospects

299. Several governments have expressed their intention of ratifying the Convention in the foreseeable future. In Chile, Nicaragua and Upper Volta the Convention has been submitted to the competent authorities for approval. The Government of the Dominican Republic states that the Convention is now being examined by the competent departments with a view to its submission for approval to the competent authorities. The appropriate procedure has already been initiated in Italy, and in Luxembourg there is every reason to hope that ratification will take place shortly.

300. The Government of Austria intends to initiate the procedure for ratification, and in Greece a Bill has already been prepared to that effect. In Cameroon ratification will be envisaged as soon as the regulations implementing the Labour Code and the Family Benefits Code have been adopted. The Government of Dahomey states that it is in a position to ratify the Convention. The possibility of ratifying the Convention is to be examined in Czechoslovakia in the light of the work now being done on the revision of the national legislation, and in Guyana as soon as the social security scheme now being planned has been established. The Government of Rumania states that national legislation is in conformity with the principles embodied in the Convention and that ratification will be considered when the revision of the labour legislation is completed. The Government of Ethiopia states that revision of the legislation is necessary before it is prepared to ratify the Convention.

301. Lastly, the Governments of Iran and Viet-Nam state that ratification could take place only if certain exceptions were made in accordance with Article 7 of the Convention.

302. In conclusion, the information now available indicates that the Convention has been submitted for approval to the competent authorities in three countries, that ratification is being prepared in five countries and is envisaged in two others.

¹ Brazil, Spain.

CONCLUSIONS

303. The Governing Body's intention, in requesting reports under article 19 of the Constitution for 1968, was to provide the Fiftieth Anniversary Session of the International Labour Conference in 1969 with a suitable basis for reviewing the ratification prospects as regards seventeen Conventions carefully selected for this occasion. As a result, the Conference will have before it, on the one hand, the Summary of reports which is contained in Report III (Part 2) and, on the other hand, the present survey which aims at analysing the information received from governments. Before attempting to sum up certain specific conclusions which emerge, it may be useful to bring out some points of a more general nature.

304. If the degree of acceptance of the Conventions covered is compared from a purely numerical point of view, the survey shows some very broad variations: one Convention (No. 29) has been ratified by 103 States, another (No. 103) by only 10. The average number of ratifications is to be found about half way between these two extremes, at 51. While the date of adoption of a Convention naturally is an important element in determining its cumulative impact, the various chapters above have shown that certain earlier instruments have been much less widely ratified than others which were framed more recently. Nor need the response always be greatest during the years immediately following adoption; as pointed out below, the pace of ratification may quicken several decades later. Sometimes the detailed character of a Convention can be an element of delay. On the other hand, its subject-matter may command such general attention as to stimulate more rapid and widespread action. This has visibly been a factor in the case of the texts dealing with human rights and basic machinery which, individually and as a group, have secured a number of ratifications well in excess of the general average mentioned above.

305. Thus, the two freedom of association Conventions have been ratified by 76 and 86 States respectively, those on forced labour have received 103 and 83 ratifications, while those on discrimination in employment and on equal remuneration now bind 66 and 65 countries. As a result, the average number of ratifications of these human rights Conventions is 80. The totals for the instruments dealing with basic machinery are somewhat lower but none the less impressive: the Labour Inspection Convention has been ratified by 70 States, the Employment Service Convention by 49 and the Minimum Wage Fixing Machinery Convention by 76.

306. Because some of the other instruments covered by this survey have been much less widely ratified, the relatively large proportion of reports supplied by governments has materially facilitated the Committee's over-all task. As already indicated in the Introduction, 95 member States supplied information and the 841 reports thus available represent over 75 per cent of those due. While the Committee regrets that reports were not received in all cases, it was able to draw on a considerable body of other official data bearing directly on the possible ratification of the Conventions concerned. The potential value of the survey derives primarily from the authoritative character of the information on which it is based. In a sphere where further progress closely depends on the deliberations and decisions of governments it was essential to rely on their explanations in order to gain a clear and up-to-date picture of difficulties and prospects.

307. The Committee is aware that because of the inherently dynamic character of the process of implementation changes constantly occur in the position as new steps are envisaged, weighed and taken to give fuller effect to a Convention. Any attempt to sketch out the current position of a given instrument in a given country is therefore subject to last minute developments, foreseeable or otherwise. The caution thus required in interpreting the position in no way detracts from the validity of the findings but serves rather to emphasise the need for keeping the question of ratification under constant review also at the international level. The most tangible result of this continuing process is of course the receipt of further ratifications. It is significant and encouraging therefore that since 1 January 1968, i.e. the end of the period to be covered by the reports, the Director-General has registered another 38 ratifications of the Conventions included in the survey.¹ Regardless of whether or not these particular ratifications were connected in individual cases with the Governing Body's request—and therefore intended to coincide with the Fiftieth Anniversary Session—the Committee deems it appropriate to draw special attention to them in these conclusions.

308. In addition to the 38 ratifications recently communicated and registered, governments have reported some 10 further cases where the competent legislative authorities have formally approved the ratification of one or other of the Conventions under review. Receipt and registration may therefore be expected to intervene in the course of 1969, particularly as article 19, paragraph 5 (*d*), of the ILO Constitution provides that "if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General". Early measures to this effect would not only be in compliance with this provision but would, moreover, represent a tangible indication that the Governing Body's special anniversary request is serving its basic purpose.

309. With the same positive end in view the Committee was interested to find that in an even larger number of instances governments have submitted to their legislative authorities proposals to approve the ratification of one or more of the 17 Conventions. In these cases also, which totalled about 40, parliamentary consideration and action during 1969 would be in keeping with the spirit of the Governing Body's request.

310. In their replies to the first query in the form of report governments provide many other indications as regards "the extent to which it is proposed to give effect to the terms" of a Convention. The individual chapters above reflect the variety of the information thus available. This ranges from specific assurances that the ratification procedure has been initiated, to more general statements that ratification is envisaged or that there exist no difficulties preventing or delaying it. The Committee was impressed by the large number of cases where the reports mentioned legislative amendments which were under study and had a bearing on the subject-matter of a given Convention. Similarly, reference was made several times to new administrative arrangements which would facilitate ratification, particularly in the sphere of

¹ Convention No. 98 (Dahomey, Jordan, Venezuela); Convention No. 29 (Cambodia, Colombia, Kuwait, Thailand); Convention No. 105 (Italy, New Zealand, Paraguay, Uruguay); Convention No. 111 (Argentina, Colombia, Cyprus, Malta); Convention No. 100 (Dahomey, Ghana, Republic of Mali, Sierra Leone, Tunisia); Convention No. 117 (Brazil, Paraguay); Convention No. 81 (Congo (Kinshasa)); Convention No. 88 (Thailand, Tunisia); Convention No. 122 (Brazil, Byelorussia, Chile, Finland, Paraguay, Thailand, Ukraine); Convention No. 99 (Belgium, Colombia); Convention No. 102 (Ireland, Islamic Republic of Mauritania); Convention No. 118 (Brazil, Islamic Republic of Mauritania).

employment services. In many countries special committees are considering the effect to be given to Conventions; some of these bodies are, moreover, tripartite in composition, so that employers' and workers' representatives can participate in reaching a decision. In yet other cases the reports merely stated that account was being taken of the Convention or that further experience was needed before the question of ratification could be decided.

311. The findings thus tend to confirm the impression, already alluded to earlier, that governmental response to the seventeen Conventions cannot be summed up in static terms but is constantly evolving as studies are initiated, legislative or administrative changes introduced, parliamentary proposals formulated and discussed. This inter-action between international and national standards is a consequence, first of all, of the constitutional requirement to bring a newly adopted Convention "before the authorities within whose competence the matter lies, for the adoption of legislation or other action". The response is, however, by no means limited to the more recent instruments, as witnessed by the fact that the oldest Convention included in this survey, the Minimum Wage Fixing Machinery Convention, 1928 (No. 26), has received most of its ratifications—39 out of 76—during the past decade, i.e. 30 or more years after its original adoption. This continued validity of Conventions should help to add impetus to the acceptance of ILO standards in the years ahead and facilitate the measures required to overcome obstacles to their fuller implementation.

312. The Committee has attempted, in the various chapters above, to relate and analyse the nature of the obstacles mentioned by governments in reply to the second question in the report form. In doing so, the Committee has been able to draw on past experience in order to clarify doubtful points or to dispel misconceptions. Such experience is based not only on some four decades of supervision of the application of ratified Conventions but also on the Committee's two decades of activity in relation to unratified Conventions. The conclusions it had previously reached in a number of general surveys covering reports under both articles 19 and 22 of the Constitution proved useful to the Committee in dealing with similar or related problems in the present survey. The Committee has attempted to give certain explanations under the individual Conventions which, it hopes, will be of assistance to governments in their studies and measures to implement these instruments. The utility of the Governing Body's special request for article 19 reports, and of the Committee's comments on them, will in fact largely depend on the extent to which the review of the position, first by the governments in drawing up their reports, then by the Committee in compiling its survey, will stimulate and facilitate further action on the Conventions involved.

313. Aside from the technical comments and suggestions to be found in the individual chapters above there are also certain considerations of a more general character brought to light in the course of the survey. These relate, first of all, to the circumstances in which a ratification may intervene. Thus, among the reasons for not ratifying a Convention reference is made occasionally to the fact that full effect is already given to the instrument or that national law and practice go beyond its terms. As already pointed out above, article 19 of the ILO Constitution specifies, in its paragraph 8, that "in no case shall . . . the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention". The fact, for instance, that forced labour is already totally prohibited in a country does not render useless the ratification of the relevant Conventions,

which are designed to ensure the abolition of such labour and guarantee against its imposition at any future time. Moreover, several countries had emphasised, when ratifying the Forced Labour Convention, 1930 (No. 29), that they conceived this formal acceptance of its obligations as an act of international solidarity, so as to manifest their support for all national and international measures against compulsion to work.

314. Ratification as a gesture of international solidarity may also take place when the terms of a Convention are deemed to be of no direct interest, having regard to national conditions. It is in this spirit, according to the report of one European country, that it is intended to ratify the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).

315. The utility of ratifications which intervene in the circumstances described above is also due to their potential effect in maintaining national law at the level set by the Convention.

316. However, the present survey has above all confirmed the paramount value of ratifications made possible through changes in the national law and practice. Every chapter above contains examples of measures of this kind which are now under way or under consideration with a view to giving effect to the seventeen Conventions. Even if these measures will not always lead to ratification, they illustrate in a strikingly concrete manner attempts at the improvement of the conditions of labour which the Preamble of the ILO Constitution has, since 1919, proclaimed as the basic objective of the Organisation.

317. The Conventions which the Organisation has framed over its first half-century were adopted with this objective in mind. The constitutional requirements to bring the Conventions before the competent national authorities and to report to the ILO on their implementation are intended to ensure that due consideration is given to the instruments by the member States. The Committee welcomes therefore the large body of information made available by governments in connection with the present survey as positive evidence that the Conventions selected for review are receiving careful attention in many countries. This interest seems especially noteworthy in the light of the steadily expanding scope of the International Labour Code.

318. Another general point which bears stressing here concerns the gradual adjustment of a country's law and practice to the international standards. The pace and timing of implementation can only be decided by the competent national bodies in the light of economic conditions, administrative possibilities, social priorities, etc. It is in this sphere also that the active interest and participation of employers' and workers' representatives can make an essential contribution. As already indicated above, tripartite bodies are called upon to play a role in certain countries when decisions have to be reached on the implementation of Conventions and such a joint approach at the national level forms a logical sequence to the process of tripartite discussion which precedes the adoption of ILO standards by the Conference.

319. This role of employers and workers is, moreover, formally recognised in the constitutional requirement to communicate copies of the reports under article 19 to their representative organisations. While the latter do not appear to have commented directly on the information in the reports, the Committee learned with interest that one workers' organisation, in a memorandum addressed to its government¹,

¹ *Revue Syndicale Suisse* (monthly publication of the Swiss Federation of Trade Unions), May 1968, pp. 141-151.

specifically referred to the report on several unratified ILO Conventions and made suggestions regarding the action to be taken on them.

320. If the Committee has attempted in these general conclusions to bring out the positive elements emerging from the survey this was not because it underestimates in any way the obstacles to ratification mentioned in the reports but because the Governing Body's decision to undertake such a survey was conceived as a starting point for further progress. At the same time the Committee feels bound, as one of the supervisory organs of the ILO, to reiterate the overriding importance it attaches to the obligations which flow from the act of ratification. In deciding on this step governments not only enter upon a commitment to "take such action as may be necessary to make effective the provisions of a Convention" but they also accept responsibility for reporting regularly on its application and for taking account of the observations and requests formulated by the supervisory organs. Such comments may cover both the legislative and practical measures required to give full effect to the instrument and the Committee has frequently stressed in the past that the effective application of Conventions in practice should be a matter of constant concern.

321. Any studies or plans for additional ratifications should therefore have regard also to the administrative facilities available at the national level to ensure a maximum of compliance with the relevant laws and regulations. The existence of well-organised labour inspection services thus assumes added importance and this fact was recognised by the Governing Body in including the Labour Inspection Convention, 1947 (No. 81) in the present survey. It is for the same reason that shortly after the adoption of this instrument, some two decades ago, the Committee expressed the hope that "the great majority of countries will, before long, find it possible so to organise their systems of labour inspection as to enable them to ratify this Convention".¹ The Committee therefore welcomes the fact that seventy States are now bound by this instrument, most of them having accepted its obligations in respect of both industrial and commercial workplaces. For the reasons just mentioned the Committee reiterates the hope that more and more governments will maintain labour inspection systems for industry and commerce permitting the full acceptance and application of this basic Convention.

322. Another element to be borne in mind in working for the fuller implementation of certain Conventions is the availability of technical assistance with a view to overcoming practical difficulties. In several cases governments specifically referred to this possibility in their reports, e.g. on the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), and the Employment Policy Convention, 1964 (No. 122). The Committee has noted such indications with interest, because they illustrate a concrete way in which the ILO's operational and standard-setting activities can prove mutually beneficial to each other.

323. In the case of the Employment Policy Convention another interesting point requires mention in the present conclusions. This instrument, together with its corresponding Recommendation, provides a point of departure for the World Employment Programme which, the Committee understands, is being launched on the occasion of the ILO's Fiftieth Anniversary Year. Widespread action on the above Convention will therefore serve to strengthen the impact of this global Programme and of its components for the major regions of the world.

¹ RCE, 1953, p. 4.

324. Any efforts to achieve compliance with a given Convention must of course take full account of the particular circumstances and difficulties of a given country and the Committee's findings have shown the great variety of these circumstances and confirmed the need for a realistic approach suited to national conditions. Here, the value of ILO Conventions can be twofold. Firstly, and leaving aside the question of ratification, the terms of an instrument may provide practical guidance in defining objectives and policies. Even if it proves ultimately impossible to carry out an instrument in its entirety, the Convention will have served the essential purpose of improving labour conditions, referred to above. Secondly, the concept of phased implementation has emerged as a basic feature of many of the instruments framed by the International Labour Conference. Several of the Conventions dealt with in the present survey are based on this principle, such as those on equal remuneration, discrimination in employment, basic aims and standards of social policy, and employment policy. As pointed out in the relevant chapters, such Conventions leave a great deal of latitude to governments in deciding on the methods and timing of implementation. In the case of other instruments such as those on minimum standards and equal treatment in the field of social security, the Conference has also attempted to introduce a degree of flexibility so as to facilitate their acceptance by as broad a cross-section of the Organisation's expanding membership as possible.

325. Thus, as the ILO enters its second half-century of existence, this survey of seventeen key Conventions confirms two definite trends: at the international level, the range and content of the International Labour Code have further expanded and efforts have been made to develop techniques facilitating the gradual implementation of ratified Conventions; at the national level, measures tending towards fuller compliance with Conventions and, where possible, their ratification testify to the continued vitality of the Organisation's standard-setting activities.

326. Because the Committee's mandate requires it principally to dwell on difficulties and shortcomings in the application of Conventions, it welcomes the opportunity afforded by this special survey to assess the broader effects of the instruments adopted by the International Labour Conference. For the findings above bear witness to the efforts made by many countries, as ILO Members, to give practical meaning to the labour and social standards which are the fruit of five decades of international co-operation in the social field.

327. While the Governing Body intended this Fiftieth Anniversary survey to focus attention on a limited, though important, group of Conventions, the Committee considers that the main conclusion to emerge is of much more general validity. The influence of Conventions cannot be expressed merely in terms of ratifications, even if these now total over 3,400. As the Committee has stressed on previous occasions, the value of Conventions and Recommendations lies in their day-to-day effect on working and living conditions around the world. Viewed in this broader context, the present survey has not only helped to pinpoint a number of cases where further ratifications are impending or possible but has also brought to light tangible new evidence that, even in the absence of a formal commitment, ILO standards will continue to guide and influence the social policy of many countries in the years ahead.

Appendix. Reports Requested and Reports Received under Article 19 of the Constitution

States	Conventions																	Re-ports re-quested	Re-ports received
	87	98	29	105	111	100	117	81	88	122	26	99	95	102	118	59	103		
Afghanistan	x	x	x	R	x	x	x	x	x	x	x	x	R	x	x	x	x	15	15
Algeria	R	R	R	R	—	R	—	R	R	—	—	R	R	—	—	—	—	9	—
Argentina	R	R	R	R	R	R	x	x	R	R	x	R	x	x	x	x	x	7	7
Australia *	x	x	R	R	R	x	x	x	R	x	x	R	x	x	x	x	x	13	13
Austria	R	R	R	R	R	x	R	x	R	x	x	R	R	x	x	x*	x	9	9
Barbados *	R	R	R	R	R	x	x	x	R	x	x	R	x	R	x	x	x	10	10
Belgium	R	R	R	R	R	x	R	—	R	R	x	R	x	R	x	x	x	7	7
Bolivia	R	—	x	x	x	—	x	—	x	x	x	R	x	x	x	x	—	15	11
Brazil	x	R	R	R	R	R	R	R	R	x	R	R	R	x	R	x	R	3	3
Bulgaria	R	R	R	x	R	x	x	R	x	R	x	R	x	R	x	R	x	8	8
Burma	R	x	R	R	x	x	x	x	x	x	x	R	x	x	x	x	x	14	14
Burundi	—	—	R	R	R	—	—	—	—	—	—	R	—	—	—	—	—	14	—
Byelorussia	R	R	R	R	x	R	x	x	x	x	R	x	R	x	x	R	R	8	8
Cameroon *	R	R	R	R	x	x	x	R	x	x	R	x	R	x	x	x	x	10	10
Canada	x	x	x	R	R	x	x	x	R	R	R	x	x	x	x	x	x	12	12
Central African Republic	R	R	R	R	R	R	R	R	R	—	R	R	R	—	R	—	—	4	—
Ceylon *	x	x	R	R	x	x	x	R	x	x	x	R	x	x	x	x	x	14	14
Chad	R	R	R	R	R	R	—	R	—	—	R	—	R	—	—	—	—	8	—
Chile	x	x	R	x	x	x	x	x	x	x	R	R	x	x	x	x	x	14	14
China	x	R	x	R	x	R	R	R	x	R	x	R	x	x	R	R	x	7	7
Colombia	x	x	R	R	R	R	x	R	R	x	R	R	R	x	x	x	x	8	8
Congo (Brazzaville)	R	—	R	—	—	—	—	—	—	—	—	R	—	x	—	—	—	13	—
Congo (Kinshasa)	x	x	R	x	x	x	R	R	x	x	x	x	x	x	R	x	x	12	12
Costa Rica	R	R	R	R	R	R	x	R	R	R	R	x	R	R	x	x	x	5	5
Cuba	R	R	R	R	R	R	x	R	—	—	R	R	R	x	x	R	R	4	3
Cyprus	R	R	R	R	R	R	—	R	R	R	x	R	x	R	x	x	—	8	6
Czechoslovakia . .	R	R	R	x	R	R	x	x	R	x	x	R	x	x	x	x	x	9	9
Dahomey	R	R	R	R	R	R	x	x	x	x	x	R	x	R	x	x	x	9	9
Denmark	R	R	R	R	R	R	x	R	x	x	x	x	x	R	x	x	x	9	9
Dominican Rep. . .	R	R	R	R	R	R	x	R	R	x	x	R	x	x	x	x	x	8	8
Ecuador	R	R	R	R	R	R	x	x	x	x	x	R	—	R	x	x	R	8	7
El Salvador	—	—	—	R	—	—	—	—	—	—	—	—	—	—	—	—	—	16	—
Ethiopia	R	R	x	x	R	x	x	x	R	x*	x	x	x	x	x	x	x	13	13
Finland	R	R	R	R	x	R	x	x	R	x	x	x	x	x	x	x	x	10	10
France	R	R	R	R	x	x	R	x	R	x	R	R	R	x	x	x	x	8	8
Gabon	R	R	R	R	R	R	x	x	x	x	R	R	R	x	x	—	x	8	7
Federal Republic of Germany	R	R	R	R	R	R	x	R	R	x	R	R	x	R	x	x	x	6	6
Ghana	R	R	R	R	R	R	R	R	R	x	R	x	x	x	x	R	x	6	6
Greece	R	R	R	R	R	x	x	x	R	R	x	x	R	R	x	x	x	9	9
Guatemala	R	R	R	x	R	x	x	x	R	x	x	R	R	x	R	x	x	6	6
Rep. of Guinea . . .	R	R	R	R	R	x	R	R	R	x	R	R	R	x	R	x	x	4	4
Guyana	R	R	R	R	R	x	x	x	R	x	x	R	x	x	x	x	x	10	10
Haiti	—	R	R	R	R	—	R	—	—	—	—	—	—	—	—	—	—	12	—
Honduras	R	R	R	R	R	R	—	—	—	—	—	—	R	—	—	—	—	10	—
Hungary	R	R	R	x	R	R	x	x	x	x	R	x	R	x	x	x	R	9	9
Iceland	R	R	R	R	R	R	—	—	—	—	—	—	—	R	—	—	—	10	—

THE RATIFICATION OUTLOOK AFTER FIFTY YEARS

States	Conventions																	Re-ports re-quested	Re-ports received
	87	98	29	105	111	100	117	81	88	122	26	99	95	102	118	59	103		
India	x	x	R	x	R	R	x	R	R	x	R	x	x	x	R	x	x	10	10
Indonesia	x	x	R	R	R	R	x	x	x	x	x	x	x	x	x	x	x	14	14
Iran	x	x	R	R	R	R	x	R	x	—	R	x	x	x	x	x	x	14	11
Iraq	x	R	R	R	R	R	—	R	R	—	R	x	R	x	x	R	x	7	5
Ireland	R	R	R	R	R	x	x	R	R	x	R	R	—	x	R	R	x	8	7
Israel	R	R	R	R	R	R	R	R	R	x	x	x	R	R	R	R	x	5	5
Italy	R	R	R	R	R	R	R	R	R	x	R	x	R	R	R	R	x	3	3
Ivory Coast *	R	R	R	R	R	R	x	x	x	x	R	R	R	x	x	x	x	8	8
Jamaica	R	R	R	R	R	x	x	R	R	x	x	R	x	x	x	x	x	10	10
Japan	R	R	R	R	x	R	R	R	R	x	x	x	x	x	x	x	x	11	11
Jordan	x	R	R	R	R	R	R	x	x	R	x	x	x	x	R	x	x	9	9
Kenya	x	R	R	R	R	x	x	R	R	x	x	x	x	x	x	R	x	10	10
Kuwait	R	x	R	R	R	x	R	R	x	x	x	x	x	x	x	x	x	11	11
Laos	—	—	R	—	—	—	—	—	—	—	—	—	—	—	—	—	—	16	—
Lebanon	—	—	—	—	—	—	—	R	—	—	R	—	—	—	—	—	—	15	—
Lesotho	R	R	R	x	x	x	x	x	x	x	R	x	x	x	x	x	x	13	13
Liberia	R	R	R	R	R	R	—	—	—	—	—	—	—	—	—	—	—	12	—
Libya	—	R	R	R	R	R	—	—	R	—	—	—	R	—	—	—	—	10	—
Luxembourg	R	R	R	R	x	R	x	R	R	x	R	x	x	R	x	R	x	7	7
Malagasy Rep.	R	—	R	—	R	R	R	—	—	—	R	—	R	—	R	—	—	8	—
Malawi	x	R	x	x	R	R	x	R	x	x	R	R	x	x	x	x	x	11	11
Malaysia	x	R	R	R	x	x	x	R	x	x	x	x	R	x	x	x	x	12	12
Rep. of Mali	R	R	R	R	R	R	x	R	x	x	R	x	R	x	x	x	x	8	8
Malta	R	R	R	R	R	x	x	R	R	x	R	x	R	x	x	x	x	8	8
Islamic Rep. of Mauritania	R	—	R	x	R	—	—	R	—	—	R	—	R	R	R	—	x	9	2
Mexico	R	x	R	R	R	R	x	x	x	x	R	R	x	x	x	x	x	8	8
Morocco	x	R	R	R	R	x	x	R	x	x	R	R	x	x	x	x	x	10	10
Nepal	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17	—
Netherlands	R	x	R	R	x	x	x	R	R	R	R	R	R	R	R	x	x	6	6
New Zealand	x	x	R	R	x	x	x	R	R	x	R	R	x	x	x	R	x	9	9
Nicaragua	R	R	R	R	R	R	x	x	x	x	R	x	x	x	x	x	x	10	10
Niger *	R	R	R	R	R	R	R	x	x	x	R	x	R	x	x	x	x	7	7
Nigeria	R	R	R	R	x	x	x	R	R	x	R	x	R	x	x	R	x	8	8
Norway	R	R	R	R	R	R	—	x	R	x	R	x	R	x	R	R	x	3	2
Pakistan	R	R	R	R	R	x	x	R	x	x	x	x	x	x	x	R	x	10	10
Panama	R	R	R	R	R	R	—	—	—	—	—	—	—	—	—	—	—	10	—
Paraguay	R	R	R	R	R	R	R	—	R	—	R	R	R	—	—	R	—	4	—
Peru	R	R	R	R	—	R	—	R	R	R	R	R	—	R	—	R	—	5	—
Philippines	R	R	x	R	R	R	x	x	R	—	x	R	R	R	—	R	x	8	5
Poland	R	x	R	R	R	R	—	x	x	x	R	x	x	R	—	—	x	9	6
Portugal*	x	R	R	R	R	R	x	R	x	x	x	x	x	x	x	x	x	10	10
Rumania*	R	R	R	x	x	R	x	x	x	x	x	x	x	x	x	x	x	13	13
Rwanda	x	x	x	R	x	x	x	x	x	x	R	x	x	x	x	x	x	15	15
Senegal	R	R	R	R	R	R	R	R	R	x	R	R	R	R	x	x	x	4	4
Sierra Leone	R	R	R	R	R	R	x	R	R	R	R	R	R	x	x	R	x	5	5
Singapore	x	x	R	R	x	x	x	R	R	x	x	x	x	x	x	x	x	12	12
Somali Rep.	x	x	R	R	R	R	x	x	x	x	x	x	R	x	x	x	x	13	13
Spain	x	x	R	R	R	R	x	R	x	x	R	x	x	x	x	x	x	8	8
Sudan *	x	R	R	x	x	x	x	x	x	x	R	x	x	x	x	x	x	14	14
Sweden	x	x	R	R	R	R	x	R	R	R	x	x	x	R	R	x	x	6	6
Switzerland	x	x	R	R	R	R	x	R	R	x	R	x	x	x	x	x	x	11	11
Syrian Arab Rep.	R	R	R	R	R	x	R	R	R	x	R	R	x	x	R	x	x	4	4
Tanzania	x	R	R	R	x	x	x	R	R	x	R	x	R	x	*	*	—	9	9
Thailand	—	—	R	—	—	—	—	—	R	R	—	—	—	—	—	x	x	14	—
Togo	R	x	R	x	x	x	x	x	x	x	R	x	—	x	x	x	R	13	13

REPORT OF THE COMMITTEE OF EXPERTS

States	Conventions																		Re-ports re-quested	Re-ports received
	87	98	29	105	111	100	117	81	88	122	26	99	95	102	118	59	103			
Trinidad and Tobago . .	R	R	R	R	—	—	—	—	—	—	—	—	—	—	—	—	—	13	—	
Tunisia	R	R	R	R	R	R	—	R	R	R	R	R	R	R	x	x	x	4	2	
Turkey	x	R	x	R	R	x	x	R	R	x	x	x	x	x	x	x	x	10	10	
Uganda	x	R	R	R	x	x	x	R	x	R	x	x	R	R	x	x	x	10	10	
Ukraine	R	R	R	x	R	R	x	x	x	R	x	x	x	x	x	R	R	8	8	
USSR *	R	R	R	x	R	R	x	x	x	R	x	x	R	R	x	x	R	8	8	
United Arab Rep.	R	R	R	R	R	R	—	R	R	—	R	—	R	R	—	—	—	7	—	
United Kingdom .	R	R	R	x	x	x	x	R	R	R	R	R	R	R	x	x	x	6	6	
United States . .	x	x	x	x	x	x	—	x	x	x	x	x	x	x	x	x	x	17	16	
Upper Volta . . .	R	R	R	—	R	x	—	x	x	x	R	x	R	x	—	x	x	11	8	
Uruguay *	R	R	x	R	x	x	x	x	x	x	R	R	R	x	x	R	R	9	9	
Venezuela	x	R	R	R	x	x	x	R	R	x	R	x	x	x	x	x	x	11	11	
Viet-Nam	x	R	R	x	R	x	x	R	x	x	R	x	x	x	x	x	x	12	12	
Yemen	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	17	—	
Yugoslavia * . . .	R	R	R	x	R	R	x	R	R	—	x	x	x	R	x	x	R	8	7	
Zambia	x	x	R	R	x	x	R	x	x	x	R	x	x	x	—	x	x	13	12	
Total. . .																		1 116	844	

R = Convention ratified.

x = Report received.

* = Reports received too late to be summarised in Report III (Part 2).